

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

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

EFFECTIVE DATE:

2023-2024 through 2025-2026

Bureau of Exceptional Education and Student Services
Exceptional Student Education (ESE) Policies and Procedures (P&P) Signature Page

School District:

Broward

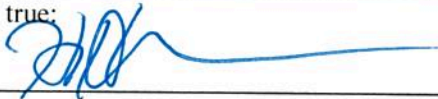
ESE Director:

Diane T. Eagan

This document is effective for the **2024-2025** school year.

CERTIFICATION OF APPROVAL

I, **Dr. Howard Hepburn**, do hereby certify that each of the statements below are true:



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

2/26/24

Date of Approval or

SPECIAL PROGRAMS AND PROCEDURES

The district's *ESE P&P* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

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

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

The school district shall implement the requirements of the Individuals with Disabilities Education Act and its implementing requirements found in Title 34, section 300, Code of Federal Regulations.

SCHOOL DISTRICT ESE P&P

Any district-produced ESE P&P documents that meet the following criteria have been submitted to the Florida Department of Education with the ESE P&P. Such documents would include:

- Supplemental information contained in the district's ESE P&P;
- Exceptional student education policies or procedures addressed by the school district; and
- School district policies that are adopted by the school board.

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Part I.
General Policies and Procedures

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations (CFR) § 300.201 and § 300.641

Sections 1002.22, 1003.57, 1003.571, 1003.573, 1003.574 and 1012.582, Florida Statutes (F.S.)

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

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

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

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

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

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

Part I. General Policies and Procedures

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

Seclusion

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

Restraint

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

Crisis Intervention Plans

1. A team comprised of the student's parent or guardian, school personnel and applicable physical and behavioral health professionals must develop a crisis intervention plan upon the second time that the student is restrained within a semester.
2. The crisis intervention plan must include:
 - a. Specific PBIS to use in response to dangerous behaviors that create a threat of imminent risk of serious injury;
 - b. Known physical and behavioral health concerns that will limit the use of restraint for the student; and
 - c. A timetable for the review and, if necessary, revision of the crisis intervention plan.
3. The school district must provide a copy of the crisis intervention plan to the student's parent or guardian.

School District Policies and Procedures

1. Each school district shall adopt PBIS and identify all school personnel authorized to use the interventions and supports. Each school district shall develop policies and procedures that are consistent with this section and that govern the following:
 - a. Incident-reporting procedures;
 - b. Data collection and monitoring, including when, where and why students are restrained and the frequency of occurrences of such restraint;
 - c. Monitoring and reporting data collected;
 - d. Training programs and procedures relating to restraint;
 - e. The school district's plan for selecting personnel to be trained;
 - f. The school district's plan for reducing the use of restraint, particularly in settings in which it occurs frequently or with students who are restrained repeatedly, must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal – activities may include, but are not limited to:

- i. Additional training in PBIS,
 - ii. Parental involvement,
 - iii. Data review,
 - iv. Updates of students' functional behavioral assessments and positive behavior intervention plans,
 - v. Additional student evaluations,
 - vi. Debriefing with staff,
 - vii. Use of schoolwide positive behavior support,
 - viii. Changes to the school environment,
 - ix. Analysis of data to determine trends, and
 - x. Ongoing reduction of the use of restraint.
2. Any revisions a school district makes to the policies and procedures pursuant to this section must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services within 90 days after the revision.
 3. At the beginning of each school year, each school district shall publicly post its policies and procedures on PBIS as adopted by the school District (See Appendix D)

Training

1. Each school district shall provide training to all school personnel authorized to use PBIS pursuant to school district policy.
2. Training shall be provided annually and must include:
 - a. The use of PBIS;
 - b. Risk assessment procedures to identify when restraint may be used;
 - c. Examples of when PBIS techniques have failed to reduce the imminent risk of serious injury;
 - d. Examples of safe and appropriate restraint techniques and how to use these techniques with multiple staff members working as a team;
 - e. Instruction in the school district's documentation and reporting requirements;
 - f. Procedures to identify and deal with possible medical emergencies arising during the use of restraint; and
 - g. Cardiopulmonary resuscitation.
3. Each school district shall publish the procedures for the required training in the school district's policies and procedures manual.

Part I. General Policies and Procedures

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

Documentation and Incident Reporting

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

Part I. General Policies and Procedures

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

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

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

Written notification of each use of restraint will be handed to or emailed to the parent on the date the restraint occurred. If in person or email notification is not possible, the school will send the notification to the parent via US mail with a phone call to the parent letting them know that they have done so.

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

The school Principal or their designee will prepare the written notification. Written notification of each use of restraint will be handed to or emailed to the parent on the date the restraint occurred. If in person or email notification is not possible, the school will send the notification to the parent via US mail with a phone call to the parent letting them know that they have done so.

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

The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred. These contacts will be documented in the Electronic Management System of the Section 504 Electronic Management System.

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

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

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

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

Persons responsible for preparing the incident report of any use of restraint are the IERS reporting system School Users. School Users include the Principal and individuals identified by the Principal.

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

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

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

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

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

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

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

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

Specify members responsible for developing the crisis intervention plan.

A team comprised of the student's parent or guardian, school personnel, and applicable physical and behavioral health professionals.

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

Upon completion of the crisis intervention plan, a copy is provided to the parent in person, or is sent home with the student, or is e-mailed to the parent.

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

District ESE staff assigned to all schools including charter schools, DJJ facilities and contracted residential facilities monitor the implementation of crisis intervention plans.

Part I. General Policies and Procedures

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

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

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

Designated District ESE staff review restraint data for their assigned schools on an ongoing basis and review the data with the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter.

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

The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

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

The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the IERS reporting system. District ESE Staff are responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

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

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

- Data entry into the bureau's restraint reporting system, Involuntary Examination, Restraint and Seclusion (IERS);
- Email or telephone attempts to contact the parent on the day of the incident;
- Content of the written notice;
- Provision of written notice and incident reports to the parent within the required timelines;
- Maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and

- **Making additional attempts to obtain written parental acknowledgement when the parent fails to acknowledge the initial written notice or incident report.**

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

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

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

Describe how information about restraint data is:

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

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

A Crisis Intervention Plan (CIP) will be developed for any student upon the second incident of restraint per semester. If a CIP or BIP is already in place, they are to be reviewed and revised as needed and the parent is to be provided copies of these documents.

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

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

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

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

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

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

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

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

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



Yes



No

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

N/A

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

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

The district ESE department developed training in PBIS in compliance with HB 149 that is a required training for all school personnel. Additionally, the department provides a number of trainings that include components of positive behavior interventions and supports including Positive Behavior Supports for Paras, Classroom Behavior Strategies, Grow Your Own: Positive Behavior Supports, Functional Behavioral Assessments and Behavior Intervention Plans and De-escalation Strategies.

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

Training in PBIS is required annually for all school personnel. This training is delivered by a designated Program Specialist for Behavior in the district ESE department.

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

All school personnel are required to complete training in the use of PBIS. A record of training completion is maintained in the districts Learning Across Broward (LAB) system.

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

- ☒ Yes
- ☐ No

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

N/A

Part I. General Policies and Procedures

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

Does the school district prohibit the use of restraint?

☐ Yes

☒ No

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

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

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

2. The school district will have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, Department of Juvenile Justice facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
- Additional training in positive behavioral support and crisis management;
 - Parental involvement;
 - Data review;
 - Updates of students' functional behavioral assessments (FBAs) and positive behavior intervention plans (PBIPs);
 - Additional student evaluations;
 - Debriefing with staff;
 - Use of schoolwide positive behavior support;
 - Changes to the school environment;
 - Analysis of data to determine trends; and
 - Ongoing reduction of the use of restraint.

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

58 students and 97 incidents.

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

2021-2022 School Year: 68 Students involved in 94 incidents

2022-2023 School Year: 58 students involved in 97 incidents

2022-23 School Year: There was a 3.2% increase in the number of incidents of restraint from 94 incidents in the 2021-22 school year to 97 incidents in the 2022-23 school year. The number of students restrained decreased from 68 in the 2021-22 school year to 58 in the 2022-23 school year, representing a decrease of 14.7% in the number of students restrained.

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

August 2022 to January 2023: 9 students
February 2023 to June 2023: 8 students

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

2022-2023: 0 students

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

- ☐ Yes
☒ No

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

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

In order to reduce use of prone restraint, District ESE Staff will review the BIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The BIP will be reviewed and revised as needed. If the student does not have a BIP, District ESE Staff will work with the school to team to initiate an FBA and BIP and/or to develop and implement positive behavioral interventions and supports. District ESE Staff will meet with school staff that work with the student after two incidents of prone restraint to review the BIP and revise if needed and to develop a Crisis intervention Plan (CIP). After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Additionally, District ESE Staff will provide training in Positive Behavior Interventions and Supports, Positive Behavior Supports for Paras, Classroom Behavior Strategies, Functional Behavioral Assessments and Behavior Intervention Plans and De-escalation Strategies as well as other training opportunities, to provide staff with effective, nonphysical intervention strategies.

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

- ☒ Yes
☐ No

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

District staff does not use mechanical restraint.

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

There were 58 students restrained and 97 incidents of restraint in the 2022-23 school years.

- The race distribution of these students was 69.0% Black, 24.1% White, 1.7% American Indian/Alaskan Native, and 5.2% multiracial.
- Most of the restrained students had EBD as their primary exceptionality (56.9%), followed by ASD (24.1%), InD (8.6%), OHI (5.2%), DD (3.4%), and LI (1.7%).

- The most frequently used type of restraint was Prone – lying face down (78.4% of the incidents), followed by Mechanical (11.3%), Standing (7.2%), Seated (2.1%), and Supine – lying face up (1.0%).

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

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

3. The crisis intervention plan must include:

- a. Specific positive behavior interventions and supports to use in response to dangerous behaviors that create a threat or imminent risk of serious injury;
- b. Known physical and behavioral health concerns that will limit the use of restraint for the student; and
- c. A timetable of the review and, if necessary, revision of the crisis intervention plan.

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

A Crisis intervention Plan (CIP) will be developed in collaboration with the parent/guardian, school personnel, and behavioral professionals for any student upon the second incident of restraint per semester. If a CIP or BIP is already in place, they are to be reviewed and revised as needed.

CIPs are reviewed at the annual IEP meeting and are reviewed and revised as needed throughout the year. The parent is to be provided copies of these documents.

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

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

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

- Provide training opportunities in de-escalation, Trauma Informed Care, and other mental health related trainings.
- Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder.
- Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of BIPs. District ESE support team staff will assist school staff in this process.
- Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and BIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to

parents and information specific to restraint including a document produced by the FDOE for parents on restraint.

- Support schools in implementing schoolwide positive behavioral support.
- Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability.
- The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current Classroom Behavior Strategies and FBA/BIP training material and will revise the training material if needed.
- Review a variety of non-physical and restraint trainings available to determine if the district should continue to use PCM.

Part I. General Policies and Procedures

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

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



Yes (Continue answering questions)



No (Stop here)

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

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

N/A

2. The school district's plan for eliminating the use of seclusion must include activities, skills, and resources needed to achieve that goal. Charter schools, Department of Juvenile Justice facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
 - a. Additional training in positive behavioral support and crisis management;
 - b. Parental involvement;
 - c. Data review;
 - d. Updates of students' functional behavioral assessments (FBAs) and positive behavioral intervention plans (PBIPs);
 - e. Additional student evaluations;
 - f. Debriefing with staff;
 - g. Use of schoolwide positive behavior support; and
 - h. Changes to the school environment

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

0

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

N/A

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

N/A

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

N/A

3. The following are examples of activities that may be considered for the purpose of eliminating the use of seclusion:
 - a. Implement student-specific strategies, such as reviewing individual educational plans and Section 504 plans, conducting evaluations or reevaluations and FBAs, and evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress;

- b. Implement school district and school strategies for increasing parental involvement;
- c. Introduce or strengthen a multi-tiered system of supports, which could include schoolwide positive behavioral support;
- d. Provide additional professional development training in positive behavioral support and crisis management; and
- e. Engage in problem-solving with school administrators to make data-driven decisions regarding school environments.

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

N/A

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646

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

Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.

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

Full Educational Opportunity Goal

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

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

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

Ages of Students Served

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

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

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

- ☐ Yes
- ☒ No

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

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

- ☒ Yes
- ☐ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

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

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

Part I. General Policies and Procedures

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

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
 - a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
 - b. Registered behavior technicians who have a nationally recognized paraprofessional certification in behavior analysis and who practice under the supervision of individuals described in paragraph (a) by assisting and supporting such individuals in the provision of applied behavior analysis services. To provide services under this section, a registered behavior technician must be employed by a provider described in paragraph (a);
 - c. Speech-language pathologists licensed under s. 468.1185, F.S.;
 - d. Occupational therapists licensed under part III of Chapter 468 Part III, F.S.;
 - e. Physical therapists licensed under Chapter 486, F.S.
 - f. Psychologists licensed under Chapter 490, F.S.
 - g. Clinical social workers licensed under Chapter 491, F.S.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
 - a. The student's public instructional personnel and principal consent to the time and place.
 - b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.

For the purpose of implementing this rule, a school district may not impose any requirements beyond those requirements specified in this rule or charge any fees.
4. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

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

- c. Providing program and staff supervision;
- d. Funding programs; and
- e. Dissolving the agreement.

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

- ☐ Yes
☒ No

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

N/A

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

- ☐ Yes
☒ No

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

N/A

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

- ☒ Yes
☐ No

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

Atlantic Shores: Instructional Staff
 Citrus: Instructional Staff
 Smith Community Mental Health: Instructional Staff
 Florida Palms Academy (Alternate Education Systems): Instructional Staff (itinerant service providers only)

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

34 C.F.R. § 300.2(b)(1)

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

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

Juvenile Justice Facilities

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

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

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

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

If the juvenile justice facility identifies a student with a suspected disability, that student will be referred to their Comprehensive Problem-Solving Team (CPST) to initiate the multi-tiered intervention and evaluation process. This process will determine whether the student qualifies for special education services based on state eligibility criteria. If a student is referred for an ESE evaluation, the ESE department will assign a school psychologist who will be responsible for evaluating the student within the facility. The LEA representative will receive a notification when a student identified with a disability is assigned to the facility for any length of time. Students already identified with a disability will be automatically added to the facility's ESE student caseload. This will allow the ESE team assigned to the facility to access and edit the student's educational records through the ESE Electronic Management System.

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

The school district ensures that special education services, direct and related, are provided as defined by the student's IEP regardless of the limited resources or availability of services in the juvenile justice facility. If limited resources become a barrier to implementing the student's IEP with fidelity, the IEP team will collaborate with the district's ESE Department to re-align resources and utilize staff in strategic ways to meet the individual needs of the student at the facility.

County Jails and Municipal Detention Facilities

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

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

If the county jail or municipal detention facility identifies a student with a suspected disability, that student will be referred to their Comprehensive Problem-Solving Team (CPST) to initiate the multi-tiered intervention and evaluation process. This process will determine whether the student qualifies for special education services based on state eligibility criteria. If a student is referred for an ESE evaluation, the ESE department will assign a school psychologist who will be responsible for evaluating the student within the facility. The LEA representative will receive a notification when a student identified with a disability is assigned to the county jail or municipal detention facility for any length of time. Students identified with a disability will be automatically added to the ESE student caseload assigned to the ESE case manager for that facility. This will authorize the ESE team to access and edit the student's educational records through the ESE electronic management system.

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

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students through age 22 who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

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

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

ESE eligible students ages 18-21 who previously received services in accordance with their IEP but left school prior to incarceration, they are afforded adult educational opportunities to continue working towards meeting requirements for a standard high school diploma while incarcerated. An LEA representative is assigned to oversee the specially designed instruction, related services, and accommodations delivered at the county jail or municipal detention facility.

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

Students identified with a disability upon enrollment within the educational program embedded in the county jail or municipal detention facility will be flagged for further follow up by the staff. They will follow the process for requesting and reviewing confidential ESE records from all previous educational settings to find evidence of a documented disability and initial ESE eligibility. If the evidence found is more than 3 years old, these students will be re-evaluated to confirm eligibility for special education services, rule in or out any additional suspected disabilities, and update the student's IEP to reflect the student's needs in the new educational setting.

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

Students identified with a disability upon enrollment within the educational program embedded in the county jail or municipal detention facility will be flagged for further review and follow up by the administration. They will follow the process for requesting and reviewing confidential ESE records from the previous schools to find evidence of a documented disability and previous ESE eligibility. If the evidence found is more than 3 years old, these students will be re-evaluated to confirm eligibility for special education services, rule in or out any additional suspected disabilities, and update the student's IEP to reflect the student's needs in the new educational setting.

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

The administrator assigned to the jail or facility will work in collaboration with the LEA representative to ensure that students receive FAPE as defined by their IEPs.

Part I. General Policies and Procedures

Section B.5: Residential Facilities

Statutory and Regulatory Citations

34 C.F.R. § 300.2(b)(1)

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

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

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

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

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

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

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

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

- a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student; or
 - b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs in accordance with ss. 1003.57(3) and (4), F.S. The student's IEP developed in accordance with Rule 6A-6.03028, F.A.C., may reflect that the residential placement is not required for the student to benefit from special education which could otherwise be provided by the school district during the day
2. Each school district may provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility for the provision of a nonresidential interagency program that includes the provision of educational programming in accordance with the student's IEP.
3. In collaboration with the Part C Early Steps Program, each school district may provide early intervention services for an infant or toddler with a disability through a contractual agreement with approved nonpublic or community facilities when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler. The early intervention services shall be provided in accordance with an individualized family support plan (IFSP) developed in accordance with Rule 6A-6.03029, F.A.C.
4. The requirements of Rule 6A-6.0361(1), F.A.C., do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

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

1. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
2. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
3. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.
4. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.
5. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.
6. Has written procedures for admission, dismissal, and separation of students, if appropriate.
7. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.
8. Has written policies concerning the care of the student in emergencies, clinical and administrative records, personnel policies, staff duties, fee schedules, food services, and insurance coverage.
9. Complies with requirements of the following: the Office for Civil Rights; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the

Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

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

Contents of Contract

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

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

Additional District Responsibilities

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

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

6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP.
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the FDOE, Bureau of Exceptional Education and Student Services.
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

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

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

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

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

Notes:

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

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

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



Yes



No

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

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

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

residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

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

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

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

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

Part I. General Policies and Procedures

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

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

Part I. General Policies and Procedures

Section B.8: Child Find

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

Part I. General Policies and Procedures

Section B.9: Confidentiality of Student Records

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

1. Access rights

- a. The school district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the school district, without unnecessary delay and before any meeting regarding an individual educational plan (IEP), individualized family support plan (IFSP), or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education (FAPE) to the student, and in no case more than 30 days from the request. The parent has the right to:
 - i. A response from the school district for reasonable explanation and interpretation of the records,
 - ii. Request that the school district provide copies of the records if failure to do so would deprive the parent of the right to review the records, and
 - iii. Have a representative of the parent inspect and review the records.
- b. The school district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
- c. The school district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
- d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
- e. The school district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
- f. The school district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.

2. Amendment of student records

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

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

3. Consent

- a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the school district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.
- b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.
- c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

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

5. Destruction of information

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

6. Annual written notice to parents

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

7. FAPE

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

8. Transition from Part C to Part B

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

9. Funding formula

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

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

Part I. General Policies and Procedures

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

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

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

CEIS may be used for:

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

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

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

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

34 CFR §300.172

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

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

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

Procedural Safeguards

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

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

1. Procedural safeguards for students with disabilities

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

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

- a. Upon initial referral or the parent's request for an evaluation;
- b. Upon receipt of the first state complaint under 34 C.F.R. §§300.151 through 300.153 and upon receipt of the first due process complaint under 34 C.F.R. §300.507 in a school year;
- c. In accordance with the discipline procedures in 34 C.F.R. §300.530(h) (when a change of placement occurs);
- d. Upon request by a parent; and
- e. In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the Commissioner of Education that an extraordinary exemption for a given state assessment administration window be granted or denied.

One of the following must be selected:

☒ The school district will use the Florida Department of Education's (FDOE's) *Notice of Procedural Safeguards for Parents of Students with Disabilities*, as posted on the FDOE's website, to inform the parents as required.

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

2. Procedural safeguards for exceptional students who are gifted

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

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

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

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

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

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

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

Upon receipt of a Request for Due Process, the Due Process Office will send a letter of receipt to the parent, school board attorney, and all relevant school board employees. The Due Process Office will email the case profile sheet, receipt letters, and all Due Process Request documents to the General Counsel's Office no later than 3:00 pm of the same day received, unless the request is received after 3:00 pm. In this case, the documents are prepared and sent to the General Counsel's Office the following business day. Upon receipt, the General Counsel's Office files the case with the Division of Administrative Hearings (DOAH).

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

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, District staff contact the parent(s), advocate(s) and/or legal counsel to establish a mutually agreed upon date, time and location for the Resolution Meeting within 15 calendar days from the date the complaint was received. The parent(s), advocate(s) and/or legal counsel are contacted at least twice within seven (7) days to schedule the required resolution meeting. At times, parent(s), advocate(s) and/or legal counsel cannot find a date within the 15 day resolution period (seven days for expedited) and the parties reach a mutually agreed upon date, time and location beyond the timeline but within the resolution period. In the event that the date agreed upon is beyond the 15 calendar days, The School Board notifies the Court of the date that the parties have agreed upon. If the Due Process Coordinator is unable to reach the parent on the first attempt, the Coordinator will make a minimum of three documented attempts to reach the parent by both phone and email before apprising the assigned judge of the inability to schedule a resolution session. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting or the parties agree to participate in mediation.

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

When a due process complaint is filed, IDEA requires that the parties convene a resolution meeting. The resolution meeting is an alternate dispute resolution mechanism built into the due process hearing procedures. The meeting involves a representative of the school district who has decision making authority on behalf of the district, the parents of the child with a disability, and relevant members of the IEP team who have specific knowledge of the facts identified in the complaint. Upon receipt of the due process complaint, the Due Process Office will review the complaint and identify key staff that will attend the resolution meeting based in the facts identified in the complaint.

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

Information about dispute resolution mechanisms is made available to parents in a variety of ways. A copy of Part B Procedural Safeguards is provided to parents of students with disabilities at least once a year during the student's annual IEP meeting. In addition, Part B Procedural Safeguards are provided to parents upon initial student referral or request for evaluation, upon receipt of a State Complaint, upon receipt of a Due Process Complaint, when disciplinary action decisions are made that constitute a change in placement, and upon parent request. ESE Parent Liaisons, within the Dispute Resolution and Compliance Office, are also available to parents, schools, and local stakeholders. ESE Parent Liaisons provide support related to conflict resolution and act as a liaison between parents and schools to resolve concerns. Additionally, information about dispute resolution mechanisms is available to parents and local stakeholders at <https://www.browardschools.com/Page/41037>.

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

IDEA mandates that States and Districts make available formal processes for families of children with disabilities and public schools to resolve special education related disputes. The District provides families with a variety of dispute resolution options to resolve possible violations of IDEA through Local Conflict Resolution, Mediation, Facilitated IEP Meetings, State Complaint Procedures, and Due Process Complaint Procedures.

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503

Procedures

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

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

Requirements or Options No Longer Applicable

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

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

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

34 CFR §§300.320 and 300.520

Chapter 744, F.S.

Section 393.12, and 1003.5716 F.S.

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

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's 18th birthday, the school district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan (IEP) will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. At least one year before the student reaches the age of majority, the school district must provide to the student and parents, information and instruction on self-determination and the legal responsibilities regarding educational decisions that transfer to the student upon attaining the age of 18. This instruction and information must include the ways in which the student can provide informed consent to allow his or her parent to continue to participate in educational decisions, including:
 - a. Informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act as provided in s. 1002.22, F.S.;
 - b. Powers of attorney as provided in Chapter 709, F.S.;
 - c. Guardian advocacy as provided in s. 393.12, F.S.; and
 - d. Guardianship as provided in Chapter 744, F.S.
4. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's 18th birthday.
5. The IEP in effect at the beginning of the school year the student is expected to graduate must include a signed statement by the parent or guardian of the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer receipt of his or her standard high school diploma.
6. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
7. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
8. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
 - a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.

- b. Be appointed to represent the educational interests of the student throughout the student's eligibility for free appropriate public education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

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

When a student with a disability reaches the age of majority, both the parent and the student are provided notice of the student's transfer of rights. At least one year prior to a student turning 18, the student and parent are notified that the transfer of rights to the student will occur at age 18. A separate notice is provided closer, but prior to, the student's 18th birthday. Notice includes information regarding the student's informed consent to allow his or her parent to continue to participate in educational decisions. These pathways include informed consent to grant permission to access confidential records protected by the Family Educational Rights and Privacy Act (FERPA), Powers of Attorney, Guardian Advocacy, and Guardianship. In cases where the student with a disability is unable to provide informed consent with respect to their educational program, the district has procedures to appoint a parent or another individual to represent the educational interest of the student. In cases where the student has not been deemed incompetent but is unable to provide informed consent to educational decisions, supported decision-making strategies are used. Supported decision-making strategies are used when an adult student informs the school that they will make decisions with the help of family members or friends.

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



The school district's model forms can be found in Appendix A of this document.



There are no additional forms for this section.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519

Sections 39.0016 and 1002.22, F.S.

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

Definition

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

Procedures

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

- i. The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
 - ii. The court must accept a surrogate parent duly appointed by a district school superintendent.
 - e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.
 - f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.
 - g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.
 - i. If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
 - ii. At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.
 - h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:
 - i. The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested.
 - ii. The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF.
 - iii. The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available.
 - iv. The appointed surrogate no longer wishes to represent the child or is unable to represent the child.
 - v. The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child.
 - vi. The child moves to a geographic location that is not reasonably accessible to the appointed surrogate.
 - i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.
3. The person appointed as a surrogate parent:
- a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs;
 - b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child; and
 - c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child.
4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

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

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

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. The district will make reasonable efforts to determine the need for a surrogate parent by determining the parent's identity or whereabouts, and contacting other agencies that may have had contact with the child. These efforts are documented via certified letters, home visits, and contact logs. All efforts to determine the need for a surrogate are documented in writing. Once the district has exhausted all efforts to determine the identity or whereabouts of a parent or guardian, the district will appoint a surrogate parent. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process.

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

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

One of the following must be selected.



I have read and understand the above information.



This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323

Sections 1003.01 and 1003.57, F.S.

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

Definition

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

Procedures

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

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

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

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

- a. If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:
 - i. Adopts the student's IEP or EP from the previous school or school district, or
 - ii. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.
- b. When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.
- c. When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from

a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

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

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

4. EPs for gifted students who transfer from outside Florida

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

5. Parental consent

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

6. Transmittal of records

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

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

34 CFR §300.154

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

Procedures

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

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

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

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§ 300.302, 300.306, and 300.308 through 300.310

Sections 381.0056 and 1008.25, F.S.

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

Definition

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

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

1. Parent involvement in general education intervention procedures

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

2. Observations of student in the educational environment

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

3. Review of data

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

4. Sensory screenings and diagnostic assessments

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

5. Implementation of evidence-based interventions

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

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

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

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

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



Yes



No

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

[Broward County Public Schools MTSS Implementation Guide](#)

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

N/A

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

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

In Broward County Public Schools, teams utilize a variety of academic and behavior progress monitoring tools and data to effectively monitor student response to intervention (RtI). For academic progress, they employ tools such as HMH assessments, Reading Horizon assessments, enVision assessments and program embedded assessments. Additionally, standardized assessments like FAST and i-Ready are used to track student achievement and growth over time, offering detailed insights into student performance.

For behavior progress monitoring, Broward County Public Schools, teams utilize RethinkEd evidence-based, data-informed, digitally delivered instruction and assessments tools to evaluate students' social skills, behaviors, and emotional regulation and provide instruction and interventions. Additionally, each school implements a School-Wide Positive Behavior Plan to build a positive culture and community in classrooms and the school. The schools use a team-based planning and problem-solving model to implement evidence-based, positive behavioral interventions. The goal is to support student achievement and success, while decreasing inappropriate student behaviors. Office Discipline Referrals (ODRs) are systematically documented to track incidents of student misbehavior and their frequency, providing valuable data for behavioral interventions. Functional Behavior Assessments (FBAs) are conducted to identify the underlying causes of challenging behaviors, helping to develop effective behavior intervention plans.

These tools, used in conjunction with teacher observations and qualitative data, allow for frequent and comprehensive monitoring of student progress. Data from these sources are reviewed regularly by collaborative problem-solving teams to make informed decisions about interventions and to ensure that they are tailored to meet the individual needs of each student. This systematic approach enables Broward County Public Schools to support students effectively and ensure their academic and behavioral success.

The collaborative problem-solving team considers various factors to determine if a student may have a disability, including academic performance, behavioral observations, response to interventions, teacher and parent reports, developmental history, and attendance records. The decision to initiate an evaluation is based on the student's lack of progress despite interventions, the severity of concerns, comprehensive documentation of interventions, evidence from multiple sources, ruling out other possible explanations, and consensus among team members. The aim is to identify if the student has a disability requiring special education services for effective educational support.

The District's Response to Intervention Decision Making Guidance outlines suggested criteria for how frequently schools should review and monitor data. At the universal (Tier 1) level, data is collected at a minimum of three (3) times a year, at the targeted (Tier 2) level, data is collected at a minimum bi-weekly, and at the intensive (Tier 3) level, data is collected at a minimum weekly. A minimum of 3 weeks of instruction and 6 consecutive data points are required for determining student outcomes. Teams are provided guidance to assist in the data based decision-making process for when to intensify, decrease, or discontinue interventions and when to refer for a full and individual evaluation. A guiding principle of when to refer a student for a full and individual evaluation for possible Exceptional Student Education eligibility, is when intensive interventions are demonstrated to be ineffective but require sustained and substantial effort that may include the provision of specially designed instruction and related services.

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

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

Broward County Public Schools utilizes a comprehensive data management system to record student intervention records throughout the entire process, from an initial concern to a completed evaluation. All schools are required to enter a record for each student who is currently being monitored by the collaborative problem-solving team. The collaborative problem-solving process relies upon the team's ability to make informed decisions based on the effectiveness of instruction and intervention. School teams use the comprehensive data system to identify students who are at risk or in need of additional support. The collaborative problem-solving teams monitor the implementation and fidelity of the four-step problem-solving process: problem identification, problem analysis, intervention development, and intervention effectiveness through a systematic process that includes detailed documentation and regular reviews. The collaborative problem-solving process is documented using standardized forms within the comprehensive data system, that records each step, from initial problem identification to the analysis of data and development of interventions. Collaborative problem-solving teams use these

records to track progress and make data-driven decisions. To ensure fidelity, the district employs procedures such as regular training for staff on intervention strategies, periodic observations, and fidelity checklists to verify that interventions are being implemented as designed. Additionally, progress monitoring tools and frequent data reviews are used to assess the effectiveness of interventions, ensuring that adjustments can be made in a timely manner to meet students' needs.

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

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

Broward County Public Schools collaborative problem-solving teams actively engage parents in the problem-solving process by ensuring consistent and transparent communication. Information about the school's multi-tiered system of supports (MTSS) is disseminated through school meetings, brochures, and the district website to build global awareness among parents. Policies and procedures for including parents in the problem-solving process involve inviting them to team meetings where their insights are valued in developing and reviewing intervention plans. Student response-to-intervention data is shared with parents regularly, typically through quarterly reports, parent-teacher conferences, and digital platforms that provide real-time updates. Additionally, parents are informed of their right to request an evaluation for special education services through written notices, which are provided at the onset of interventions and during periodic reviews, ensuring they are aware of their options and involved in decision-making at every stage.

Collaborative problem-solving teams continuously inform and engage parents or legal guardians throughout the problem-solving process to address the student's area of concern in accordance with Rule 6A-6.0331(1)(a), F.A.C. Collaborative problem-solving team maintain and document parental involvement and communication of the student's response to intervention within the District's comprehensive data system. Collaborative problem-solving teams provide written communication to the parents or legal guardians of their right to request an individual evaluation. The written communication is generated and recorded within the comprehensive data system. Information about the MTSS/RtI process and how to request an evaluation is communicated to parents verbally at school meetings, website, in print (flyers, handouts, district literature) and parent MTSS/RtI letters.

Each individual school site schedules and conducts regular Collaborative Problem Solving Teams (CPST) meetings. At the conclusion of each CPST meeting, a plan is developed on how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel share information regarding student process with parents via conferences or phone calls, and written documentation at a minimum of every nine (9) weeks. Parent information regarding the Collaborative Problem-solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. Collaborative problem-solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem-solving process is utilized to identify the performance concern using multiple sources of data. Collaborative problem-solving team members periodically review student data to inform student instruction and intervention.

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

- **A review of the existing social, psychological, and medical data;**

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

For children transitioning to the school district from Early Steps 3-9 months prior to their 3rd birthday, the LEA who attends the Early Steps Transition Conference collects the IFSP from Early Steps and interviews the parents regarding their concerns. This information is shared with the ESE Pre-K Assessment Team which schedules an in-person screening appointment 2-8 weeks prior to the child's 3rd birthday. At that screening, Vision is screened by a trained staff member using a SPOT Vision Screener and Hearing is screened by an Audiologist using an audio booth. Additional screenings are conducted by a School Psychologist and a Speech/Language Pathologist which may include any of the following: review of records (IFSP, Preschool Information Survey completed by the parent/caregiver, and/or private evaluations shared by the parents), observation, interview of parents, and/or use of formal screening instruments. If warranted, an Occupational Therapist, Physical Therapist or Nurse may participate in the screening to determine medically appropriate interventions.

For children 3-6 years old who have not yet entered kindergarten, FDLRS/Child Find conducts an initial paper screening by collecting the Preschool Information Survey, Parent Questionnaire, Teacher Questionnaire (if applicable), and an ASQ completed by the parent. An in-person screening is scheduled by the ESE Pre-K Assessment Team after receiving the referral from Child Find with the paper screening information. At the in-person screening appointment, Vision is screened by a trained staff member using a SPOT Vision Screener and Hearing is screened by an Audiologist using an audio booth. Additional screenings are conducted by a School Psychologist and a Speech/Language Pathologist which may include any of the following: review of records (IFSP, Preschool Information Survey completed by the parent/caregiver, and/or private evaluations shared by the parents), observation, interview of parents, and/or use of formal screening instruments. If warranted, an Occupational Therapist, Physical Therapist or Nurse may participate in the screening to determine medically appropriate interventions.

Part I. General Policies and Procedures

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

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§ 300.300 through 300.305

Chapter 490, F.S.

Sections 1003.57 and 1003.575, F.S.

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

Definition

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

Procedures for Initiating an Evaluation

1. Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through grade 12 student, or child aged 3 to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's consent for evaluation form.
2. The school district must seek consent from the parent or guardian to conduct an evaluation whenever the school district suspects that a kindergarten through grade 12 student, or a child aged 3 to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following with Rule 6A-6.0331(3)(a), F.A.C.:
 - a. When a school-based team determines that the kindergarten through grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources; or
 - b. When a school-based team determines that the kindergarten through grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; or
 - c. When a child aged 3 to kindergarten-entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System (FDLRS) and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
 - d. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through grade 12 student or child aged 3 to kindergarten-entry age who is enrolled in a district-operated preschool program may be a student with a disability and needs special education and related services.
3. Within 30 days of a determination (i.e., suspicion of a disability) that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through grade 12 or a child aged 3 to kindergarten-entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing as required by Rule 6A-6.0331(3)(b), F.A.C.
4. If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must, within 30 days,

unless the parent and the school agree otherwise in writing, in accordance with Rule 6A-0331(3)(c), F.A.C.:

- a. Obtain consent for the evaluation; or
 - b. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.
5. Prior to a school district's request for an initial evaluation for students in kindergarten through grade 12, school personnel must make one of the following determinations about general education procedures:
- a. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
 - b. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
 - c. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

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

For students attending a preschool class at one of our traditional schools, parents will be invited by the school to attend a Multi-Tiered System of Supports (MTSS) Team meeting to review all available data following the provision of appropriate core instruction, implementation of interventions, and after a determination is made that there is reason to suspect a disability, the parent will then be provided the Consent for Evaluation form. When a pre-K child (age 2.9 to 2.11 with a transition packet from Early Steps or age 3-6 years old referred by the parent, private preschool, or community agency who has not entered kindergarten) receives a developmental screening through the district's pre-K diagnostic and evaluation center, the assessment team determines if there is enough information to suspect a disability. If, at the conclusion of the screening, the team suspects that the child may be a child with a disability, the team explains to the parent(s) what disability/disabilities is/are suspected and why, the process of evaluation and eligibility determination, and provides the parent(s) with a Consent for Evaluation form. In addition, if the parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must provide consent for evaluation or provide the parent with a written notice in accordance with Rule 5A-6.03311, F.A.C., explaining its refusal to conduct the evaluation within 30 days.

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

Upon receipt of a parent request to evaluate a student, the district will provide the parent(s) with a copy of the Procedural Safeguards. The parents should be invited to meet with the school-based team to discuss their concerns. If there is documentation or evidence that the child may be a student with a disability and needs special education and/or related services, the parent will be provided a Consent for Evaluation within 30 calendar days of their request. If there is a lack of documentation or evidence that the child may be a student with a disability, the parent will be provided a written notice of refusal to conduct the evaluation within 30 calendar days of their request.

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

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the MTSS team has sufficient data to suspect that a student may have a disability, they refer the student for a full and individual evaluation. A designated school staff member obtains Initial Consent for Evaluation and the evaluations are conducted.

Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A designated school staff member obtains Consent for Evaluation and the evaluations are conducted.

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

The Broward County School district has an obligation to evaluate parentally-placed children attending nonpublic schools or agency programs within the district who are suspected of having a disability or being gifted. The school district, in cooperation with nonpublic schools or agency programs, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in nonpublic schools or agency programs already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. Once the parent(s) make the request for an evaluation, the Exceptional Student Education (ESE) division will collaborate with the parent(s) and boundaried public school the child would attend, if they were attending public school, to determine if an evaluation is needed. The first step in this process is to schedule a Multi-Tiered System of Supports (MTSS) team meeting. At that meeting, the team to include the parent(s), staff from the home school, an evaluation specialist, and a participant from the nonpublic school or agency program (if available) will identify areas of concern to determine what, if any, area(s) of disability is/are suspected of if the student may be gifted. If there is documentation or evidence that the child may be a student with a disability or is gifted, and needs special education and/or related services, the parent will be provided a Consent for Evaluation within 30 calendar days of their request. If there is a lack of documentation or evidence that the child may be a student with a disability or gifted, the parent will be provided a written notice of refusal to conduct the evaluation within 30 calendar days of their request.

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

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents, and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the Home School Office to initiate their request for evaluation. Once the parent(s) make the request for an evaluation, the Exceptional Student Education (ESE) division will collaborate with the parent(s) and boundaried public school the child would attend, if they were attending public school, to determine if an evaluation is needed. A Multi-Tiered System of Supports (MTSS) team meeting is scheduled with the family as well as staff at the student's boundaried school to include key staff who can determine what next steps must be taken. At that meeting, the team will identify areas of concern to determine what, if any, area(s) of disability is/are suspected of if the student may be gifted. If there is documentation or evidence that the child may be a student with a disability or gifted, and needs special education and/or related services, the parent will be provided a Consent for Evaluation within 30 calendar days of their request. If there is a lack of documentation or evidence that the child may be a student with a disability or gifted, the parent will be provided a written notice of refusal to conduct the evaluation within 30 calendar days of their request.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§ 300.131 and 300.300 through 300.305

Chapter 490, F.S.

Sections 1003.57 and 1003.575, F.S.

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

Definitions

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

Procedures for Evaluation

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

- i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;
 - ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and
 - iii. In the circumstance when a student is absent for more than eight school days in the 60-calendar-day period, the student's absences shall not be counted toward the 60-calendar-day requirement. The determination of whether a student is "in attendance" must be made consistent with the school board's policies implementing Rule 6A-1.044, F.A.C., which requires the reporting of students' attendance.
- b. The 60-day timeline for evaluation does not apply if:
- i. The parent and school district, by mutual written agreement, extend the 6-calendar-day requirement by no more than 30 calendar days. The written agreement must be secured before the 45th calendar day, but after the formal testing has begun and it was determined that other evaluators are needed to complete the required full and individual evaluation, as required by Rule 6A-6.0331(3)(h), F.A.C.
 - ii. The parent repeatedly fails or refuses to produce the student for the evaluation.
 - iii. A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability. This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent agrees to a specific time when the evaluation will be completed. Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.
- c. The school district will ensure that students thought to be gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90-school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

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

After formal testing has begun and before the 45th calendar day, if an evaluation specialist identifies that an additional area of concern warrants further evaluation by another evaluator, not originally identified on the consent, the evaluation specialist will notify the LEA Representative of the proposal. The LEA Representative will then notify the parent and obtain consent for the additional assessments/suspected disability and written agreement to extend the timeline by no more than 30 calendar days.

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

Upon receipt of the written agreement from the parent and the amended consent for additional evaluations, each evaluation specialist will ensure completion of their evaluation components within the 30-day timeline extension on the agreement.

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

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

3. Parent consent

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

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

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

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

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

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

4. Evaluation procedures

- a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:
 - i. Review existing evaluation data on the student, including:
 - 1. Evaluations and information provided by the student's parents;

2. Current classroom-based, local, or state assessments and classroom-based observations; and
 3. Observations by teachers and related services providers.
 - ii. Identify, based on that review process and input from the student's parents, what additional data, if any, are needed to determine the following:
 1. Whether the student is a student with a disability; and
 2. The educational needs of the student
 - iii. The group conducting this review may do so without a meeting.
 - iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.
 - v. If the group determines that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:
 1. That determination and the reasons for the determination; and
 2. The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.
 - vi. In conducting an evaluation, the school district must:
 1. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's individual educational plan (IEP) or educational plan (EP). The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
 2. Not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
 3. Use technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.
- b. The school district must ensure that assessments and other evaluation materials and procedures used to assess a student:
- i. Are selected and administered so as not to discriminate on a racial or cultural basis;
 - ii. Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do;
 - iii. Are used for purposes for which the measures are reliable and valid; and
 - iv. Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.
- c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure,

rather than reflecting the student's sensory, manual or speaking skills, unless those are the factors being measured.

- d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.
- e. The student is assessed in all areas of the suspected disability, including, if appropriate, health, vision, hearing, social-emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether commonly linked to the suspected disability.

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

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

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

Following the completion of the required evaluations for eligibility determination, the district shall schedule and conduct an eligibility determination meeting for the first available date that all required participants can attend. If eligible for services, the IEP team will develop an IEP within 30 calendar days.

Procedures for Reevaluation

- 1. Reevaluation is required in the following circumstances.
 - a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for deaf/hard of hearing, dual sensory impaired and visually impaired are not able to have reevaluation procedures waived.
 - b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
 - c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
 - i. Unless a comprehensive review of the student's educational history, including current levels of functioning; progress toward meeting IEP goals; state, district and class assessments; progress monitoring; previous psychoeducational evaluations; teacher and parent input; and a gradual release of delivery of services documented on the IEP, demonstrates that the student is no longer in need of specially designed instruction and related services. The student has met or surpassed the annual measurable goals.
 - ii. Students are individuals and, as such, decisions are to be made on a case-by-case basis. The school district is responsible to ensure that data-based decisions provide an outcome that is beneficial to the student.
 - iii. If, after a comprehensive review of the student's educational history, the school district or the parent requests a formal reevaluation, then consent for reevaluation is secured.
 - d. Reevaluation of the student may not occur more than once a year unless the parent and the school district agree otherwise.

- e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
- f. Based on 34 C.F.R. §300.131, the district is responsible for reevaluation of students with disabilities attending:
 - i. Nonprofit private schools located within the district;
 - ii. For-profit private schools and are residents in the district; and
 - iii. Home education

2. Reevaluation procedures

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

- a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
- b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
 - i. Whether the student continues to have a disability;
 - ii. The educational needs of the student;
 - iii. The present levels of academic achievement and related developmental needs of the student;
 - iv. Whether the student continues to need special education and related services; and
 - v. Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
- c. The IEP team may conduct the review of existing evaluation data without a meeting.
- d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is completed, and the school district shall notify the student's parents of the following:
 - i. The determination and the reasons for that determination; and
 - ii. The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

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

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

- ii. Rule 6A-6.03014, F.A.C., Exceptional Student Education Eligibility for Students Who Are Visually Impaired
- iii. Rule 6A-6.03022, F.A.C., Exceptional Student Education Eligibility for Students Who Are Dual-Sensory Impaired

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

3. Parental consent when additional data are needed

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

4. Reevaluation timelines

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

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

School-based teams monitor their caseloads. A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline and a determination is made whether there is sufficient data for educational planning or if consent is needed to conduct additional formal assessments.

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

A comprehensive review of the student's educational history includes a review of the student's current levels of functioning; progress toward meeting IEP goals; state, district, and class assessments; progress monitoring; previous psychoeducational evaluations; teacher and parent input; and a gradual release of delivery of services documented on the IEP, which demonstrates that the student is no longer in need of specially designed instruction and related services.

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

The district will complete any additional assessments, as determined necessary by the reevaluation plan team, within a reasonable time, following the review that identified the need for additional assessment data. Testing must be completed before the triennial deadline. Following the completion of the additional evaluations, the school district shall schedule and conduct an IEP meeting for the first available date that all required participants can attend. The IEP team meeting should be held within 30 calendar days.

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

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

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

When the parent requests a reevaluation, the team will schedule a meeting to review existing data and determine what additional data may be needed. Reevaluation may not occur more than once a year unless the parent and the district agree otherwise. If further assessment is needed, the school will obtain consent and conducts the evaluation(s). If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process. If the evaluation request is denied, the parents will be provided with a written notice explaining its refusal to conduct the evaluation.

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

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60-school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report is uploaded to the district's electronic management system and an IEP meeting is scheduled to review the report results.

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

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

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

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

Definition

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

General

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

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

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to deciding, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request. If publicly funded, the IEE must satisfy the evaluation criteria outlined in IDEA, meet the criteria established by the district for its own evaluations, and not pose a conflict of interest. Conflict of interest may include, but is not limited to, the evaluator is related to the child, the evaluator has a pre-existing business or relationship with the family, or the evaluator has knowledge of the child or has a conflict with the family such that it would no longer be an independent evaluation.

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

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

Procedures for Consideration of Outside/Independent Evaluations can be found in School Board Policy 6004 which is located at the following link:

<http://www.broward.k12.fl.us/sbbcpolicies/docs/Policy%206004.pdf>

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

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

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

Philosophy

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

Curriculum

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

Instructional Support

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

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §300.8

Sections 1003.01 and 1003.57, F.S.

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

Unique Philosophical, Curricular, or Instructional Considerations

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

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

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

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.306 and 300.113

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

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

Definition

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

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

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

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

Student Evaluation

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

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

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

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

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

Assessment Waiver

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

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

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

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

Student Reevaluation

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

Usher's Syndrome

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

Communication Plan

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

Supportive Services

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

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

One of the following must be selected:



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21

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

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

Definitions

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

Eligibility Criteria

1. For a child 3 through 9 years of age

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

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

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

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

- a. The child is under the age of 36 months;
- b. There is documentation of one of the following:
 - i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion;
 - ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

- iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.
- c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
- d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in Rule 6A-6.03027(2)(b); and,
- e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

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

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

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

Continued Eligibility for ESE Services

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

Unique Philosophical, Curricular, or Instructional Considerations

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

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

- a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
- b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

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

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

Eligibility Criteria

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

1. One or more of the following visual impairments:
 - a. A visual acuity of 20/70 or less in the better eye after best correction;
 - b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
 - c. A diagnosis of visual impairment after best correction;
 - d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; or
 - e. Functional blindness;and
 2. One or more of the following hearing impairments:
 - a. 25 ± 5 decibels (dB) or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
 - b. A high frequency hearing threshold level of 25 ± 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
 - c. A unilateral hearing threshold level of 50 ± 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
 - d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; or
 - e. Functional hearing loss;and
 3. The student demonstrates a need for special education.
- or

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

Student Evaluation

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

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

Student Reevaluation

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

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

Qualified Evaluators

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

1. Medical eye exam: An optometrist or ophthalmologist;
2. Functional vision assessment: A teacher of the visually impaired, an orientation and mobility specialist can be used to analyze how a student uses vision for orienting and moving through space;

3. Learning media assessment: A teacher of the visually impaired;
4. Orientation and mobility: An orientation and mobility specialist;
5. Comprehensive audiological evaluation: An audiologist; and
6. Functional hearing assessment: A teacher of the deaf or hard of hearing, a speech-language pathologist, the parents, an educational team and an audiologist.

Unique Philosophical, Curricular, or Instructional Considerations

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

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

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

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

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §300.8

Sections 1003.01 and 1003.57, F.S.

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

Definition

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

Evidence-Based Interventions in General Education

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

Eligibility Criteria

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

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

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

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

Student Evaluation

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

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

Unique Philosophical, Curricular, or Instructional Considerations

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

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300

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

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

Definition

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

Eligibility Criteria

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

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

Continued Eligibility

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

Unique Philosophical, Curricular, or Instructional Considerations

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

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

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

☒ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

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

Definitions

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

Eligibility Criteria

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

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
 - a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
 - b. That the student is confined to home or hospital; and
 - c. That the student will be able to participate in and benefit from an instructional program; and
 - d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
 - e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through grade 12 and is enrolled in public school unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is 3 through 5 years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

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

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

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

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

Instructional Services

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

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

the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

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

Students Receiving Treatment in a Children's Specialty Hospital

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

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

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

- ☒ Yes
☐ No
☐ N/A

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

Joe DiMaggio Children's Hospital

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

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

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

- b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.
- c. The educationally relevant medical findings, if any.
- d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.
- e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §300.8

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §300.8

Section 1003.57, F.S.

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

Definition

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

Procedures

1. General education intervention procedures and activities

- a. To ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:
 - i. Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified areas of concern and delivered by qualified personnel in general education settings; and
 - ii. Data-based documentation, which was provided to the student's parents or guardians, of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.
- b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

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

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

3. Documentation of determination of eligibility

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

- a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
- b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

- c. The educationally relevant medical findings, if any
- d. Whether the student has an SLD as evidenced by response to intervention data confirming each of the following:
 - i. Performance discrepancy

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

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

The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.
- e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency
- f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:
 - i. Documentation of the specific instructional interventions used, the support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
 - ii. Documentation that the student's parents or guardians were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation
- g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

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

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school collaborative problem-solving team. Using the Response to Intervention (RtI) framework areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented in the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored

using multiple measure, which must include, but is not limited to, standardized and/or formative assessments and district/state tests, and Curriculum Based Measurements (CBM), to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade or continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g., increased frequency/duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

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

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

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

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

Eligibility Criteria

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

1. Evidence of an SLD

The student's parents or guardians and group of qualified personnel may determine that a student has an SLD if there is evidence of each of the following:

- a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:
 - i. Oral expression,
 - ii. Listening comprehension,
 - iii. Written expression,
 - iv. Basic reading skills,
 - v. Reading fluency skills,
 - vi. Reading comprehension,
 - vii. Mathematics calculation, and
 - viii. Mathematics problem solving.

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

One of the following must be selected:

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

- b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified previously as determined through a process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.
- c. The group determines that its findings under the eligibility criteria areas above are not primarily the result of one or more of the following:
 - i. A visual, hearing, or motor disability;
 - ii. Intellectual disability;
 - iii. Emotional or behavioral disability;
 - iv. Cultural factors;
 - v. Irregular pattern of attendance or high mobility rate;
 - vi. Classroom behavior;
 - vii. Environmental or economic factors; and
 - viii. Limited English proficiency.

- 2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

- 1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:
 - a. The student does not make adequate progress when:
 - i. Prior to a referral, the student has not made adequate progress after an appropriate period when provided appropriate instruction and intense, individualized interventions; or
 - ii. Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;and
 - b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

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

- a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or
 - b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.
3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the school district's procedures as specified in these policies and procedures as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the time limit required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parents or guardians and a group of qualified professionals.

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



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



There is no additional information for this section.

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

2. Fluency disorder

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

- a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.
- b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.
- c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder

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

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

4. The student demonstrates a need for special education.

Student Evaluation

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

- 1. For a speech sound disorder, the evaluation must include all of the following:
 - a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
 - b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.
 - c. An examination of the oral mechanism structure and function.

- d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.
2. For a fluency disorder, the evaluation must include all of the following:
- a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
 - b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.
 - c. An examination of the oral mechanism structure and function.
 - d. An assessment of all of the following areas:
 - i. Motor aspects of the speech behaviors,
 - ii. Student's attitude regarding the speech behaviors,
 - iii. Social impact of the speech behaviors, and
 - iv. Educational impact of the speech behaviors.
 - e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.
3. For a voice disorder, the evaluation must include all of the following:
- a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
 - b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.
 - c. An examination of the oral mechanism structure and function.
 - d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

- 1. Speech services
 - a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include an SLP.
 - b. An SLP shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

- c. Speech therapy services shall be provided by a certified SLP pursuant to Rule 6A-4.0176, F.A.C., or a licensed SLP pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
- d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan (IEP) team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate

- a. Speech therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed SLP with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in school districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
- b. The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:
 - i. The model, specifying the type and amount of direction, including direct observation, support, training, and instruction;
 - ii. The rationale for using this model;
 - iii. The manner in which the associate will be required to demonstrate competency;
 - iv. The process for monitoring the quality of services;
 - v. The process for measuring student progress; and
 - vi. The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel.

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



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



There is no additional information for this section.

Definitions section. The significance of the deficits must be determined and based on specifications in the manual of the instruments utilized for evaluation purposes.

- d. Information gathered from the child's parents or guardians, teachers, service providers, or caregivers must support the results of the standardized instruments and observations conducted.
- e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.
- f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

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

- a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards, as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:
 - i. Oral expression,
 - ii. Listening comprehension,
 - iii. Social interaction,
 - iv. Written expression,
 - v. Phonological processing, or
 - vi. Reading comprehension.
- b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 2. a. of this section when using a process based on the student's response to scientific, research-based intervention.
- c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through grade 12, included in Part I of this ESE Policies and Procedures (P&P) under the Conducting Student Evaluations and Reevaluations section. There must be documentation of the following:
 - i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.
 - ii. Results of standardized norm-referenced instruments indicate a significant language deficit in one or more of the areas listed in the Definitions section as evidenced by standard scores significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in the Definitions section. Significance of the deficits must be determined and based on specifications in the manual of the instruments utilized for evaluation purposes.
 - iii. Information gathered from the student's parents or guardians, teachers, and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.
 - iv. At least one additional observation conducted by the speech-language pathologist (SLP) when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instruments. The language impairment

may be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through grade 12, included in Part I of this ESE P&P under the Conducting Student Evaluations and Reevaluations section, and the additional observations conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parents or legal guardians, teachers, and, when appropriate, the student, must support the results of the observations conducted.

- d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

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

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
 - a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
 - b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
 - c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
 - a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected.
 - b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

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

- a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
- b. One or more documented and dated observation of the child's language skills conducted by the SLP in one or more settings, which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.
- c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a SLP to determine the nature and severity of the language deficits. If the SLP is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

- a. To ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:
 - i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified areas of concern and delivered by qualified personnel in general or ESE settings.
 - ii. Data-based documentation, which was provided to the student's parents or guardians, of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.
 - iii. Information gathered from the student's parents or legal guardians and teachers, and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.
 - iv. Documented and dated observations of the student's language skills conducted by the SLP in one or more settings.
 - v. One or more standardized norm-referenced instruments designed to measure language skills. The instruments must be administered and interpreted by a SLP to determine the nature and severity of the language deficits. If the SLP is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.
- b. With the exception of one additional observation conducted by the SLP when the language impairment is due to a deficit in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation

in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

1. Language services

- a. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a SLP.
- b. A SLP will be involved in the development of the individual educational plan for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
- c. Language therapy services will be provided by a certified SLP pursuant to Rule 6A-4.0176, F.A.C., or a licensed SLP pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
- d. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate

- a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed SLP with a master's degree or higher in speech-language pathology. Services under this rule can be provided for a period of three years, as described in s. 1012.44, F.S., in school districts that qualify for the sparsity supplement as described in s. 1011.62(7), F.S.
- b. The school district will submit a plan to the Florida Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
 - i. The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction;
 - ii. The rationale for using this model;
 - iii. The manner in which the associate will be required to demonstrate competency;
 - iv. The process for monitoring the quality of services;
 - v. The process for measuring student progress; and
 - vi. The manner in which the speech-language associate will meet the requirements of the annual school district professional development plan for instructional personnel.

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-1.09401, 6A-6.03014, 6A-6.0331, and 6A-6.03411, F.A.C.

Definitions

Visual impairment including blindness means any impairment in vision regardless of significance or severity that, even with correction, adversely affects the student's educational performance. The term includes both partial sight and blindness, including ocular, brain-based and neurological disorders.

Teacher of the visually impaired means an individual who is certified in the area of visually impaired in accordance with Rule 6A-4.0178, Florida Administrative Code (F.A.C.).

Student Evaluation

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

Eligibility determination. For a student who has, or who is suspected of having, a visual impairment, evaluation for eligibility must include a medical report and three assessments as described in paragraphs (3)(b)-(d), unless one or more of the assessments is waived as provided in paragraph (3)(e).

Medical report. A medical report must include a diagnosis or provide information about a student's visual impairment. This medical report must be provided by a licensed ophthalmologist, optometrist, or neurologist.

Functional vision assessment. A functional vision assessment considers the student's performance of daily tasks across a variety of natural environments to determine factors that influence visual access. This assessment must be conducted by a teacher of the visually impaired.

Learning media assessment. A learning media assessment considers and compares learning and literacy media in order to provide recommendations about which visual, tactual, and auditory learning media are appropriate for the student. These recommendations must consider the use of braille in accordance with the requirements of Rule 6A-6.03028(3)(g)8., F.A.C. This assessment must be conducted by a teacher of the visually impaired.

Orientation and mobility screening. The district must conduct an orientation and mobility screening. An orientation and mobility screening considers the travel needs and abilities of the student in a variety of environments. The screening must be conducted by a person who holds an orientation and mobility certification or endorsement.

Assessment Waiver

If one of the assessments described in paragraphs (3)(b)-(3)(d) provides sufficient information to determine that a student with a visual impairment is eligible for exceptional student education, the other assessments must be waived for the purpose of determining eligibility. However, if the assessments were waived because they were not necessary to determine eligibility, the assessments that were waived must be completed during the IEP process.

Once a student with a visual impairment is determined eligible for exceptional student education, the district must conduct the assessments and screening as described below.

- a. The district must conduct any assessment waived for the eligibility determination as provided in paragraph (3)(e).

- b. The district must conduct a special skills assessment. A special skills assessment evaluates skills aligned with content knowledge as described in Rule 6A-1.09401(1)(j), F.A.C. This assessment must be conducted by a teacher of the visually impaired.

Reevaluation

Reevaluation of students with visual impairment must comply with Rule 6A-6.0331(7), F.A.C., and, in addition, the reevaluation must include:

1. A medical report as referenced in paragraph (3)(a), unless a medical report is waived by the student's IEP team if the team finds that there is no suspected change in visual functioning, or if the team is provided a physician's written recommendation to waive the medical report for students with bilateral anophthalmia; and
2. An evaluation of skills known to be impacted by visual impairment as required for determining initial eligibility.

Supportive Services

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

- a. Critical Initiatives in Visual Impairment Project Florida State University (CIVI-FSU);
- b. Florida Division of Blind Services (DBS);
- c. Florida Division of Vocational Rehabilitation (VR);
- d. Florida Instructional Materials Center for the Visually Impaired (FIMC-VI);
- e. Florida Low Vision Initiative (FLVI); and
- f. Florida School for the Deaf and the Blind (FSDB).

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §300.34

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

Sections 1003.01 and 1003.57, F.S.

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

Definitions

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

Assessments

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

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service for the IEP, EP, or IFSP team shall:

1. Review assessments conducted by the related service provider and all other relevant data: and
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed occupational therapist shall provide input to assist the IEP, EP, or IFSP team when:
 - a. The educational need for occupational therapy as a related service is being determined, and
 - b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with Rule 6A-6.03024, F.A.C., a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
 - a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
 - b. The occupational therapy assistant is supervised by the licensed occupational therapist.
 - c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.
 - d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34

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

Sections 1003.01 and 1003.57, F.S.

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

Definitions

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

Assessments

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

Determination of Need for Physical Therapy

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

1. Review assessments conducted by the related service provider and all other relevant data; and
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.

Unique Philosophical, Curricular, or Instructional Considerations

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

plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

- d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

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

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

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

Definition

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

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

Procedures

1. Role of parents

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

- a. Providing critical information regarding the strengths of their student;
- b. Expressing their concerns for enhancing the education of their student so that their student can receive a freed appropriate public education (FAPE);
- c. Participating in discussions about the student's need for special education and related services;
- d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and school district assessments;
- e. Participating in the determination of what services the school district will provide to their student and in what setting;
- f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Industry Scholar designation in accordance with s. 1003.4285, F.S.
- g. For the IEP in effect at the beginning of the school year the student is expected to graduate, a signed statement by the parent or guardian of the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer the receipt of his or her standard high school diploma, must be included in the student's IEP.

2. Parent participation in IEP team meetings

The school district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the IEP. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

- a. To ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting the following must occur:
 - i. Parents are notified of the meeting early enough to ensure that they have an opportunity to attend.

- ii. The meeting is scheduled at a mutually agreed upon time and place.
- iii. A written notice to the parent indicates the purpose; time; location of the meeting; and who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child. Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA. Parents may also be accompanied by an adult of their choice at a meeting with school district personnel.
- iv. At the discretion of the parent of the school district, other individuals who have knowledge or special expertise regarding the student must also be included as part of the IEP team. Consistent with federal law, the determination of knowledge or special expertise must be made by the parent (parent of school district) who invites the individual to be a member of the IEP team.
- v. Decisions as to which teachers or special education providers are members of the IEP team are made by the school district, based on the needs of the student.
- vi. The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education (ESE) center, the school must provide the notice to the parent at least 10 days prior to the meeting.

- b. No later than the first IEP to be in effect when the student attains the age of 12 or seventh grade, whichever occurs first (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the school district will invite the student.
- c. The provision of information must be given to the student and the parents about the following resources:
 - i. The school district's high school-level transition services, career and technical education, and collegiate programs available to students with disabilities and how to access them;
 - ii. School-based transition programs; and
 - iii. Programs and services available through the Florida Center for Students with Unique Abilities, the Florida Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services.
- d. Not later than the first IEP to be in effect when the student turns 14 or enters high school (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be the consideration of postsecondary and career goals and transition services for the student, which must be operational and in place to begin implementation no later than the first day of the student's first year of high school, and that the school district will invite the student and identify any other agency that will be invited to send a representative to the meeting.
- e. If neither parent can attend, the school district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.
- f. A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parent. In this case, the school district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- i. Detailed records of telephone calls made or attempted, and the results of those calls;
 - ii. Copies of correspondence sent to the parents and any responses received; and
 - iii. Detailed records of visits made to the parents' home or place of employment, and the results of those visits.
- g. The school district takes whatever action is necessary to ensure that the parents, and the student when the student is the age 12 or in grade 7, whichever occurs first, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.
- h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.
- i. The school district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

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

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

be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

- i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services.
- j. The school district will determine the specific personnel to fill the roles.

4. IEP team member excusal

- a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.
- b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.
- c. The school district has designated the following individuals, by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individuals, by title or position, who have been granted this authority.

LEA or the LEA Designee

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

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

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

6. IEP timelines

Timelines for IEPs include the following:

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

7. Considerations in IEP development, review, and revision

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

- a. Strengths of the student and concerns of the parents for enhancing the education of their child.

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

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

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions:

1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year

services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills
b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior.

2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill?
3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services?
4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services?

The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April 1st deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress. IEP teams must also review available data following extenuating circumstance which result in school building closures and a shift to distance learning when making ESY determinations for students. The IEP teams may consider this information and determine that ESY is required. The district support team will assist school-based teams in identifying any students impacted and guide on documenting in the IEP and/or a separate form to ensure that families have been clearly notified of any supports and services offered for the student to recoup what was lost as a result of the closure.

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

During monthly ESE Specialist meetings district personnel provides training covering the ESY decision-making process to all school LEAs. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from the school's assigned district support team. The district office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the district support team assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. Extenuating circumstances resulting in school building closures will be addressed by the district through an Extended School Year offering to students.

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

8. Prior Written Notice

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

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

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

translated orally or by other means to the parents in the native language or other mode of communication used by the parents and must include the following:

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

9. Content of the IEP

Each IEP must include the following:

- a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.
- b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum or for prekindergarten children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.
- c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.
- d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.
- e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general education curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and without disabilities in compliance with state and federal law. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)
- f. An explanation of the extent, if any, to which the student will not participate with students without disabilities in the regular class or in the activities described above.
- g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or school district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate school district assessment of student achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or school district assessments and, if applicable why the particular school district alternate assessment selected is appropriate for the student. If

a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or an exemption due to medical complexity in accordance with s. 1008.22(12), F.S., the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

- h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.
- i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as using quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.
- j. A statement to identify any Career and Professional Education (CAPE) digital tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

10. Transitional needs addressed within IEP

- a. During the student's seventh grade year or when a student attains the age of 12, whichever occurs first, IEP teams must begin the process of identifying the need for transition services of students with disabilities before the student enters high school or attains the age of 14, whichever comes first, in order to have identified postsecondary and career goals. The plan must be operational and in place to begin implementation on the first day of the student's first year in high school. This process must include, but is not limited to, the following:
 - i. Consideration of the student's need for instruction or the provision of information in self-determination and self-advocacy to assist the student to be able to participate in IEP team meetings actively and effectively.
 - ii. Preparation for the student to graduate from high school with a standard high school diploma pursuant to s. 1003.4282, F.S., with a Scholar designation unless the parent chooses an Industry Scholar designation.
 - iii. Provision of the information to the student and his or her parent of the school district's high school-level transition services, career and technical education, and collegiate programs available to students with disabilities and how to access such programs. Information shall also be provided on school-based transition programs and programs and services available through Florida's Center for Students with Unique Abilities, the Florida Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services. Referral forms, links, and technical support contacts for these services must be provided to students and parents at IEP team meetings.
- b. Beginning not later than the first IEP to be in effect when the student enters high school, attains the age of 14, or when determined appropriate by the parent and the IEP team, whichever occurs first, the IEP must include the following statements that must be updated annually:
 - i. A statement of intent to receive a standard high school diploma and a Scholar or Industry Scholar designation, as determined by the parent.
 - ii. A statement that documents discussion of the process for a student with a disability who meets the requirements for a standard high school diploma to defer the receipt of such diploma.
 - iii. The IEP in effect at the beginning of the school year the student is expected to graduate, must include a signed statement by the parent, the guardian of the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer the receipt of diploma.
 - iv. A statement of intent to receive a standard high-school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. The IEP must also specify the outcomes and the

additional benefits expected by the parent and the IEP team at the time of the student's graduation.

- v. A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
 - vi. Any change in the IEP for goals specified above must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572, F.S.
 - vii. If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.
- c. Beginning at least one year before the student's 18th birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.
 - d. Beginning with the 2015-2016 school year, a statement identifying CAPE digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.
 - e. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law, a school district must provide the student with a summary of the student's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

11. Requirements for a Standard Diploma

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

12. High School Graduation Requirements for Students with Disabilities

a. General requirements.

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

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

- i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general education curriculum.
- ii. Alternate Assessment. In accordance with s. 1008.22(3)(d), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities to measure performance on the access points.

- iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(8)(b)2.d., F.S. This plan is separate from the IEP.
 - iv. Eligible Career and Technical Education (CTE) courses. Eligible CTE courses include any ESE or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCs must be developed for students in conjunction with their IEP and must be documented on the IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.
- c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general education curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
- i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may
 - ii. Substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
 - iii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.
 - iv. A score of at least 4 on the Florida Standards Alternate Assessment in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the end-of-course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(d), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.
 - v. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.
- d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible

courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

- i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(e), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
 - ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as specified in s. 1003.4282(8)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.
 - iii. Documented achievement of all components defined in s. 1003.4282(8)(b)2.b., F.S., on the student's employment transition plan.
- e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(d), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.
- f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(8)(c), F.S.
 - i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.
 1. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.
 2. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a FAPE. This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.
 3. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the school district's management information system. Improper coding in the school district database will not constitute failure to defer.
 - ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until his or her 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

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

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

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

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

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

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

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

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

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

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

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

The district completed the BPIE.

What is the date the BPIE was completed.

February 9, 2022

Upload the Plan for Inclusive Education: Short- and Long-Term Improvement Efforts document in Appendix F.

Upload the District's Best Practices for Inclusive Education Assessment document (District's BPIE Indicator Rating Tally Sheet) in Appendix F.

What is the anticipated date for the triennial BPIE assessment, if known?

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2025.

- b. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c. A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another district to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their nondisabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services, and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. If it is determined that the goals cannot be met in the regular education setting, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community-based instruction classes. The delivery of services via consultation or collaboration should follow according to the state's definition. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non-disabled peers according to IDEA: Regular Class (more than 80% with non-ESE), Resource Room (More than 40% but less than or equal to 80% with non-ESE), Separate Class (less than or equal to 40% with non-ESE), Special Day School/Exceptional Education Center, and Other Separate Environment (Separate Private School, Residential Facility, Department of Juvenile Justice, or Hospital Homebound Program).

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

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- d. In determining the educational placement of a student with a disability, including a prekindergarten child with a disability, each school district must ensure that:

- i. The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
 - ii. The placement decision is made in accordance with the LRE provisions listed above.
 - iii. The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
 - iv. Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if without disabilities.
 - v. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
 - vi. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
- e. In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are without disabilities to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

15. Review and revision of the IEP

The school district ensures that the IEP team:

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

16. Changes to the IEP

Changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the school district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided with a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule

6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

- a. Changes to the postsecondary or career goals; and,
- b. Changes in the selected graduation option specified in the student's IEP and any waiver of statewide, standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(d), F.S.

17. Students with disabilities in adult prisons

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

18. IEP implementation and accountability

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

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

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

20. Access to instructional materials

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

21. Physical education

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

22. Treatment of charter school students

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

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

23. Program options

The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to students without disabilities in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

Statutory and Regulatory Citations

34 CFR §§300.530–300.537

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

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

Definitions

1. Change of placement because of disciplinary removals

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

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

2. Controlled substance

A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. Student with disabilities whose behavior impedes their learning or the learning of others

For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The district provides advertised training on positive behavioral interventions and supports including: Positive Behavioral Interventions and Supports, Classroom Behavior Strategies and Functional Behavioral Assessment/Behavior Intervention Plan (FBA/BIP). Overview or refresher sessions for these trainings are also available throughout the school year and upon request. Additional trainings include eligibility specific training, Behaviors Impacted by Autism, and De-escalation Strategies. District ESE staff recommend and provide specific training to school-based staff based on a monthly analysis of behavior and discipline data.

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

Behavior is addressed throughout the Present Levels of Performance within the IEP when behavior is impeding the learning environment. The school-based IEP team along with the parent develops goals and objectives as appropriate to explicitly teach the student necessary skills to replace the problematic behavior with positive behavior. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment (FBA) and subsequent Behavior Intervention Plan (BIP), which is noted in the student's IEP. As part of the FBA process, the IEP team works collaboratively to define the target behavior(s). The school team administers both indirect and direct assessments to collect data on the student's target behaviors and better understand the function of those behaviors. The results of the FBA are used to develop and implement an appropriate BIP for the student while the team concurrently collects data on the same target behavior(s) to monitor the student's progress.

2. Authority of school personnel

Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

- a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days
- b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE staff are required to monitor suspension and expulsion data for all schools on a monthly basis. District ESE staff monitor patterns in the discipline data for our SWD subgroup including students approaching 10 cumulative days of external suspension or students showing a pattern of removals that constitute a change of placement. Data is reviewed and analyzed on a monthly basis serving as an early warning system, which allows district staff to be proactive in alerting schools to specific action steps that need to be taken for specific students prior to exceeding their 10th day of external suspension. Actions may include reviewing a current FBA, revising a current BIP, determining that a new or initial FBA needs to be conducted in order to develop an appropriate BIP and when needed, that a MDR must be conducted.

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

A pattern of removal occurs when a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year. Additionally, District ESE assigned staff are required to monitor suspension data and to assist schools with determining patterns of removal such as when: a student's behavior was substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/BIP must be reviewed and revised as needed. If an FBA/BIP is not in place, an FBA must be conducted and a BIP must be developed.

3. Manifestation determination

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

- a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
 - i. Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
 - ii. Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP
- b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.
- c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
 - i. Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
 - ii. If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
 - iii. Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.
- d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.
- e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

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

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist, and relevant members of the IEP team.

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

The review is conducted by the district, the parent, and relevant members of the IEP Team, as determined by the parent and the school district. In accordance with section 1002.20(21)(a), F.S., meetings with school district personnel, parents of public-school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting.

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

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a BIP is developed according to the reevaluation timeline. If there is an existing BIP, it is to be reviewed and revised as needed.

Describe the school district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs to include who provides the training and frequency.

Every school is expected to have a team trained in conducting FBAs and developing and implementing BIPs. The District provides comprehensive FBA/BIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/BIP trainings are available throughout the school year.

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

A MDR must be conducted when a student commits an expellable offence including special circumstances cases, if a student is suspended without FAPE beyond 10 cumulative days and when there is a pattern of removal. The legally required IEP team members including the parent and the appropriate evaluation specialist, typically the school psychologist, review pertinent information. This includes but is not limited to the IEP, FBA, BIP, Psychological Reports and other evaluations, and relevant data. Based on the review, it may be determined that changes need to be made to the IEP or BIP or that a new or initial FBA is needed in order to develop an appropriate BIP. These changes may lead to an increase in the levels of support considered and provided.

If it is determined that the behavior is not a manifestation of the student's disability, services are implemented based upon the student's IEP in order to provide FAPE.

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

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the district by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited. Upon notice, a resolution meeting will occur within 7 calendar days, unless waived by both parties in writing or both parties agree to use mediation instead. If the dispute is not resolved within 15 calendar days, the hearing timeline proceeds. The hearing, in expedited cases, must be held within 20 school days of the expedited hearing request being filed. The hearing officer must issue a decision within 10 school days of the date of the hearing.

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

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

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

- a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to students without disabilities who are similarly removed.
- b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
- c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
- d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

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

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense may be placed at an IAES with FAPE. Our designated IAES sites provide ESE services comparable to what our students would receive in their current educational placement to ensure the student a FAPE during the time that the student attends the IAES.

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

Staff members who provide direct and/or related services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff in the district. Additionally, district ESE Staff assigned to the IAES to provide technical assistance and staff development. Trainings are delivered by district ESE staff either in person or remotely to accommodate the schedule and preferences of those service provider. They are tailored to meet the needs of each individual staff member based on their specific roles and responsibilities in servicing the student as defined by the IEP. The content of trainings will include identification and use of proactive strategies, reinforcement systems, and evidence based behavioral interventions that are most effective in preventing and reducing problem behavior.

6. Special circumstances and IAES

- a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
 - i. Carries a weapon to or possesses a weapon at school, on school premises, or to a

school function under the jurisdiction of a state educational agency (SEA) or a school district;

- ii. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
 - iii. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
- b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a Code of Student Conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

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

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

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

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings

- a. An expedited hearing may be requested by:
 - i. The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.; and
 - ii. The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
- b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
- c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Florida Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:
 - i. A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing; and
 - ii. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing.

- d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

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

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an ALJ

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

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

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

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

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

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

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

a. Basis of knowledge

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

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

b. Exception

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

- i. The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- ii. The parent of the student has refused to provide consent for initial provision of special education and related service;

- iii. The parent of the student revoked consent for the student to receive special education and related services; or
 - iv. The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.
- c. Conditions that apply if no basis of knowledge
 - i. If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a student without a disability who engages in comparable behaviors.
 - ii. If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Reporting a crime

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

12. Student records in disciplinary procedures

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

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

Schools utilize the district approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the district. School administration utilizes a district wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The district complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of students without disabilities.

- a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.
- b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

Statutory and Regulatory Citations

34 CFR §300.8

Chapters 458 and 459, F.S.

Sections 1003.01, 1003.428, 1003.4282, 1003.43, 1003.433, 1007.02, 1008.212, 1008.22, 1008.25 and 1011.62, F.S.

Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03018, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff and assesses the achievement level and learning gains of each student in English Language Arts (ELA), mathematics and all other subjects assessed.

2. Student participation

- a. Each student with a disability has the opportunity to participate in the statewide, standardized assessment program and any districtwide assessment of student achievement with allowable accommodations, if determined appropriate by the individual educational plan (IEP) team and recorded on the student's IEP.
- b. Accommodations identified for testing situations are those identified in the test administration manual and regularly used by the student in the classroom.
- c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide, standardized assessments and acknowledge, in writing, the implications of such accommodations.
- d. Eligible students may receive paper-based accommodations (regular-print, large-print, one-item-per-page, braille). Students must have an IEP or Section 504 Plan that clearly indicates the reason that the computer-based test is not currently accessible or appropriate for the student. Documentation should include: 1. Whether or not the student is currently able to use a computer or mobile device to engage in instruction/assessments; 2. Accommodations/assistive technology the student needs when using a computer or mobile device; 3. Training and services the student needs to successfully use a computer or mobile device in instruction/assessments; and 4. The type of media/accommodations (e.g., paper, braille) that are necessary if it is determined that the student cannot use a computer or mobile device for the foreseeable future.
- e. Unique accommodations are specialized accommodations that require alterations to existing test materials, presentation, or administration guidelines. Requests may be submitted for such accommodations that are outside of the scope of currently available test materials and/or established test administration procedures. A unique accommodation must be documented on an IEP or Section 504 Plan, must be used regularly by the student in the classroom, and must not negate the validity of the assessment.
- f. For students with the most significant cognitive disabilities, the Florida Department of Education shall provide for the implementation of the Florida Alternate Assessment to accurately measure the core curricular content established in the state academic standards.
- g. Students who are identified solely as gifted are not eligible for statewide, standardized assessment accommodations.

3. Allowable accommodations

Allowable and appropriate accommodations for K-2 statewide, standardized progress monitoring assessments are included in the FAST K-2 Renaissance Star Assessments Administration Manual and the K-2 Progress Monitoring Statewide Assessments Accommodations Guide. These resources can be found at <https://flfast.org/testing-resources-K2-tech-coord.html>.

Allowable and appropriate accommodations for grades 3-10 statewide, standardized progress monitoring assessments are included in the Test Administrator User Guide and the Statewide Assessments Accommodations Guide. These resources can be found at <https://flfast.org/coordinators.html#region03>

Associated Resources for preparing, administering, and reviewing data of the statewide, standardized progress monitoring assessments published by the Florida Department of Education's (FDOE) Office of Assessment can be found at <https://flfast.org/coordinators.html>.

4. Waiver of assessment requirements

A student with a disability, as defined in s. 1007.02, F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment **results** waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

- a. "Circumstance" means a situation in which accommodations allowable for use on the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program, which lead to results that reflect the student's impaired sensory, manual, or speaking skills, rather than the student's achievement of the benchmarks assessed by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment.
- b. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment.
- c. "Medical complexity" – Pursuant to s. 1008.22(12), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.
- d. "Parent" – Pursuant to Rule 6A-6.03411(1)(bb), F.A.C., parent means:
 - i. A biological or adoptive parent of a student;
 - ii. A foster parent;
 - iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the State);

- iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or
 - v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- 2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.
- 3. The IEP team, which must include the parent, may submit to the school district superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
 - a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills;
 - b. Written documentation of the most recent evaluation data;
 - c. Written documentation, if available, of the most recent administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment;
 - d. A written description of the condition's effect on the student's participation in the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment;
 - e. Written evidence that the student has had the opportunity to learn the skills being tested;
 - f. Written evidence that the student has been provided appropriate instructional accommodations;
 - g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP that are allowable in the administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments;
 - h. Written evidence of the circumstance or condition as defined in Rule 6A-1.0943(1), F.A.C.; and
 - i. The name, address, and phone number of the student's parent.
- 4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in Rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
- 5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the FDOE shall inform the parent of any no-cost or low-cost legal services and other relevant services available in the area. The FDOE shall arrange a hearing with the Division of Administrative Hearings (DOAH), which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at DOAH shall make a determination within 10 school

days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the Department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., a child with a medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA) – Performance Task and the FAA – Datafolio, pursuant to the following provisions.

1. *Definition.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.
2. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options:
 - a. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including those in the FAA program. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner beginning June 1, 2015, and each June 1 thereafter:
 - i. The total number of students for whom a one-year exemption has been granted by the superintendent; and
 - ii. For each student receiving an exemption, the student's name, grade level, and the specific statewide, standardized assessments from which the student was exempted.
 - b. One-, two-, or three-year or permanent exemption approved by the commissioner as described in s. 1008.22(12), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner no later than 30 calendar days before the first day of the administration window of the statewide, standardized assessment for which the request is made:
 - i. The student's name, grade level, and the statewide, standardized assessment for which the exemption request is made;
 - ii. The name, address, and phone number of the student's parent;
 - iii. Documentation of parental consent for the exemption;
 - iv. Documentation of the superintendent's approval of the exemption;
 - v. Documentation that the IEP team considered and determined that the student meets the definition of a child with medical complexity as defined in s.1008.22(12), F.S.; and
 - vi. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.
 - c. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Academic Achievement Standards (AA-AAAS)

1. Students with the most significant cognitive disabilities, for whom the statewide, standardized assessment—even with allowable accommodations—is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAAS.

2. Eligibility requirements

The decision that a student with a most significant cognitive disability will participate in the statewide alternate assessment program as defined in s. 1008.22(3)(d), F.S., and Rule 6A-1.0943(5)(a), F.A.C., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the FAA program, in accordance with s. 1003.5715, F.S., and Rule 6A-6.0331(10)(b), F.A.C., must be followed. The following criteria must be met:

- a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials, the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and
- b. The student requires direct instruction in academic areas of English language arts (ELA), math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. Eligibility areas excluded

Per Rule 6A-6.03018, F.A.C., and 34 CFR §300.8(c)(10)(ii), students with a primary exceptionality of a specific learning disability (SLD) cannot include students with learning problems that are primarily the result of an intellectual disability. Per s. 1008.22, F.S., and Rule 6A-1.0943 F.A.C., only students with a most significant cognitive impairment are eligible to participate in the FAA program. Therefore, students with a primary disability category of SLD must not participate in the FAA program and subsequently should not be enrolled in access courses that align to the FAA program.

4. School district and IEP team requirements

If it is determined by the IEP team using the "Checklist for Course and Assessment Participation" that the student will participate in the statewide assessment through the AA-AAAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAAS is appropriate. The IEP also must indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The "Checklist for Course and Assessment Participation" may be accessed at <https://faa.fsassessments.org/-/media/project/client-portals/florida-alt/2023-2024-faa/manuals-and-guides/checklist-for-course-and-assessment-participation.pdf>.

5. Administration of the AA-AAAS

The assessment will be administered individually by the student's exceptional student education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAAS must be trained in administration procedures and receive annual update training.

6. Additional Information Required

An alternate assessment is required for any districtwide assessment of academic student achievement that is not administered to students on alternate achievement standards.

The school district administers districtwide assessments of student achievement.

- ☒ Yes
☐ No

If yes, include the name of each districtwide assessment and whether the assessment is administered to students on alternate achievement standards. If the districtwide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your school district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade-level alternate achievement standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used, and how the school district ensures that all teachers are collecting the same information and scoring the data the same way.)

- iReady Diagnostic Administration (administered to alternate achievement standards when appropriate)
- Florida Kindergarten Readiness Screener (FLKRS– STAR Early Literacy) (administered to alternate achievement standards when appropriate)
- Primary Reading End–Of–Year Assessment, Grades 1 and 2 (administered to alternate achievement standards when appropriate)
- Broward Standards Assessment (BSA) (for students on standards; teacher-created Access Points Formative assessments are provided for those on alternative assessments)
- Brigance – Comprehensive Inventory of Basic Skills (for all students instructed on alternate achievement standards)

Parental Consent Documentation

In accordance with s. 1003.5715, F.S., and Rule 6A-6.0331(10), F.A.C., the school district may not proceed with a student's instruction in access points and the administration of an alternate assessment without written and informed parental consent unless the school district documents reasonable efforts to obtain parental consent and the student's parent has failed to respond or the school district obtains approval through a due process hearing. The school district shall obtain written parental consent for the actions described above on the Parental Consent Form – Instruction in Access Points – Alternate Academic Achievement Standards (AP-AAAS) and Administration for the Statewide, Standardized Alternative Assessment, Form 313181 <https://www.flrules.org/Gateway/reference.asp?No=Ref-14585>.

The school district certifies that it either obtains prior parental consent or due process approval for every student participating in the FAA program. If prior parental consent is not obtained, the school district certifies that it has documentation of reasonable efforts to obtain that approval and consent, or a final order from the DOAH.

- ☒ Yes
☐ No

Percentage of Students on Alternate Assessment

The Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (which can be found at <https://www.ed.gov/essa>) limits the percentage of students that a state may assess with an AA-AAAS to no more than 1 percent of all assessed students in the grades assessed in a state for each subject.

While there is a limit on the percentage of students statewide who may participate in the AA-AAAS, there is no such limit among school districts; however, 34 CFR §200.6(c)(3)(ii) and (iv) require that a school district submit information justifying the need to assess more than one percent of its students in any subject with an AA-AAAS. The state must make that information publicly available, provided that such information does not reveal personally identifiable information about an individual student.

It is understood that districts have unique circumstances that may contribute to a higher number of students who are in access courses and participating in the FAA program. The purpose of this justification is to ensure that school districts are cognizant of their current processes and procedures to ensure that an IEP team decision to place a student in access courses is in alignment with state requirements and is the most appropriate academic decision for the student.

What is your school district's 2022-23 participation percentage in FAA in the following areas?

Reading

1.2%

Mathematics

1.0%

Science

0.9%

Is the school district over 1% in any area?

- ☒ Yes
☐ No

The criteria for the following statement is outlined in s. 1008.22(3)(d), F.S., and Rule 6A-1.0943, F.A.C., and on the Checklist for Course and Assessment Participation, which can be found at <https://faa.fsassessments.org/-/media/project/client-portals/florida-alt/2023-2024-faa/manuals-and-guides/checklist-for-course-and-assessment-participation.pdf>, for use in determining student eligibility for participation in the FAA program.

If the school district is over the one percent in any area, please provide a description of how the school district is ensuring that IEP teams are adhering to the criteria (see above.)

1. Implement training schedule for ESE Specialists on Assessment Planning topics ("Checklist for Course and Assessment Participation", definition of significant cognitive disability, present levels of performance and goals development, and progress monitoring)
2. Implement training schedule for school-based Information Management Technicians (IMT's) in course code scheduling.
3. Conduct bi-annual self-assessments of students who are administered an alternate assessment to ensure processes and procedures were followed by IEP teams in making decisions to make a student eligible to take an alternate assessment and receive instruction in access courses.

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

The students with disabilities enrollment is increasing in Broward County Public Schools while the overall student enrollment for non-disabled students has decreased. This shift has contributed to the increase in students taking the Florida Alternate Assessment (FAA) and the total percentage of alternate assessment takers when compared to those taking Florida Assessment of Student Thinking (FAST). In 2024, there were 39,879 students with disabilities enrolled in Broward County from the 252,015 total students enrolled. Broward County Public Schools has two separate day schools who service students with severe cognitive disabilities in order to meet the needs of our most complex learners.

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

ELA American Indian or Alaskan Native

1.949

ELA Black, non-Hispanic

1.558

ELA Hispanic

0.793

ELA Asian or Pacific Islander

Asian – 0.716 Pacific Islander – 0.607

ELA White, non-Hispanic

0.677

ELA Economically Disadvantaged

1.213

ELA English Language Learner

0.494

Math American Indian or Alaskan Native

1.860

Math Black, non-Hispanic

1.556

Math Hispanic

0.777

Math Asian or Pacific Islander

Asian – 0.842 Pacific Islander – 0.416

Math White, non-Hispanic

0.647

Math Economically Disadvantaged

1.224

Math English Language Learner

0.537

Science American Indian or Alaskan Native

3.841

Science Black, non-Hispanic

1.516

Science Hispanic

0.833

Science Asian or Pacific Islander

Asian - 0.822

Science White, non-Hispanic

0.595

Science Economically Disadvantaged

1.265

Science English Language Learner

0.496

Social Studies American Indian or Alaskan Native

No social studies data provided in our 1% data
--

Social Studies Black, non-Hispanic

No social studies data provided in our 1% data
--

Social Studies Hispanic

No social studies data provided in our 1% data
--

Social Studies Asian or Pacific Islander

No social studies data provided in our 1% data
--

Social Studies White, non-Hispanic

No social studies data provided in our 1% data
--

Social Studies Economically Disadvantaged

No social studies data provided in our 1% data
--

Social Studies English Language Learner

No social studies data provided in our 1% data
--

If an identified risk ratio is 3 or above in any area, describe the school district's plan to address this disproportionality. This could include examining practices, such as the training and technical assistance provided to personnel on culturally responsive practices; working within a multi-tiered system of supports (MTSS) to promote best practices in screening; progress monitoring; and initial eligibility determination. School districts may also refer to their efforts to decrease disproportionality in evaluation, identification, and discipline if similar efforts are made in that area.

N/A

Rule 6A-1.0943, F.A.C., Statewide Assessment for Students with Disabilities
District-Specific Procedures

These are the criteria required for participation in the statewide, standardized alternate assessment as per Rule 6A-1.0943(5), F.A.C.:

Section A: The decision that a student with a significant cognitive disability will participate in the statewide, standardized alternate assessment as defined in Rule 6A-1.0943(5)(a), F.A.C., must be made by the IEP team and recorded on the IEP.

If the definition of “most significant cognitive disability” is not met according to the criteria set in Rule 6A-1.0943(1)(f)1., F.A.C., then complete Section E of this document, which satisfies Rule 6A-1.0943(1)(f)2., F.A.C.

Section B: The provisions regarding parental consent for participation in the statewide, standardized alternate assessment found in Rule 6A-6.0331(10), F.A.C., must be followed.

Section C: In order for a student to participate in the statewide, standardized alternate assessment, all of the following criteria must be met:

1. The student must receive exceptional student education (ESE) services as identified through a current IEP and be enrolled in the appropriate and aligned courses using alternate achievement standards for two consecutive full-time equivalent reporting periods prior to the assessment;

Evidence of criteria will be provided through the student’s current IEP and student schedule.

2. The student must be receiving specially designed instruction, which provides unique instruction and intervention support that is determined, designed and delivered through a team approach, ensuring access to core instruction through the adaptation of content, methodology or delivery of instruction and exhibits very limited to no progress in the general education curriculum standards;

Evidence of criteria will be provided through MTSS or response-to-intervention (RtI) documentation.

3. The student must be receiving support through systematic, explicit and interactive small-group instruction focused on foundational skills in addition to instruction in the general education curriculum standards;

Evidence of criteria will be provided through MTSS or RtI documentation.

4. Even after documented evidence of exhausting all appropriate and allowable instructional accommodations, the student requires modifications to the general education curriculum standards;

Evidence of criteria will be provided with _____ (the required IEP and school district documentation of services provided—accommodation logs, accommodation logs compared to classroom performance).

5. Even after documented evidence of accessing a variety of supplementary instructional materials, the student requires modifications to the general education curriculum standards;

Evidence of criteria will be provided with _____ (the required IEP and school district documentation of the provision of supplementary instructional materials—may be a summary from teacher, speech-language pathologist (SLP) or other service providers).

6. Even with documented evidence of the provision and use of assistive technology, the student requires modifications to the general education curriculum standards;

Evidence of criteria will be provided with _____ (the required IEP and school district documentation of the provision assistive technology services provided).

7. Even with direct instruction in all core academic areas (i.e., ELA, mathematics, social studies and science), the student is exhibiting limited or no progress on the general education curriculum standards, and requires modifications;

Evidence of criteria will be provided with _____ (the required IEP and school district documentation of the provision of supplementary instructional materials—may be a summary from teacher, SLP or other service providers).

8. Unless the student is a transfer student, the student must have been available and present for grade-level general education curriculum standards instruction for at least 70 percent of the school year prior to the assessment;

Evidence of criteria will be provided through the student's attendance report.

9. Unless the student is a transfer student, the student must have been instructed by a certified teacher for at least 80 percent of the school year prior to the assessment; and

Evidence of criteria will be provided through the teacher's certificate and teacher's attendance record.

10. The assessment instrument used to measure the student's global level of cognitive functioning was selected to limit the adverse impact of already-identified limitations and impairments (e.g., language acquisition, mode of communication, culture, hearing, vision, orthopedic functioning, hypersensitivities and distractibility).

Evidence of criteria will be provided through available evaluations, medical reports or screeners provided in the past.

11. The student has a most significant cognitive disability.

Section D: A student is not eligible to participate in the statewide, standardized alternate assessment if any of the following apply:

1. The student is identified as a student with a specific learning disability or as gifted;

Evidence of criteria will be provided through IEP and applicable evaluation results.

2. The student is identified only as a student eligible for services as a student who is deaf or hard of hearing or has a visual impairment, a dual sensory impairment, an emotional or behavioral disability, a language impairment, a speech impairment, or an orthopedic impairment; or

Evidence of criteria will be provided through IEP and applicable data.

3. The student scored a level 2 or above on a previous statewide, general education curriculum standardized assessment administered pursuant to Section 1008.22(3)(e), F.S., unless there is medical documentation that the student experienced a traumatic brain injury or other health-related complications subsequent to the administration of that assessment that led to the student having the most significantly below-average global cognitive impairment.

Evidence of criteria will be provided through statewide standard assessment results, if applicable.

Section E: In the extraordinary circumstance when a global, full-scale intelligent quotient score is unattainable, a school district will comply as follows:

More specifically, in the event when a student cannot be directly assessed, the student who has a suspected most significant cognitive disability for whom assessment via the FAA may be appropriate as defined in Rule 6A-1.0943(1)(f)1., F.A.C., will be identified through the following detailed procedure:

List the factors the school district will use to determine that a direct assessment of cognitive functioning is not achievable.

The school psychologist will determine that a direct assessment of cognitive functioning is not achievable if:

- a. The student's behavior interfered with the completion of the standardized assessment, despite multiple attempts that utilized different response options & behavioral techniques to increase compliance and/or
- b. The student did not appear to understand task directions, despite multiple attempts that utilized different response options, evidenced by the student's inability to complete practice and/or basal items or their inability to demonstrate the necessary skills to complete tasks (e.g., deliberative pointing)
- c. Cognitive assessment was unsuccessfully attempted due to the nature of the student's sensory and/or motor deficits.

Describe the assessment process the school district will use to determine if a student has a most significant cognitive disability in the absence of reliable assessment of cognitive functioning.

The evaluation specialist will conduct additional assessments to determine if the student's learning profile is consistent with a student who has a significant cognitive disability. Additional assessments may include, but are not limited to:

- Interviews with parents and teachers to obtain qualitative/anecdotal information
- Other qualitative assessments (e.g., partial cognitive scores, academic achievement, etc.) using materials/techniques to understand the student's abilities
- Standardized parent/teacher rating scales to assess the student's areas of development (e.g., cognitive, adaptive, social-emotional, communication, physical/motor [fine/gross]).
- Behavioral observations
- A review of the student's educational records to include any previously conducted psychological and/or medical evaluations

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

The District will train school psychologists and key school-based staff on the procedures listed above. Additionally, school psychologists and key school-based staff will be trained on the revised Technical Assistance Paper: Parental Consent and the new Initial Decision-Making Data Review Guide for Students with Disabilities Instruction on Access Points and Florida Standards Alternate Assessment Consideration. School-based teams are required to complete and submit the Initial Decision-Making Data Review Guide for district review.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities



This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101

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

Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
 - a. Deaf or hard of hearing
 - b. Visually impaired
 - c. Orthopedically impaired, other health impairment, or traumatic brain injury
 - d. Intellectual disabilities
 - e. Established conditions
 - f. Developmentally delayed
 - g. Dual-sensory impaired
 - h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
 - a. Intellectual disabilities
 - b. Speech and language impaired
 - c. Deaf or hard of hearing
 - d. Visually impaired
 - e. Orthopedically impaired, other health impairment, or traumatic brain injury
 - f. Emotional or behavioral disabilities
 - g. Specific learning disabilities
 - h. Homebound or hospitalized
 - i. Dual-sensory impaired
 - j. Autism Spectrum Disorder
 - k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

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

Instructional Program

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

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

Transition from Early Steps Part C Services to Part B Services

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

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

With parental consent, the CDTC/Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age (30 months). The CDTC/Early Steps Service Coordinator sends the transition packets to the Local Education Agency (LEA) Transition Representative. The LEA representative receives Early Steps transition packets and tracks status of each packet for completeness. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no earlier than two years, three months (27 months) and no later than two years, nine months (33 months) of age. The LEA representative attends a transition meeting and participates in the development of the child's transition plan. The LEA Transition Representative or an alternate LEA Transition Representative (District Program Specialist) works beyond contract each summer to ensure that transition meetings can be held throughout the summer break. The school district's Exceptional Student Education (ESE) Prekindergarten (PreK) assessment team reviews each child's transition packet, including prior assessment data, to determine the child's need for further evaluations. If the child has been evaluated by Early Steps within 6 months prior to the transition meeting and the only suspected disability is Developmental Delay, the Early Steps evaluation can be used to determine eligibility without further assessment. All other cases that transition on time (90 days or more before the child's 3rd birthday) will be scheduled for an evaluation with the PreK Assessment Team 2-8 weeks prior to the child's 3rd birthday to gather additional assessment data to determine the child's need for special education services as defined by State Board Rules for Part B services. The assessment team who completes the evaluation gathers information on functional skills based on observation, evaluation data, and parent input. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed on or before the child's 3rd birthday and implemented once the child turns 3. The COS is finalized following the creation of the IEP at the IEP meeting held with the LEA representative, the assessment team, and the parent. Children who transition less than 90 days before their 3rd birthday are scheduled for an evaluation as soon as possible but may be after the 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
 - a. The PreK program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
 - b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.

- c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
- d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

- a. Curriculum content, materials, and activities are consistent with the district's program philosophy.
 - i. For PreK children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards (FELDS) are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
 - ii. The FELDS are used to help create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
 - iii. For children birth to the age of eligibility for the Voluntary Prekindergarten program, FELDS may be used to guide the selection of curriculum, materials, and equipment.
- b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

- a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.
- b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.
- c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction that is aligned with the FELDS instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.
- d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

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



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



There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan (IFSP) for Students with Disabilities Birth Through 5 Years of Age

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through 2 Years

Statutory and Regulatory Citations

34 CFR §303.340

Sections 1003.03, 1003.21, and 1003.57, F.S.

Rules 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, birth through 2 years of age, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children birth through 2 years of age.

Procedures

1. Content of an IFSP

The IFSP is in writing and includes:

- a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment;
- b. With concurrence of the family, a statement of the family's resources, priorities and concerns related to enhancing the development of the child as identified through the assessment of the family;
- c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;
- d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable;
- e. A statement of the natural environments in which early intervention services and a justification of the extent, if any, to which the services will not be provided in a natural environment;
- f. A statement of the strategies needed in order to meet the child's and family's outcomes;
- g. The projected dates for initiation of services;
- h. The IFSP must:
 - i. Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under the Individuals with Disabilities Education Act, Part C, and
 - ii. Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided;

- i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of services identified on the plan including transition services and coordination with other agencies and persons;
 - j. Family demographic and contact information;
 - k. A statement of eligibility, including recommendations for children not found eligible;
 - l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;
 - m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and
 - n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.
- 2. Contents of IFSPs for children birth through 2 years of age

IFSPs developed for children birth through 2 years of age must also include:

 - a. The frequency, intensity and method of delivery of the early intervention services;
 - b. The location and length of the early intervention services;
 - c. Funding source or payment arrangements, if any;
 - d. Anticipated duration of the services;
 - e. Other services to the extent appropriate; and
 - f. The steps to be taken to support the transition of the child, upon reaching age 3, to preschool services for children with disabilities ages 3 through 5 years, or other services that may be available, if appropriate; the steps required for transition include:
 - i. Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;
 - ii. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to; and function in, a new setting;
 - iii. Notification information to the school district for the purpose of child find;
 - iv. With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and copy of the most recent IFSP that has been developed and implemented; and
 - v. Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.
- 3. Timelines and requirements for IFSPs
 - a. Timelines for IFSPs developed for children birth through 2 years of age include:
 - i. A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral; and
 - ii. A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parents and other participants.
 - b. The purpose of the periodic review is to determine:
 - i. The degree to which progress toward achieving the results or outcomes identified on the IFSP is being made;

- ii. Whether modifications or revision of the results or outcomes or services are necessary; and
 - iii. Whether additional needs have been identified based on ongoing assessment or observation.
 - c. A face-to-face meeting is conducted on at least an annual basis to re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services that are needed and will be provided.
 - d. IFSP meetings are held in accordance with the following:
 - i. Conducted in settings and at times that are convenient to families; and
 - ii. Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.
 - e. Meeting arrangements are made, and written notice is provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.
 - f. The contents of the IFSP are fully explained to the parents and informed written consent from the parents is obtained prior to the provisions of early intervention services described in the plan. If the parents do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.
4. Participants in IFSP meetings (birth through 2 years of age)
- Participants in the development of IFSPs (both initial and annual) for children with disabilities birth through 2 years of age must include:
- a. The parent or parents of the child;
 - b. Other family members as requested by the parents, if feasible to do so;
 - c. An advocate or individual outside of the family, if the parents request that the individual participate;
 - d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;
 - e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment; and
 - f. The individual who will be providing early intervention services to the child or family, as appropriate.
5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:
- a. Participating in a telephone or video conference call;
 - b. Having a knowledgeable authorized representative attend the meeting; or
 - c. Making pertinent records available at the meeting.
6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.
7. Provision of services before evaluation and assessments are completed.
- Early intervention services for a child with disabilities birth through 2 years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:
- a. Parental consent is obtained;

- b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the child's family;
 - c. Signatures of those who developed the IFSP; and
 - d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.
8. For children birth through 2 years of age, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages 3 through 5 Years

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340

Sections 1003.21, 1003.03, and 1003.57, F.S.

Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities birth through 2 years of age or special education and related services to children with disabilities ages 3 through 5 years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational Plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Contents of an IFSP

The IFSP is in writing and includes:

- a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment;
- b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;
- c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;
- d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;
- e. The projected dates for initiation of services;
- f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

- g. Family demographic and contact information;
 - h. A statement of eligibility, including recommendations for children not found eligible;
 - i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;
 - j. Identification of the most appropriate IFSP team member to serve as the primary service provider;
 - k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP;
 - l. The frequency, intensity, and method of delivery of the early intervention services;
 - m. The location and length of the services;
 - n. The payment arrangements, if any;
 - o. Anticipated duration of the services;
 - p. Other services to the extent appropriate; and
 - q. The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages 3 through 5 years, or other services that may be available. The steps required for transition shall include:
 - i. Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;
 - ii. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;
 - iii. With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
 - iv. Identification of transition services and other activities that the IFSP team determines are necessary to support the child.
2. Requirements for IFSPs for children ages 3 through 5 years are in accordance with the requirements in Rule 6A-6.03028(3)(e), F.A.C.
- a. By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
 - b. For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
 - c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings (ages 3 through 5 years) include:
- a. The parent or parents of the child;
 - b. Not less than one regular education teacher, if the child is or may be participating in the regular education environment;
 - c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student;

- d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local school district;
 - e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b. through d. above;
 - f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (Note: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and
 - g. Whenever appropriate, the child.
4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.
- a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:
 - i. Ensure that the student has all of the rights of a student with a disability who is served by a school district.
 - ii. Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
 - iii. Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.
 - b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.
 - c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.
 - d. Paragraphs 4.a. – c. of this subsection apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.
5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including nonmedical care and room and board, must be at no cost to the parents of the student.
6. For children ages 3 through 5 years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.
Policies and Procedures for Students
Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted



This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
 - a. The need for a special program
 - b. A majority of characteristics of gifted students according to a standard scale or checklist, and
 - c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:



The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.



The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
 - a. Need for a special instructional program,
 - b. Characteristics of the gifted,
 - c. Intellectual development, and
 - d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted.
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

- a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
- b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
- c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.

2. Curriculum

- a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
- b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
- c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
- d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
- e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.

3. Instructional support

- a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
- b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
- c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
- d. Students who are gifted may indicate a need for special counseling in understanding their special characteristics.
- e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
- f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

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



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



There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans (EPs) for Students who are Gifted



This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The school district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

- a. The EP includes:
 - i. A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results;
 - ii. A statement of goals, including benchmarks or short-term objectives;
 - iii. A statement of the specially designed instruction to be provided to the student;
 - iv. A statement of how the student's progress toward the goals will be measured and reported to the parents; and
 - v. The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services.
- b. The EP team considers the following during development, review, and revision of the EP:
 - i. The strengths of the student and the needs resulting from the student's giftedness;
 - ii. The results of recent evaluations, including class work and state or district assessments; and
 - iii. In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP.
- c. Timelines for development of the EP include the following:
 - i. An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
 - ii. An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
 - iii. Meetings are held to develop and revise the EP at least once every three years for students in kindergarten through grade 8 and at least every four years for students in grades 9 through 12.
 - iv. EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.
- d. EP participants include:
 - i. The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in

deciding how the child will be involved and participate in the general education curriculum, and participating in the determination of what services the district will provide to the child and in what setting;

- ii. At least one teacher of the gifted program;
- iii. One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written documentation of a student's strengths and needs for review and revision of the subsequent EPs;
- iv. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district;
- v. An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above;
- vi. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (Note: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting); and
- vii. Whenever appropriate, the student.

2. Parent participation in EP meetings

The school district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

- a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend.
- b. Scheduling the meeting at a mutually agreed on time and place:
 - i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.
 - ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:
 - 1. Telephone calls made or attempted and the results of those calls,
 - 2. Emails or text communications sent to the parents and any responses received,
 - 3. Copies of correspondence sent to the parents and any responses received, and
 - 4. Visits made to the parent's home or place of employment and the results of those visits.
 - iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

- a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
- b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

Part IV

**Policies and Procedures for Parentally Placed Private School
Students with Disabilities**

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

Section A: Provision of Equitable Services to Parentally Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130 through 300.144
Rules 6A-6.03011 through 6A-6.0361, F.A.C.
Rule 6A-6.030281, F.A.C.

Definition

Parentally placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, non-profit schools or facilities, which meet the definition of elementary school or secondary school under Rules 6A-6.03011 through 6A-6.0361, F.A.C. It does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in for-profit private schools.

Procedures

1. Policies and procedures for parentally placed private school students with disabilities

The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally placed private school students with disabilities

The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally placed private school students and an accurate count of those students.

a. Activities

In implementing the requirements of this section, the school district will undertake activities similar to those activities undertaken for the school district's public school students.

b. Cost

The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its child find obligation.

c. Completion period

The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

d. Out-of-state students

The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally placed private school students with disabilities – basic requirement

To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or

carried out under Part B of the Individuals with Disabilities Education Act (IDEA) by providing them with special education and related services, including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the bypass provisions in 34 C.F.R. §§300.190 through 300.198.

a. Services plan for parentally placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities and
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally placed private school students with disabilities:

- a. For children and students aged 3 through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged 3 through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged 3 through 21.
- b. For children aged 3 through 5 years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally placed private school students with disabilities aged 3 through 5 who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged 3 through 5.
- c. Children aged 3 through 5 years are considered to be parentally placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.
- d. If the school district has not expended for equitable services all of the funds described in paragraphs a. and b. above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally placed students with disabilities attending private schools located in the school district. (See Appendix B to Part 300 of IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally placed private school students with disabilities, determine the number of parentally placed private school students with disabilities attending private schools located in the school district and ensure that the

count is conducted on any date between October 1 and December 1, inclusive, of each year. The count will be used to determine the amount that the school district will spend on providing special education and related services to parentally placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

State and local funds may supplement, but in no case supplant, the proportionate amount of federal funds required to be expended for parentally placed private school students with disabilities.

9. Consultation with private school representatives

To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

- a. The child find process, including how parentally placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process.
- b. The determination of the proportionate share of federal funds available to serve parentally placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated.
- c. The consultation process among the school district, private school officials, and representatives of parents of parentally placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally placed students with disabilities identified through the child find process can meaningfully participate in special education and related services.
- d. Provision of special education and related services; how, where and by whom special education and related services will be provided for parentally placed private school students with disabilities, including a discussion of:
 - i. The types of services, including direct services and alternate service delivery mechanisms.
 - ii. How special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school students.
 - iii. How and when those decisions will be made.
- e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

Describe the school district's procedure for ensuring meaningful consultation and obtaining written affirmation with representatives of participating private schools to include the following:

- **How the school district selects, identifies and records participating private schools for this consultation,**
- **How frequently and in what format consultation occurs, and**
- **Specify personnel (by role or title) identified as the school district lead for this process.**

- Broward County Public Schools ensures meaningful consultation is offered to all not-for-profit private schools in the district. Broward County Public Schools identifies not-for-profit private schools by way of utilizing the list of not-for-profit private schools in Broward County posted on the Florida Department of Education School Choice website:
<https://www.floridaschoolchoice.org/information/PrivateSchoolDirectory/DownloadExcelFile.aspx>
- All eligible not-for-profit private school in Broward County receive a memo and child find poster outlining the Parentally Placed Private School Process and contact information for the ESE Private School Services office at the beginning of each school year.
- Broward County Public Schools Grants Administration Office facilitates a non-public schools consultation forum twice annually to review program descriptions and offerings. Non-Public Schools complete their intent to participate in the various grant opportunities within the district.
- The District ESE Office schedules meaningful consultation and input sessions with the private school representatives and representatives of parents to review district offerings, process and procedures, and provides quarterly collaboration and consultation, and outline direct service provision for the participating schools.
- Broward County Public Schools offers quarterly consultation sessions to private schools and parents. The consultation sessions and resources are offered in a variety of modalities (i.e., in person meetings and virtual sessions via Microsoft Teams).
- ESE Director of Specialized Instruction is the school district lead for this process.
- Affirmation Process completed by all participating private schools has been included under Appendix A.

11. Compliance

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

12. Equitable services determined

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

13. Services plan for each student served

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

special education services that the school district will provide to the student per the school district's determination of services it will make available to parentally placed private school students with disabilities.

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

14. Equitable services provided

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

15. Location of services and transportation

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

16. Due process hearings and procedural safeguards

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

17. State complaints

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

18. Requirement that funds not benefit a private school

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

19. Use of personnel

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

20. Separate classes prohibited

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

21. Property, equipment, and supplies

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

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

Section B: Family Empowerment Scholarship for Students with Unique Abilities

Statutory and Regulatory Citations

Chapter 1002, Part III, F.S.

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

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

Definition

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

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

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

- q. Rare diseases (which affect patient populations of fewer than 200,000 individuals in the United States) as defined by the National Organization for Rare Disorders;
 - r. Anaphylaxis;
 - s. Hearing impairment (including deafness);
 - t. Visual impairment (including blindness);
 - u. Traumatic brain injury;
 - v. Hospital or homebound; or
 - w. Dual sensory impairment, as defined by Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
5. "Eligible nonprofit scholarship-funding organization" as defined in s. 1002.395, F.S.;
 6. "Eligible postsecondary institution" means any of the following:
 - a. Florida College System institution;
 - b. State university;
 - c. School district technical center;
 - d. School district adult general education center; or
 - e. An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
 7. "Eligible private school" means a private school, pursuant to s. 1002.01, F.S., that is located in Florida and offers an education to students in any grade from kindergarten to grade 12.
 8. "IEP" means an individual educational plan.
 9. "Inactive" means that no eligible expenditures have been made from an account funded by the Family Empowerment Scholarship.
 10. "Parent" means a resident of this state who is a parent, as defined in s. 1000.21, F.S.
 11. "Program" means the Family Empowerment Scholarship Program.

Eligibility Criteria for the FES UA

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

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

Scholarship Prohibitions

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

1. Enrolled full time in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, the Florida School for Competitive Academics, the Florida Virtual School, the Florida Scholarships Academy, a developmental research school, authorized

under s.1002.32, F.S., or a charter school authorized under this chapter. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered to be a student enrolled in a public school;

2. Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;
3. Receiving any other educational scholarship in pursuant to this chapter. However, an eligible public school student receiving a scholarship under s.1002.411, F.S. may receive a scholarship for transportation pursuant to subparagraph (4)(a)2.;
4. Not having regular and direct contact with his or her private school teachers, pursuant to s. 1002.421(1)(i), F.S., unless he or she is eligible pursuant to paragraph (3)(b) and enrolled in the participating private school's transition-to-work program pursuant to subsection (16) or a home education program pursuant to s.1002.14, F.S.;
5. Participating in a private tutoring program in accordance with s. 1002.43, F.S.; or
6. Participating in a virtual school, correspondence school or distance learning program that receives state funding pursuant to the student's participation.

School District's Obligations and Parental Options

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

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

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

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

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

One of the following must be selected:



The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.



A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

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

One of the following must be selected:



The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.



A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.



This requirement is not applicable for the Department of Corrections.



This section is not applicable for the Department of Corrections.

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

Forms pertaining to a student with a disability who has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program.

N/A

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

Forms for when timely and meaningful consultation has occurred, specifically, written affirmations to be signed by the representatives of participating private schools.

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CONSULTATION REQUIREMENT:

Sections 1117(b) and 8501(c) of every Student Succeeds Act (ESSA) require that timely and meaningful consultation occur between the local education agency (LEA) and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs subject to equitable participation. ESSA requires that consultation continue throughout the implementation and assessment of activities in programs subject to equitable participation requirements. For Title I, Part A programs, section 1117(b)(1) also requires that such consultation occur during the design and development of the LEA's Title I, Part A programs.

Section 34 CFR 300.134 of The Individuals with Disabilities Education Act (IDEA) require that an LEA must consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children.

PROGRAMS REQUIRING CONSULTATION:

Section 1117 requires that LEAs consult with appropriate private school officials from any private school serving district-resident students regarding Title I Part A – Improving Basic Programs Operated by Local Educational Agencies.

Section 8501 requires that LEAs consult with appropriate private school officials from any private school located within an LEA's geographic catchment area regarding the following ESSA programs:

Title I Part A - Improving the Academic Achievement of the Disadvantaged

Title I Part C - Education of Migratory Children

Title II Part A - Supporting Effective Instruction Grants

Title III Part A - English Language Acquisition, Language Enhancement, and Academic Achievement

Title IV Part A - Student Support and Academic Enrichment Grants

Title IV Part B - 21st Century Community Learning Centers (this is a competitive grant opportunity)

Section 34 CFR 300.134 of regulations implementing the Individuals with Disabilities Education Act (IDEA) require a consultation process among the LEA, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how the process will operate throughout the school year.

GOAL OF CONSULTATION:

The "goal of reaching agreement" between an LEA and appropriate private school officials is grounded in timely, meaningful, and open communication between the LEA and the private school officials on key issues that are relevant to the equitable participation of eligible private school students, teachers and other education personnel, and families in ESSA programs.

TIMELY AND MEANINGFUL CONSULTATION:

Meaningful consultation provides ample time and a genuine opportunity for all parties to express their views, to have their views seriously considered, and to discuss viable options for ensuring equitable participation of eligible private school students, teachers and other education personnel, and families. Consultation for all programs must be conducted before the LEA has made any decisions that will impact the participation of private school students and teachers in applicable programs and shall continue throughout implementation and assessment of services provided. Additionally, with respect to Title I, Part A programs, consultation must also be conducted during the design and development of the LEA's Title I, Part A programs.

An LEA should consult with private school officials about the timeline for consultation and provide adequate notice of such consultation to ensure meaningful consultation and the likelihood that those involved will be well prepared with the necessary information and data for decision-making. Successful consultation begins well before the implementation of services, establishes positive and productive working relationships, makes planning effective, continues throughout

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implementation of equitable services, and serves to ensure that the services provided meet the needs of eligible students and teachers.

OMBUDSMAN:

To ensure such equity for private school children, teachers, and other educational personnel, FLDOE has designated an ombudsman to monitor and enforce the requirements of equitable services. Questions and/or concerns about the provision of equitable services may be directed to the FLDOE equitable.services@fldoe.org

Private school students, parents, and teachers may receive appropriate benefits and services from ESSA and IDEA programs, but private schools cannot receive direct funding from these programs. The district must always maintain control of the funds.

SECTION 1: Title I, Part A and/or Title I, Part C Consultation

If the private school has elected to participate in Title I Part A and/or Title I, Part C the following topics must be discussed during the ongoing consultation process:

- How the children's needs will be identified
- What services will be offered
- How, where, and by whom the services will be provided
- How the services will be academically assessed and how the results of that assessment will be used to improve those services
- The size and scope of the equitable services to be provided to the eligible private school children, the proportion of funds that is allocated for such services, and how that proportion of funds is determined
- The method or sources of data that are used under section 1117(c) and 1113(c)(1) to determine the number of children from low-income families in participating school attendance areas who attend private schools
- How and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers
- How, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor
- Whether the agency shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor
- Whether to provide equitable services to eligible private school children by creating a pool or pools of funds with all of the funds allocated under section 1117(a)(4)(A) based on all the children from low-income families in a participating school attendance area who attend private schools or in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under section 1117(a)(4)(A) based on the number of children from low-income families who attend private schools
- When, including the approximate time of day, services will be provided
- Whether to consolidate and use funds provided under 1117(a)(4) in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b)(1) to provide services to eligible private school children participating in programs.

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SECTION 2: Title II Part A, Title III, Part A and/or Title IV, Part A and Title IV, Part B Consultation

If the private school has elected to participate in the Title II Part A, Title III Part A, and/or Title IV Part A and Title IV Part B programs, the following topics must be discussed during the ongoing consultation process:

- How the children's needs will be identified
- What services will be offered
- How, where, and by whom the services will be provided
- How the services will be assessed and how the results of that assessment will be used to improve those services
- The size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds available for those services, and how that amount is determined
- How and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers
- Whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor
- Whether to provide equitable services to eligible private school children by creating a pool or pools of funds with all of the funds allocated under 8501(a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools or in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection 8501(a)(4)(C) based on the number of children from low-income families who attend private schools.

SECTION 3: IDEA

For private school is participating in the IDEA and/or FDLRS programs, the following topics must be discussed during the ongoing consultation process:

- The child find process, including how resident and non-resident students suspected of having a disability can participate equitably. Child find includes evaluations, eligibility determinations, and reevaluations
- How parents, teachers, and private school officials will be informed of the child find process
- The determination of the proportionate amount of federal funds to be expended and how the proportionate share was calculated
- The consultation process and how the consultation process will operate through the year to ensure that students identified through the "child find process" can meaningfully participate in special education and related services
- How, where, and by whom special education and related services will be provided, including a discussion of types of services and services delivery mechanisms
- How such services will be apportioned if funds are insufficient to serve all students, and how and when these decisions will be made
- How, if the District disagrees with the views of the private school officials about the provision of services or the types of services, the District shall provide a written explanation of the reasons why the LEA chose not to provide services.

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SECTION 4: Affirmation

Please select the equitable services program(s) for this form.

- ☐ Title I, Part A ☐ Title I, Part C ☐ Title II, Part A ☐ Title III, Part A
☐ Title IV, Part A ☐ Title IV, Part B ☐ IDEA

Please indicate whether you agree that a timely and meaningful consultation has occurred for:

- ☐ Yes, timely and meaningful consultation occurred before the school district made any decision that would affect the participation of eligible private school children in the following federal program.
- ☐ No, timely and meaningful consultation has not occurred, or the program design is not equitable with respect to eligible private school students, teachers and other educational personnel and/or families.

If you checked this box, please attach a statement of explanation of why consultation was not timely and meaningful, and/or why the program design is not equitable.

Private School Representative

Signature

Date

Please return the signed form to your district coordinator or Kimberly Richardson-Barber at krichardsonbarber@browardschools.com. Please contact me via email or at 754.321.2265 if you have any questions or concerns.

Protocol for Informal and Formal Complaints

1st - Collaborate with Non-Public or Private School

2nd - Contact State Ombudsman/Division of Federal Programs

3rd - State Ombudsman/Division of Federal Programs contact The United States Department of Education

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

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

II.B.1 Autism Spectrum Disorder

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Autism Spectrum Disorder Additional Attachment

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

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Deaf or Hard of Hearing Additional Attachment

II.B.3 Developmentally Delayed

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☒ Developmentally Delayed Additional Attachment

II.B.4 Dual Sensory Impaired

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Dual Sensory Impaired Additional Attachment

II.B.5 Emotional or Behavioral Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Emotional or Behavioral Disabilities Additional Attachment

II.B.6 Established Conditions

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Established Conditions Additional Attachment

II.B.7 Homebound or Hospitalized

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Homebound or Hospitalized Additional Attachment

II.B.8 Intellectual Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Intellectual Disabilities Additional Attachment

II.B.9 Orthopedic Impairment

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Orthopedic Impairment Additional Attachment

II.B.10 Other Health Impairment

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Other Health Impairment Additional Attachment

II.B.11 Traumatic Brain Injury

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Traumatic Brain Injury Additional Attachment

II.B.12 Specific Learning Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Specific Learning Disabilities Additional Attachment

II.B.13 Speech Impairments

- ☐ Evaluations
- ☐ Qualified Evaluators

- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Speech Impairments Additional Attachment

II.B.14 Language Impairments

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Language Impairments Additional Attachment

II.B.15 Visually Impaired

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Visually Impaired Additional Attachment

II.B.16 Related Services – Occupational Therapy

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Related Services – Occupational Therapy Additional Attachment

II.B.17 Related Services – Physical Therapy

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Related Services – Physical Therapy Additional Attachment

II.C. Individual Educational Plans (IEPs)

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

II.F. Prekindergarten Children with Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations
- ☐ Prekindergarten Children with Disabilities Additional Attachment

III.A. Gifted

- ☐ Evaluations
- ☐ Qualified Evaluators



Unique Philosophical, Curricular or Instructional Considerations



Gifted Additional Attachment

Other



Unique Philosophical, Curricular or Instructional Considerations


Appendix B

II.B.3 Developmentally Delayed Additional Information

An IEP meeting will be held for any prekindergarten student who is eligible for ESE services as a student with a Developmental Delay (DD) and transitioning to kindergarten prior to the end of their prekindergarten year. The IEP team will review all available data on the student's progress to determine if the student continues to demonstrate characteristics of a student with a Developmental Delay. If the team determines, based on a review of educational records, that the student may no longer be demonstrating characteristics of a student with a Developmental Disability, then the team will consider a reevaluation to determine if they meet dismissal criteria.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

 This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

245,690

Total Number of Gifted Students

11,705

Percent of All Gifted Students

4.76%

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

Total Number of LEP Students

35,643

Number of LEP Gifted Students

48

Percent of LEP Gifted Students

.13%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

.41%

*In order to calculate the “Percentage of LEP Gifted Compared to Total Number of Gifted Students,” divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

124,802

Number of low SES Gifted Students

3,476

Percent of low SES Gifted Students

2.79%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

29.7%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of Low SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

School District Goal

Provide the school district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted categories.

Broward County's district goal is to increase the number of underrepresented gifted students by 2% for both the Low SES and ELL populations.

The school district's plan addressing each of the following areas is included as an attachment.

1. Screening and Referral Procedures

A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation.

2. Student Evaluation Procedures

A description of the evaluation procedures and measurement instruments that will be used.

3. Eligibility Criteria

A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment.

4. Instructional Program Modifications or Adaptations

A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted.

5. District Evaluation Plan

A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted.

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward County
Date: May 17, 2024
Contact Person: Zuzel Rodriguez
Title: Curriculum Supervisor for Gifted and Talented
Address: 600 Third Avenue, Fort Lauderdale, Florida 33301
E-mail: Zuzel.rodriguez@browardschools.com
Phone: (754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families.

ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students

LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students

LP = 4-12 grade ELL students for whom the reading/writing test is pending

LF = K-12 grade former ELL students who exited the program within the last two years

LA = K-12 grade former ELL student who has completed the two-year follow-up period after exiting the ESOL program (code LF) and is reported in this category for the next two years (years 3 and 4 after exiting) for the purpose of student subgroup reporting per the state ESSA plan

Low SES families are defined as students who are eligible for free or reduced meals and/or students attending a Title 1 school.

SCREENING AND REFERRAL

1) Current Practices Which Will Be Continued

- a) At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second-grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher or parent referral.

In an attempt to increase awareness and disseminate knowledge, professional development workshops will be offered to promote a better understanding of characteristics of gifted students from underrepresented groups.

2) Proposed Plan for Screening and Referral Procedures

- a) This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, the Multi-Tiered System of Supports or Response To Intervention Team (MTSS/RTI) members at each school will be trained to become more aware of and understand the nature of the students to be screened. This team will also learn how to effectively use the screening process. The process flow that will be employed is included as part of this plan.
- b) If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or is referred by a parent, teacher or self-nominates themselves, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition Revised, or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores greater than or equal to 110 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.
 - i) If the student scores less than 110 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English

Language Learner (ELL) students, a score on the Matrices section of the KBIT2 Revised or a score on another nonverbal instrument (e.g. NNAT) may be used.

- ii) If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made in writing by providing a letter explaining the screening results and a Notice of Refusal not to go on for further evaluation.

STUDENT EVALUATION

- 1) The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A gifted eligibility team will meet to determine eligibility. This team must include a parent, the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist or LEA Designee, the school psychologist, and other school staff who spend significant time with the student. The eligibility team at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

a) Intellectual Functioning

- i) An individual intellectual assessment will be administered by a school psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measure of a student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgement of the school psychologist. *The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 112.*

Intellectual measures may include but are not limited to:

- (a) Differential Ability Scales-II (DAS-II), Normative Update School-Age (DAS-II NU School-Age)
- (b) Weschler Intelligence Scale for Children-Fifth Edition (WISC-V)
- (c) Leiter International Performance Scale-Third Edition (Leiter-3)
- (d) Comprehensive Test of Nonverbal Intelligence, Second Edition (CTONI-2)
- (e) Universal Nonverbal Intelligence Test, Second Edition (UNIT-2)
- (f) Stanford-Binet Intelligence Scales, Fifth Edition (SB-5)

- (g) Kaufman Assessment Battery for Children, Second Edition Normative Update (KABC-II NU)
- (h) Raven's Progressive Matrices Second Edition (Raven's 2)

b) Achievement Skills

- i) Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.
- ii) A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance.

Tests may include but are not limited to:

- (a) Stanford Achievement Test (SAT)- Stanford Achievement Test 10 (SAT 10)
- (b) Comprehensive Test of Basic Skills (CTBS)
- (c) Metropolitan Achievement Test, Eight Edition (MAT)
- (d) Woodcock-Johnson-IV Tests of Achievement
- (e) Bateria IV Woodcock-Munoz
- (f) Woodcock McGrew-Werder Mini Battery of Achievement
- (g) Kaufman Test of Educational Achievement, Third Edition (KTEA-3)
- (h) Florida Assessment of Student Thinking (FAST)
- (i) I-Ready
- (j) STAR Assessment
- (k) BAS

c) Gifted Characteristics

- i) Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.
- ii) The Gifted Indicators Checklist will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parent input can be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

(1) The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains

and record the total points on those 4 domains on the GEM. A minimum score of 40 is needed to earn 1 point on the GEM for Gifted Characteristics.

d) Environmental Indicators

- i) Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.
- ii) The following environmental indicators will be considered for eligibility:
 - (1) Student's primary language(s) other than English (one point)
 - (2) Student is identified as Low SES (one point)
 - (3) Meets criteria on the Underrepresented Student Traits Indicators Checklist (one or two points)
 - (4) Student has an additional ESE eligibility (one point)

DETERMINING ELIGIBILITY

- 1) A student is eligible for the gifted program in accordance with:
 - a) Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.
 - b) Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC.
 - i) Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility Matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM. These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points on the GEM and a student must score at least one (1) point in the intellectual abilities category, the gifted characteristics category and the environmental indicators category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

- 1) Philosophy: All students can learn, and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.
- 2) Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made

to the content, process, product, and learning environment of all gifted students to meet their unique needs.

- 3) Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility, and service, as outlined in Program and Procedures for exceptional student (P&P) are appropriate instructional goals for all gifted students. In addition, The Florida Standards, Grade Level Expectations (GLEs), and multicultural content and issues will be a major focus of future gifted programs.
- 4) Instructional Program: Modifications and adaptations to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.
- 5) Delivery: Newly identified Plan B students will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy and the Gifted Procedural Guide. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.
- 6) Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Department of the School Board of Broward County.
- 7) Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner

(ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

- 1) A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs of gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Exceptional Student Education Department periodically reviews these records through the electronic education plan system. The MTSS/RTI team at each school will maintain a record of students recommended for program placement. An annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component - screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

a) Quantitative Data

- i) The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.
- ii) Students will be categorized by English proficiency and economic status or attendance in a Title 1 school.
- iii) The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.
- iv) Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.

b) Qualitative Data

- i) The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.
- ii) Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

- 1) Submission of this application hereby assures that the applicant will implement the plan with the following requirements:
 - a) Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in the gifted programs in this school district.
 - b) Assurance is hereby provided that alternative criteria will be implemented as approved.
 - c) Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
 - d) Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.

Plan B Process Flow Chart

Student is identified as a member of an underrepresented population
(Low SES and/or ELL).

Student scored at or above the 80th percentile on a standardized Reading or Math assessment or was referred by a teacher, parent, or self.

Obtain screening parental consent form and conduct screening.

For ELL students, you can use the non-verbal score if it is 110 or above on the screener.

If the student scores a 110 or above on the screener, obtain consent for an evaluation and refer to psychological services.

If student does not score a minimum of 110 on the screening, the process stops and parents are notified of the score.

Process Stops

Psychologist administers the IQ Test.

If the student scores a 112 or above on the IQ test, an eligibility meeting is scheduled with all required team members.

If the student does not score a 112 or above on the IQ test, the process stops. An eligibility meeting is held with all required team members. Child is not placed.

Information is entered in the Gifted Eligibility Matrix (GEM). Must have a minimum of 10 points.

If the student scores a minimum of 10 points on the Gifted Eligibility Matrix (GEM) with at least 1 point in the Intellectual Abilities section, at least 1 point in the Gifted Characteristics section, and at least 1 point in the Environmental Indicators section, the student meets eligibility. Conduct the eligibility meeting with all required members, create an EP and child is placed.

If the student does not score a minimum of 10 points on the Gifted Eligibility Matrix (GEM) with at least 1 point in the Intellectual Abilities, Gifted Characteristics and Environmental Indicators sections then the student does not meet eligibility. Conduct an eligibility meeting with all required members. Student is not placed.

Plan B

**Additional Resources:
Nomination Forms,
Gifted Eligibility Matrix (GEM),
Plan B Gifted Indicators Checklist, and
Gifted Underrepresented Student
Trait Indicators**

Broward County School Board

Parent/Community Nomination Form

Student Name: _____ Grade: _____ Date: _____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

Student Self-Nomination Form

Student Name: _____ Grade: _____ Date: _____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I am a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

General Education Teacher Nomination Form

Student Name: _____ Grade: _____ Date: _____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

- | | | |
|-----|---|-------|
| 1. | Likes to use big words (sometimes incorrectly) | _____ |
| 2. | May invent new words | _____ |
| 3. | Reads a lot (in interest area) | _____ |
| 4. | Is talented or creative in the performing arts | _____ |
| 5. | Likes to be in charge or is assertive | _____ |
| 6. | Asks questions | _____ |
| 7. | Assists other students | _____ |
| 8. | Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrates excellent sense of scientific method | _____ |
| 9. | Attempts to correct teacher | _____ |
| 10. | May attract negative attention because unable to sit still, or no attention because so quiet | _____ |

School Staff Nomination Form

Student Name: _____ Grade: _____ Date: _____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

- | | | |
|-----|---|-------|
| 1. | Is a good guesser | _____ |
| 2. | Displays a sense of humor; makes others laugh; tells jokes | _____ |
| 3. | Is involved in many school activities | _____ |
| 4. | Has the ability to influence others; positively or negatively | _____ |
| 5. | Tends to dominate others | _____ |
| 6. | Asks a lot of questions | _____ |
| 7. | Shows self-confidence | _____ |
| 8. | Is a risk taker | _____ |
| 9. | Has a good imagination | _____ |
| 10. | Thinks of alternative ways to do things | _____ |

Media Specialist Nomination Form

Student Name: _____ Grade: _____ Date: _____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of books _____
2. Very interested in books; aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which he or she has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

Computer Education Teacher Nomination Form

Student Name: _____ Grade: _____ Date: _____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology
(e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed
in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual
curiosity _____
6. Enjoys challenges and tasks which are not routine; is
bored by routine tasks _____
7. Catches on quickly; even though technology experience
has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

Physical Education Teacher Nomination Form

Student Name: _____ Grade: _____ Date: _____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

- | | | |
|-----|---|-------|
| 1. | Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) | _____ |
| 2. | Will argue (e.g., becomes very upset at supposed inequalities in a game) | _____ |
| 3. | Strives for perfection (e.g., spends time developing his/her skills) | _____ |
| 4. | Has many interests (e.g., likes to try new games) | _____ |
| 5. | Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) | _____ |
| 6. | Has advanced motor ability for his/her age | _____ |
| 7. | Has a great desire to excel | _____ |
| 8. | Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended | _____ |
| 9. | Is persuasive, organizes and influences others; others may look to this person as a leader | _____ |
| 10. | May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) | _____ |

Art Education Teacher Nomination Form

Student Name: _____ Grade: _____ Date: _____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

- | | | |
|-----|---|-------|
| 1. | Uses materials in new and different ways | _____ |
| 2. | Learns quickly (e.g., grasps and applies techniques) | _____ |
| 3. | Shows mature spatial ability (e.g., organizes objects and materials in space) | _____ |
| 4. | Is good at detailed work | _____ |
| 5. | Shows originality in ideas | _____ |
| 6. | Shows mature depth of field and perspective in drawings, paintings and sculptures | _____ |
| 7. | Enjoys art; tends to expand on basic instructions | _____ |
| 8. | Likes to do "own thing" rather than follow instructions | _____ |
| 9. | Shows greater depth, more complete understanding of subject matter | _____ |
| 10. | Demonstrates an advanced skills in a particular area of art | _____ |

Music Education Teacher Nomination Form

Student Name: _____ Grade: _____ Date: _____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

- | | | |
|-----|---|-------|
| 1. | Can sight read music easily | _____ |
| 2. | Responds quickly to musical training | _____ |
| 3. | Displays exceptional talent with voice | _____ |
| 4. | Displays exceptional talent on an instrument | _____ |
| 5. | Plays "by ear" or sings on first or second hearing | _____ |
| 6. | Plays more than one instrument | _____ |
| 7. | Improvises or innovates on instrument and/or voice | _____ |
| 8. | Demonstrates sense of rhythm | _____ |
| 9. | Becomes absorbed in music; either performing or listening | _____ |
| 10. | Recalls and can repeat musical patterns | _____ |

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Date: _____		Completed By Name: _____ Title: _____	
Student Name: _____		Student Number: _____	
School: _____		Date of Birth: _____	
Current Grade: _____		Staffing Date: _____	
Student's Home Language: _____		Language Classification/Date of _____	

Matrix Scoring System

Intellectual Abilities	4	3	2	1	Score	
Eval. Instrument: _____	124+	120-123	116-119	112-115		
Score: _____						
Academic Achievement (use highest score)	95+ %	90-94 %	85-89 %	80-84 %	Score	
Instrument used (subtest or total) _____	FAST level 5	FAST level 4	FAST level 3	FAST level 2		
Date: _____ Reading Percentile/Percentage: ____ or FAST level _____ STAR Reading Score _____ Math Percentile or Percentage: ____ or FAST level _____						
Gifted Characteristics	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	Score	
Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score: _____						
Environmental Indicators	Total Points 5	Total Points 4	Total Points 3	Total Points 2	Total Points 1	Score
<div style="display: flex; justify-content: space-between;"> Yes <div> <div style="border: 1px solid black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 15px;"></div> </div> </div>						
Student primary language(s) other than English (1pt) _____ Student from a low SES* family (1 pt) _____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or 2 pts) _____ Student has an additional eligibility (1 pt) _____						

*Socio-economic status

Total Score

Note: If the student was eligible for Plan B at the time of the screening but their status has changed before the eligibility meeting, you can continue to use their Plan B status at the time of screening for eligibility purposes.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ____ Yes ____ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title: _____

Name: _____ Title: _____

PLAN B GIFTED INDICATORS CHECKLIST

This student exhibits this behavior

* The following characteristics may be observed in English or in the student's heritage language

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

	C	O	S	R	N
MOTIVATION					
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
LEADERSHIP	4	3	2	1	0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEADERSHIP: _____

This student exhibits this behavior:

	C	O	S	R	N
CREATIVITY					
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN _____ TOTAL POINTS =

LIST DOMAIN _____ TOTAL POINTS =

LIST DOMAIN _____ TOTAL POINTS =

LIST DOMAIN _____ TOTAL POINTS =

TOTAL POINTS ON THE 4 HIGHEST AREAS =

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Changers, Udall, Torrance)
For use by the Gifted Eligibility Team

Name of Student: _____ Date: _____

School: _____ Grade: _____ Completed By: _____

Low SES eligible: ____ Yes ____ No

English Language Learner (ELL) Language Classification: _____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____

To receive 1 point on the Gifted Eligibility Matrix (GEM) 13-18 indicators must be checked.

To receive 2 points on the Gifted Eligibility Matrix (GEM) 19 or more indicators must be checked.



Policy 4130

Gifted Policy

THE SCHOOL BOARD OF BROWARD COUNTY RECOGNIZES THE SPECIAL NEEDS OF GIFTED LEARNERS, AND IS COMMITTED TO PROVIDING PROGRAMS DESIGNED TO MEET THEIR UNIQUE TALENTS AND ABILITIES.

I. Elementary Gifted Education

A. District Goals

1. To provide a menu of gifted services which meet the unique needs of each individual student;
2. To foster a district-wide climate which recognizes and appreciates giftedness in all racial ethnic groups and socioeconomic strata;
3. To provide gifted curriculum aligned with the Florida Standards that is standardized and qualitatively differentiated by content, process, product, and learning environment;
4. To facilitate opportunities for students to become self-directed, independent learners who achieve at high levels commensurate with their ability and potential;
5. To provide on-going staff development for both general education teachers and gifted teachers on effective strategies for meeting the needs of gifted learners;
6. To seek input from and work collaboratively with parents of gifted learners in order to provide a quality learning environment for students.

B. Gifted Program Standards

1. Curriculum and Instruction

- a. Differentiated curriculum that facilitates the mastery of core academic skills at a pace and level appropriate to gifted learners;
- b. Differentiated curriculum that replaces, supplements, or modifies existing curriculum;
- c. Instructional program that is flexible, and consists of advanced content and appropriately different teaching and learning strategies;
- d. Differentiated curriculum that is consistent district-wide.

2. Program Models

- a. Gifted services will be available to all gifted students;
- b. Gifted programming will be planned as a result of consultation with experts;
- c. Gifted programming models will be consistent and an integral part of a child's program;

3. Guidance and Counseling

- a. Gifted learners will be provided career guidance consistent with their unique needs;

- b. Curriculum for gifted students will have an affective dimension;
 - c. The needs of underachieving gifted learners will be addressed;
 - d. The unique social and emotional needs of gifted students will be addressed.
- C. Student Identification
 - 1. Schools have an obligation to identify their gifted students. The process used to identify students in need of gifted services must be ongoing, reliant on a variety of assessment measures, free of bias and non-exclusionary. Once identified, students must be provided appropriate services;
 - 2. Strategies must be employed to identify students from groups traditionally underrepresented in gifted populations.
- D. Eligibility
 - 1. A student is eligible for the gifted program if “the student demonstrates:
 - a. Superior intellectual development measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence;
 - b. Need for a special program;
 - c. A majority of the characteristics of gifted students according to a standard scale or checklist.
 - 2. Districts are also mandated by the State to develop alternative criteria to increase the representation of underrepresented groups in gifted programs.” (F.A.C. Rule 6A-6.03019(2)).
- E. Transfer Students
 - 1. Transfer students from within the state and out of state who have full documentation of gifted eligibility will be immediately eligible for gifted services. (F.A.C. Rule 6A-6.0334).
 - 2. Students who have no tangible proof of eligibility will be placed in general education classes until all documentation is received. Telephone verification of gifted eligibility shall be followed by written documentation (electronic, fax or other hard copy). Written documentation must precede placement in the gifted program.
 - 3. Honor the placement of students of military families in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state.
- F. Program Models
 - 1. Schools will develop and implement a comprehensive plan to meet the needs of their gifted students. As part of this plan, schools will adopt a district-approved model or models that meets the needs of their gifted students. Every school will have at least one teacher who is gifted-endorsed.
 - 2. Services will be provided in the core content areas, depending upon a student’s need. Gifted services, however, are not limited to curriculum and learning environment. Other services must be provided based on the individual needs of the students.

II. Middle School Gifted Education

- A. District Goals
 - 1. To provide a menu of gifted services which meet the unique needs of each individual student;
 - 2. To foster a district-wide climate which recognizes and appreciates giftedness in all racial ethnic groups and socioeconomic strata;
 - 3. To provide gifted curriculum aligned with the Florida Standards that is standardized and qualitatively differentiated by content, process, product, and learning environment;
 - 4. To facilitate opportunities for students to become self-directed, independent learners who achieve at high levels commensurate with their ability and potential;
 - 5. To provide on-going staff development for both general education teachers and gifted teachers on effective strategies for meeting the needs of gifted learners;
 - 6. To seek input from and work collaboratively with parents of gifted learners in order to provide a quality learning environment for students.
- B. Gifted Program Standards
 - 1. Curriculum and Instruction
 - a. Differentiated curriculum that facilitates the mastery of core academic skills at a pace and level appropriate to gifted learners;
 - b. Differentiated curriculum that replaces, supplements, or modifies existing curriculum;
 - c. Instructional program that is flexible, and consists of advanced content and appropriately different teaching and learning strategies;
 - d. Differentiated curriculum that is consistent district-wide.
 - 2. Program Models
 - a. Gifted services will be available to all gifted students;
 - b. Gifted programming will be planned as a result of consultation with experts;
 - c. Gifted programming models will be consistent and an integral part of a child's program.
 - 2. Guidance and Counseling
 - a. Gifted learners will be provided career guidance consistent with their unique needs;
 - b. Curriculum for gifted students will have an affective dimension;
 - c. The needs of underachieving gifted learners will be addressed;
 - d. The unique social and emotional needs of gifted students will be addressed.
- C. Student Identification
 - a. Schools have an obligation to identify their gifted students. The process used to identify students in need of gifted services must be ongoing, reliant on a variety of assessment measures, free of bias and non-exclusionary. Once identified, students must be provided appropriate services;
 - b. Strategies must be employed to identify students from groups traditionally underrepresented in gifted populations.
- D. Eligibility

1. A student is eligible for the gifted program if “the student demonstrates:
 - a. Superior intellectual development measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence;
 - b. Need for a special program;
 - c. A majority of the characteristics of gifted students according to a standard scale or checklist.”
 2. Districts are also mandated by the State to develop alternative criteria to increase the representation of underrepresented groups in gifted programs. (F.A.C. Rule 6A-6.03019(2))
- E. Transfer Students
1. Transfer students from within the state and out of state who have full documentation of gifted eligibility will be immediately eligible for gifted services. (F.A.C. Rule 6A-6.0334).
 2. Students who have no tangible proof of eligibility will be placed in general education classes until all documentation is received. Telephone verification of gifted eligibility shall be followed by written documentation (electronic, fax or other hard copy). Written documentation must precede placement in the gifted program.
 3. Honor the placement of students of military families in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state.
- F. Program Models
1. Schools will develop and implement a comprehensive plan to meet the needs of their gifted students. As part of this plan, schools will adopt a district-approved model or models that meets the needs of their gifted students. Every school will have at least one teacher who is gifted-endorsed;
 2. Services will be provided in the core content areas, depending upon a student’s need. Gifted services, however, are not limited to curriculum and learning environment. Other services must be provided based on the individual needs of the students.

III. High School Gifted Education

- A. District Goals
1. To provide a menu of gifted services which meet the unique needs of each individual student;
 2. To foster a district-wide climate which recognizes and appreciates giftedness in all racial ethnic groups and socioeconomic strata;
 3. To provide gifted curriculum aligned with the Florida Standards that is standardized and qualitatively differentiated by content, process, product, and learning environment;
 4. To facilitate opportunities for students to become self-directed, independent learners who achieve at high levels commensurate with their ability and potential;
 5. To provide on-going staff development for both general education teachers and gifted teachers on effective strategies for meeting the needs of gifted learners;

6. To seek input from and work collaboratively with parents of gifted learners in order to provide a quality learning environment for students.
- B. Gifted Program Standards
1. Curriculum and Instruction:
 - a. Differentiated curriculum that facilitates the mastery of core academic skills at a pace and level appropriate to gifted learners;
 - b. Differentiated curriculum that replaces, supplements, or modifies existing curriculum;
 - c. Instructional program that is flexible, and consists of advanced content and appropriately different teaching and learning strategies;
 - d. Differentiated curriculum that is consistent district-wide.
 2. Program Models
 - a. Gifted services will be available to all gifted students;
 - b. Gifted programming will be planned as a result of consultation with experts;
 - c. Gifted programming models will be consistent and an integral part of a child's program.
 3. Guidance and Counseling
 - a. Gifted learners will be provided career guidance consistent with their unique needs;
 - b. Curriculum for gifted students will have an affective dimension;
 - c. The needs of underachieving gifted learners will be addressed;
 - d. The unique social and emotional needs of gifted students will be addressed.
- C. Student Identification
1. Schools have an obligation to identify their gifted students. The process used to identify students in need of gifted services must be ongoing, reliant on a variety of assessment measures, free of bias and non-exclusionary. Once identified, students must be provided appropriate services.
 2. Strategies must be employed to identify students from groups traditionally underrepresented in gifted populations.
- D. Eligibility
1. A student is eligible for the gifted program if "the student demonstrates:
 - a. Superior intellectual development measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence;
 - b. Need for a special program;
 - c. A majority of the characteristics of gifted students according to a standard scale or checklist."
 2. Districts are also mandated by the State to develop alternative criteria to increase the representation of underrepresented groups in gifted programs. (F.A.C. Rule 6A-6.03019(2)).
- E. Transfer Students
1. Transfer students from within the state and out of state who have full documentation of gifted eligibility will be immediately eligible for gifted services. (F.A.C. Rule 6A-6.0334).

2. Students who have no tangible proof of eligibility will be placed in general education classes until all documentation is received. Telephone verification of gifted eligibility shall be followed by written documentation (electronic, fax or other hard copy). Written documentation must precede placement in the gifted program.
 3. Honor the placement of students of military families in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state.
- F. Program Models
1. Schools will develop and implement a comprehensive plan to meet the needs of their gifted students. As part of this plan, schools will adopt a district-approved model or models that meets the needs of their gifted students. Every school will have at least one teacher who is gifted-endorsed;
 2. Services will be provided in the core content areas, depending upon a student's need. Gifted services, however, are not limited to curriculum and learning environment. Other services must be provided based on the individual needs of the students;
 3. Honors, Advanced Placement, Dual Enrollment, International Baccalaureate, AICE and magnet programs often serve the needs of gifted students. However, gifted services must be available to high school students whether or not gifted content area classes are offered. Services may take the form of gifted electives, gifted seminars, and consultation with a gifted endorsed teacher. Gifted students are entitled to remain under the gifted umbrella as long as the educational plan is current, and a matrix of services is completed annually.
- IV. Procedural Safeguards for Exceptional Students Who are Gifted
- A. Parents of gifted children have rights. Such rights include but are not limited to:
1. To be partners in decisions regarding their children;
 2. To be provided prior written notice before any proposal or refusal to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education (FAPE) to the student;
 3. To provide informed consent to an initial evaluation;
 4. The right to obtain evaluations at private expense;
 5. The right to a due process hearing to resolve matters related to the identification, evaluation, or educational placement of the student or provision of FAPE.
 6. A complete list of the Procedural Safeguards for Exceptional Students Who Are Gifted may be found at F.A.C. Rule 6A-6.03313.

Former Policy Number: 6000.5

Policy Status: Active

Authority: F.S. §§1001.41 and 1001.42

Laws Implemented: F.S. §1000.36; F.S. §1001.01; F.S. §1003.57; F.S. §1011.62, F.S. §1014.05

Florida Administrative Code Rules: 6A-6.03019; 6A-6.0334; 6A-6.03311; 6A.6.03313

History: Adopted 2/4/03

Policy Amended: 06/13/2023

2023-2024

PROCEDURAL GUIDE FOR GIFTED EDUCATION

Innovative Learning Department

Section 1: Program Models for Gifted Education

Policy 4130 (previously 6000.5) states “Schools will adopt a district-approved model or models that meet the needs of their gifted students”. The following outlines the “district-approved” models for elementary, middle and high schools. Each school’s gifted class sizes should be equivalent to or less than the school’s Class Size Reduction target numbers or state limits for classroom size, whichever is higher. The Innovative Learning Department will monitor school compliance with district-approved gifted programming models through an annual audit/review process.

Gifted services are not limited to curriculum and learning environment. Services must be personalized based on the individual needs and interests of the students. Gifted students at each grade level should be concentrated within the same classroom(s) to ensure they have substantial time in academic content courses with their intellectual peers.

Every elementary school will have at least one teacher who is gifted endorsed (or a teacher working towards gifted endorsement and on an approved out-of-field waiver). Every middle school will have at least one teacher who is gifted endorsed (or a teacher working towards gifted endorsement and on an approved out-of-field waiver) for each of the four core content areas (English/Language Arts, Science, Social Studies, Math). Every high school will have at least one teacher who is gifted endorsed (or a teacher working towards gifted endorsement and on an approved out-of-field waiver) to provide consultation services. Gifted content instruction that is prescribed by the individual gifted student’s Educational Plan (EP) must be designed and delivered by a gifted endorsed teacher (or a teacher working towards gifted endorsement and on an approved out-of-field waiver).

To be in compliance with Florida statutes related to class size, we encourage principals to only allow movement into or out of gifted classes by October 1 of each year. After this date, any student that becomes eligible for gifted services may be provided these services through consultation in the current class if the gifted class has already met the class size limit. All efforts will be made to move gifted eligible students into the gifted classes if a vacant seat is available.

Elementary School Program Models for Gifted Education

The number of gifted students per grade level will determine the choice of models. Each of the elementary models may be used in multi-age classrooms. No more than two grade levels are allowed in a multi-age classroom for each of the models below.

Gifted Only (for grades K-5 classes with 18 or more students per grade level or combination grade level)

All students in the class are gifted. Gifted students are grouped together all day except for specials, lunch, and recess. The classroom teacher is gifted endorsed (or is working towards gifted endorsement and on an approved out-of-field waiver), students are ability grouped within the gifted classroom and the curriculum is even further personalized based on individual student needs and interests.

Model strengths:

- Research on gifted programs suggests this model may provide the structure that best supports the ability of quality instruction to impact the achievement of gifted students
- Flexible pacing and acceleration enable students to cover content in more depth and complexity
- Students are with their gifted peers most of the day

Gifted/High Achiever: For grades 2-5: Schools with 1 or more gifted students per grade level must select at minimum the Gifted/High Achiever Model. For Grade 1: Schools with 5 or more gifted students must select at minimum the Gifted/High Achiever Model. For Kindergarten: Schools can provide gifted services through consultation with a gifted endorsed teacher. All efforts need to be made to group the identified gifted students together in the same classroom in K.

All gifted students in a grade must be grouped together in one class for their academic subjects (to ensure that gifted students have time with their intellectual peers) and taught by a gifted endorsed teacher (or a teacher working towards gifted endorsement and on an approved out-of-field waiver). Students are ability grouped within the gifted classroom and the curriculum is even further personalized based on individual student needs and interests. High achieving students are determined by the following criteria:

- **Kindergarten:** School-based decision
- **Grades 1-3:** Scored the highest of grade-level students on a district-approved, school determined reading test (i.e., STAR, BAS, DAR, RIGBY, IRI, etc.) given in the spring of the previous year combined with the highest score on the End of the Year Math Assessment (STAR, EOY math cumulative assessment). After the highest, the next highest, etc., would be placed until all seats are filled.
- **Grades 4-5:** Scored at Level 5 in reading AND math on the most recent FAST. Note: If there are more level 5's than available seats, the scaled scores are added together and the students with the highest combined scores are given priority. If there are multiple students who have the same combined scaled scores, and not enough seats left to accommodate them, then their GPA's must be calculated. If there are still available

seats after the students who scored a Level 5 in both reading and math have been placed, then the following combinations would be considered in order:

Level 5-Reading; Level 4-Math (use scaled scores as needed)
Level 4-Reading, Level 5-Math (use scaled scores as needed)
Level 4-Reading, Level 4-Math (use scaled scores as needed)
Level 5-Reading, Level 3-Math (use scaled scores as needed)
Level 4-Reading, Level 3-Math (use scaled scores as needed)
Level 3-Reading, Level 5-Math (use scaled scores as needed)
Level 3-Reading, Level 4-Math (use scaled scores as needed)

High achievers are evaluated each year and students selected as high achievers are not guaranteed placement in this class the following year. A letter must be sent home to all parents of high achievers selected for this class informing them that this is a one-year placement. Model strengths:

- An accelerated pace enables students to cover content in more depth
- Students are with their intellectual peers
- High achieving students benefit from instruction targeted to gifted students

Half-day Resource (for grade K and 1st grade classes with 4 or less gifted students per grade level or combination grade level): If you have 5 or more students in first grade you must select the Gifted/High Achiever model.

Gifted students receive instruction in specific content area(s) for 2 ½ hours per day. A minimum of 2 hours per day will be spent on content instruction. Recourse teachers are gifted endorsed (or working toward gifted endorsement and on an approved out-of-field waiver), students are ability grouped within the gifted classroom and the curriculum is even further personalized based on individual student needs and interests. Additionally, the gifted endorsed teacher (or a teacher working towards gifted endorsement and on an approved out-of-field waiver) must consult with the general education teacher monthly regarding gifted instruction and the individual needs and interests of each gifted student. Resource teachers may teach two groups of students, one in the morning and one in the afternoon. The gifted endorsed resource teacher is the teacher of record and responsible for grades in the targeted content areas. Students are not responsible for work assigned by the general education teacher while they are in the gifted resource class. Gifted and general education teachers will coordinate student schedules, so that gifted and general education content areas are taught at the same time (i.e., gifted students are not pulled out of the regular classroom for gifted language arts during math instruction in the regular classroom).

Model strengths:

- Cohesive instruction is provided in targeted content areas
- Grades are assessed by the gifted teacher

- Students are with their gifted peers in an environment that nurtures their special needs

Primary Elementary Alternative 1 (for grade K and grade 1 ONLY with 4 or less gifted students per grade level or combination grade level):

Students in grades K and 1st may be served in the general education classroom where the teacher is gifted endorsed (or working towards gifted endorsement and on an approved out-of-field waiver). Students are ability grouped within the classroom and the curriculum is even further personalized based on individual student needs and interests. This primary alternative model applies only to schools where populations of gifted students are less than 4 students per grade level or combination grade level in grades K and 1 and the school opts not to provide one of the more intense models listed above. Gifted students must be placed together in the same classroom to allow time with like-minded peers.

Primary Elementary Alternative 2-Consultation (for grade Kindergarten and grade 1 ONLY with 4 or less gifted students per grade level or combination grade level)

This model only applies to schools without a full-time gifted endorsed teacher (or a teacher working towards gifted endorsement and on an approved out-of-field waiver) for each grade level or combination of grade levels in grades K and 1. This model is designed to allow for sharing of the gifted endorsed teacher(s). This model is not a pull-out enrichment model, rather it is a model where a gifted endorsed teacher designs content instruction and consults with the regular education teacher who delivers the instruction.

In this model, the teacher must consult with the general education teacher on a weekly basis regarding gifted instruction and the individual needs and interests of each gifted student. A consultation log must be completed each week and kept for compliance records. Students are ability grouped within the classroom and the curriculum is even further personalized based on individual student needs. Gifted students must be placed together in the same classroom to allow time with like-minded peers.

Temporary Consultation (grades K-5 for students that become eligible for gifted services after October 1 and cannot be placed into a gifted only or gifted/high achiever class without violating state class size mandates):

In this model, the teacher will consult with the general education teacher on a weekly basis regarding gifted instruction and the individual needs and interests of each gifted student. A consultation log must be completed each week and kept for compliance records. Students are ability grouped within the classroom and the curriculum is further personalized based on individual student needs and interests.

For students whose needs cannot be meet with the school chosen model:

On a case by case basis, an alternate model may be selected for students when evidence of interventions shows that remaining in the school chosen gifted model does not serve the child's need. That student may be placed outside the model based on the recommendation of the Collaborative Problem-Solving Team (MTSS or RTI team) and EP Team. This may include but is not limited to a general education setting for specific content areas or temporary placement in a specific program which addresses an area of deficit while still receiving services in their area of giftedness.

Middle School Program Models for Gifted Education:

All middle school core content teachers (English/Language Arts, Math, Science and Social Studies) providing gifted services must be endorsed, including those middle school teachers who are teaching high school credit courses. Schedules should be designed to concentrate gifted students at each grade level within the same classroom(s) to insure they have substantial time in academic content with their intellectual peers.

Gifted Only Content Area Classes:

Content-based classes in English/Language Arts, Math, Science and Social Studies (or combination blocks of these content areas), numbers permitting. (Content of Developmental Reading is appropriately differentiated for gifted students.) Teachers are gifted endorsed (or working towards gifted endorsement and on an approved out-of-field waiver) and personalize curriculum based on individual student needs and interests.

Model strengths:

- Research on gifted programs suggests this model may provide the structure that best supports the ability of quality instruction to impact the achievement of gifted students
- An accelerated pace enables students to cover content in more depth and complexity
- Students are with their gifted peers in multiple content areas

Gifted/High Achieving Content Area Classes:

Content-based classes in Language Arts, Math, Science, and Social Studies (or combination blocks of these content areas) contain gifted and high-achieving students. Teacher(s) are gifted endorsed (or working towards gifted endorsement and on an approved out-of-field waiver) and personalize curriculum according to individual student needs and interests. High-achieving students are determined by the following criteria:

- For placement in the Gifted/High Achiever model in **language arts and/or social studies:** Scored a Level 5 in reading on the most recent statewide standardized assessment. If there are more level 5s than available seats, the students are ordered by their scaled scores. If there are multiple students who have the same-scaled scores, then their GPAs from the previous year must be considered.

- For placement in the Gifted/High-Achiever model for **math**: Scored a Level 5 in math on the most recent statewide standardized assessment. If there are more level 5s than available seats, the students are ordered by their scaled scores. If there are multiple students who have the same scaled scores, then their math GPAs from the previous year must be considered.
- For placement in the Gifted/High-Achiever model for **science**: Scored a Level 5 in reading and a level 5 in math on the most recent statewide standardized assessment. If there are more level 5s than available seats, the students are ordered by their scaled scores. If there are multiple students who have the same combined scaled scores, and not enough seats left to accommodate them, then their GPA's must be calculated in both reading and math. If there are still available seats after the students who scored a Level 5 in both reading and math have been placed, then the following combinations would be considered in order:

Level 5-Reading; Level 4-Math (use scaled scores as needed)
 Level 4-Reading, Level 5-Math (use scaled scores as needed)
 Level 4-Reading, Level 4-Math (use scaled scores as needed)
 Level 4-Reading, Level 3-Math (use scaled scores as needed)
 Level 3-Reading, Level 4-Math (use scaled scores as needed)

Note: If there are an insufficient number of students who scores a Level 5 to fill the seats, then students who scored a Level 4 can be considered.

Model strengths:

- An accelerated pace enables students to cover content in more depth
- Students are with their intellectual peers in multiple content areas
- High achieving students benefit from instruction targeted to gifted student

Temporary Consultation (grades 6-8 for students that become eligible for gifted services after October 1 and cannot be placed into a gifted only or gifted/high achiever class without violating state class size mandates):

In this model, the teacher will consult with the general education teacher on a weekly basis regarding gifted instruction and the individual needs and interests of each gifted student. A consultation log must be completed each week and kept for compliance records. Students are ability grouped within the classroom and the curriculum is further personalized based on individual student needs and interests.

For students whose needs can not be meet with the school chosen model

On a case by case basis, an alternate model may be selected for students when evidence of interventions shows that remaining in the school chosen gifted model does not serve the child's need. That student may by placed outside the model based on the recommendation of the

Collaborative Problem-Solving Team (MTSS or RTI team) and EP Team. This may include but is not limited to a general education setting for specific content areas or temporary placement in a specific program which addresses an area of deficit while still receiving services in their area of giftedness.

High School Program Models for Gifted Education

Gifted students should remain eligible for gifted services with a current Educational Plan and a matrix completed bi-annually. High School students enrolled in Honors, Advanced Placement, Dual Enrollment, Advanced International Certificate of Education (AICE), Career and Technical Programs and Virtual Courses or International Baccalaureate programs cannot be dismissed from gifted unless they have met the dismissal criteria in SP&P.

Schedules should be designed to concentrate gifted students in 9th through 12th grades within the same classroom(s) to ensure they have substantial time in academic content with their intellectual peers.

Gifted Only Content Area Classes: Content-based classes in English/Language Arts, Math, Science, and Social Studies (or combination blocks of these content areas), numbers permitting in grades 9 and 10. Teachers are gifted endorsed (or working towards gifted endorsement and on an approved out-of-field waiver) and personalize curriculum based on individual student needs and interests.

Model Strengths:

- Research on gifted programs suggests this model may provide the structure that best supports the ability of quality instruction to impact the achievement of gifted students
- An accelerated pace enables students to cover content in more depth and complexity
- Students are with their gifted peers in multiple content areas

Gifted/High Achieving Content Area Classes: Content-based classes in English/Language Arts, Math, Science, and Social Studies (or combination blocks of these content areas), in grades 9 and 10. Teacher(s) are gifted endorsed (or working towards gifted endorsement and on an approved out-of-field waiver) and personalize curriculum according to individual student needs and interests.

High-achieving students are determined by the following:

- For placement in the Gifted/High Achiever model in **English/language arts and/or social studies**. Scored a Level 5 in reading on the most recent statewide standardized assessment. If there are more Level 5s than available seats, the students are ordered by their scaled scores. If there are multiple students who have the same scaled scores, then their GPAs from the previous year must be considered.
- For placement in the Gifted/High-Achiever model for **math**: Scored a Level 5 in math on the most recent statewide standardized assessment. If there are more level 5s than

available seats, the students are ordered by their scaled scores. If there are multiple students who have the same scaled scores, then their math grades from the previous year must be considered.

- For placement in the Gifted/High-Achiever model for **science**: Scored a Level 5 in science on the most recent statewide standardized assessment. If there are more level 5s than available seats, the students are ordered by their scaled scores. If there are multiple students who have the same scaled scores, then their math grades from the previous year must be considered.

Note: If there are insufficient number of students who scored a Level 5 to fill the seats, then students who scored a Level 4 can be considered.

Model strengths:

- An accelerated pace enables students to cover content in more depth
- Students are with their intellectual peers in multiple content areas
- High achieving students benefit from instruction targeted to gifted students

Consultation with a gifted-endorsed teacher: The consultation model is used to supplement appropriate education programs rigorous enough to meet the needs of a gifted learner. Advanced Placement, Dual Enrollment, International Baccalaureate, Advanced International Certificate of Education (AICE), Career and Technical Programs and Virtual Courses are all considered rigorous education programs. Consultation can take place using one of the following three options:

1. Consultation occurs between the teacher of the gifted, the general education teachers and the student. All three meet a **minimum of monthly** to plan, implement, and monitor instructional alternatives designed to ensure success and progress toward EP goals for the student. Consultation logs must be completed monthly and kept for compliance records.
2. Consultation occurs between the teacher of the gifted and the general education teacher. At least one meeting per quarter must include the student. Both teachers (and student once a quarter) meet a **minimum of monthly** to plan, implement, and monitor instructional alternatives designed to ensure success and progress toward EP goals for the student. Consultation logs must be completed monthly and kept for compliance records.
3. Consultation occurs between the teacher of the gifted and the student. At least one meeting per quarter must include the teacher. Both the gifted endorsed teacher and student (and general education teacher once a quarter) meet a **minimum of monthly** to plan, implement, and monitor instructional alternatives designed to ensure success and progress toward EP goals for the student. Consultation logs must be completed monthly and kept for compliance records.

Temporary Consultation (grades 9-12 for students that become eligible for gifted services after October 1 and cannot be placed into a gifted only or gifted/high achiever class without violating state class size mandates):

In this model, the teacher will consult with the general education teacher on a monthly basis regarding gifted instruction and the individual needs and interests of each gifted student. A consultation log must be completed each month and kept for compliance records. Students are ability grouped within the classroom and the curriculum is further personalized based on individual student needs and interests.

For students whose needs cannot be met with the school chosen model

On a case by case basis, an alternate model may be selected for students when evidence of interventions shows that remaining in the school chosen gifted model does not serve the child's need. That student may be placed outside the model based on the recommendation of the Collaborative Problem-Solving Team (MTSS or RTI team) and EP Team. This may include but is not limited to a general education setting for specific content areas or temporary placement in a specific program which addresses an area of deficit while still receiving services in their area of giftedness.

Gifted Electives:

Services may take the form of gifted electives; however, **this option may only be chosen if the following course codes are used:**

- 7965010 Research Methodology for Students Who are Gifted
- 7965030 Externship for Students Who are Gifted
- 7965040 Studies for Students Who are Gifted

Section 2: CURRICULUM

The curriculum for students who are gifted will integrate the Florida Standards into instruction that is designed for the individual needs and interests of the gifted students in the classroom. Gifted students should be assessed at the beginning of each school year to determine each student's highest ability levels. Curriculum will be vertically and horizontally enriching, providing those students who have mastered the grade-level Florida Standards opportunities for acceleration and enrichment. Curriculum for gifted students should include a wealth of opportunities for extended learning beyond the classroom in activities such as science and social studies fairs, music and art exhibits, academic competitions, mentoring, business partnerships, strategic games, etc. Application of curriculum to the gifted classroom will include differentiation, ability grouping, and acceleration as described below.

Differentiation: Students who are gifted need an appropriately differentiated curriculum designed to address their individual characteristics, needs, abilities and

interests. An effective curriculum is essentially a basic curriculum that has been modified in respect to content (ideas, concepts, descriptive information and facts), process (how the content is delivered), and product (what the student is being asked to submit to demonstrate understanding). A differentiated curriculum can refer to acceleration, compacting, variety, reorganization, grouping configurations, flexible pacing, and enrichment with more advanced or complex concepts.

Curriculum Compacting-Curriculum Compacting is a technique for differentiating instruction that allows teachers to adjust curriculum for students who have already mastered the material to be learned (or learned new material at an accelerated rate), replacing content students know with new content, enrichment options, or other activities.

Enrichment-Activities that add or go beyond the existing curriculum. They may occur in the classroom or in a separate setting such as an internship program.

Ability Grouping: Research supports the idea that high ability students should spend most of their school day with others of similar abilities and interests with the provision the curriculum has been adjusted to meet their needs. This is particularly beneficial when the curriculum has been accelerated. Assigning students to separate groups by ability and providing them with the same curriculum has no effect on achievement, positive or negative, and the neutral effect holds for high, middle, and low achievers. When the curriculum is altered, ability grouping appears to be beneficial. In classes that are ability grouped, further ability grouping should occur within the class.

Acceleration: Acceleration refers to the “flexible pacing” of educational programs that is responsive to the competencies and knowledge of individual children. It may be an appropriate alternative for many gifted students if it is implemented in an effective manner. Acceleration does not mean requiring students to progress at a faster rate, but rather at speeds commensurate with their natural learning rates.

Acceleration can be justified on social and emotional grounds as well. Gifted students are frequently socially mature, seek older friends and exhibit social understanding and interests well beyond their age.

Acceleration can take the form of:

1. Early entry
2. Grade skipping
3. Telescoping (setting the amount of work to be covered in a shorter period of time)
4. Subject acceleration
5. In-class acceleration or content acceleration
6. Whole class acceleration
7. Curriculum compacting (an instructional technique providing replacement strategies for material already mastered)

8. The district has created an ACCEL plan for elementary school students.

Textbooks and Supplemental Materials

Gifted classrooms will be provided with district-adopted texts and instructional materials for the appropriate instructional level of the gifted student. Teachers may supplement district-adopted texts with appropriate supplemental instructional material geared to the ability level of the student. The Innovative Learning Department will provide guidance regarding the choice of supplemental materials. Schools are encouraged to utilize curriculum recommendations from the Innovative Learning Department in gifted classrooms. It is the responsibility of the principal and teachers to ensure that all supplemental materials are appropriate and address the learning objectives for each student. Regardless of instructional materials used, the teacher is responsible for ensuring that all gifted students achieve the appropriate grade-level Florida Standards.

Curriculum Assessments

The Innovative Learning Department can conduct curriculum assessments for gifted programs. Priority will be given to schools whose principals are new to the school or when curriculum assessments are requested. Curriculum assessments will be coordinated through the appropriate Curriculum Supervisors in the Elementary and Secondary Learning Departments. Curriculum assessments will be conducted by a panel of qualified administrators and/or instructors in gifted education from the district offices and/or other schools. Curriculum assessments will be based upon evidence of the following indicators.

EFFECTIVE GIFTED PROGRAM INDICATORS:

CLASSROOM/SCHOOL PROGRAM CHARACTERISTICS

- Teacher is endorsed, or is on an out-of-field waiver while working on endorsement in Gifted Education
- Program paperwork completed correctly (gifted Educational Plan (EP) goals are measurable, observable, and individualized and meet minimum compliance requirements)
- Appropriate modifications are made for students from Special Populations (twice-exceptional, culturally diverse, highly gifted, ELL, underachievers, etc.)
- Parent/guardian meetings and/or workshops are offered
- Students challenged to perform to maximum potential; genuine differentiated/personalized programming, not “more of the same” or simple acceleration of content
- Selection of teachers for program based on knowledge, attitude, skills and certification in teaching gifted or high achieving students
- Career exploration, mentorship and goal setting integrated into the curriculum

- Teachers encourage the development of social skills through instruction to recognize and use one's ability to become self-directed, appreciate likenesses and differences between one's self and others
- Teacher recognize and channel creative talents through individualized projects and activities
- Program goals are aligned to EP's
- Instruction provides opportunity for improvement of attitude, self-confidence, and motivation toward school

CONTENT MODIFICATION

- Instructional strategies are incorporated that include the following: cooperative learning, graphic organizers, manipulatives, content compacting, brainstorming, field experience, differentiated curriculum instruction, problem solving, prediction, observation, integration of content areas, hands-on models, reflective thinking, open-ended tasks, and research skills and methods
- Content includes a wide variety of topics not addressed in the general education classroom
- Content presented to the student is organized around themes with broad applicability
- Content presented to the student is complex with concepts that interrelate and cross disciplines
- Evidence of provisions to enhance affective development: self-esteem building, conflict resolution, encouragement of risk taking
- Content includes opportunities to promote multicultural awareness and understanding
- Curriculum reflects significant differences in strategies and activities when contrasted with content and instruction in the general education classroom
- Content reflects Florida Standards and Critical Content as well as gifted EP goals and objectives
- Student is cognitively stimulated to use analysis, synthesis, and evaluation as regular thinking processes
- Cognitive goals, objectives, and activities are clearly defined
- Content addresses a variety of learning styles
- Content addresses multiple intelligences

PROCESS MODIFICATIONS

- Instruction includes selected objectives in higher order thinking (i.e., Bloom's Taxonomy)
- Varied and creative teaching strategies and materials are being utilized; use of lecture/direct instruction does not dominate
- Instruction includes teaching students to use a systematic approach to problem solving and decision making
- Students work to improve oral, written, and non-verbal communication

- Students have opportunities to pursue special interests and topics through independent student and/or research
- Students have opportunities to pursue special interests and topics through independent student and/or research
- Students have opportunities to work in groups of varying size and assume leadership roles
- Students who have the attributes and interpersonal skills necessary to be effective leaders are afforded opportunities to demonstrate leadership skills, i.e., listening, communicating, decision-making, conflict resolution, and negotiation
- Students are encouraged to present and discuss their positions on specific issues
- Students are actively engaged during each class meeting (discussions, presentations, groupwork, conferences, simulations, learning centers, etc.)
- Students display the ability to use research skill, i.e., hypothesize, collect and organize data, classify, observe, predict outcomes, evaluate, interpret, and self-evaluate
- Instruction fosters discourse by posing questions and tasks that elicit, engage, and challenge student thinking

ENVIRONMENTAL MODIFICATIONS

- Curriculum reflects the use of mentors/experts working with students to extend learning
- Classroom is arranged in a flexible manner to provide a variety of groupings and freedom of movement
- The room has various learning centers
- The room contains stimulating visuals
- Students use a variety of learning materials and resources (computers, manipulative, reference materials, etc.)
- Students have ready access to portfolios and work folders

PRODUCT MODIFICATIONS

- Students are involved in developing both independent and group projects
- Students are encouraged to use community resources in the development of products
- Students are encouraged to develop products that apply to real life situations
- Students are engaged in original product development (rubrics included)

TECHNOLOGY MODIFICATIONS

- Ready access to computers and peripherals (digital cameras, graphic calculators, 3D printers, etc.)
- Age appropriate, challenging software and applications
- Technology is being utilized and integrated into the curriculum daily to support student inquiry
- The use of district available technology is required of all gifted students and is embedded in their assignments

ASSESSMENTS

- Alternative assessment measures are evident, i.e., rubrics, portfolios, open-ended investigation, journals, student-led conferences, performance demonstrations, projects, teacher observations, self-assessments, and peer assessments
- Lesson plans reflect selected Florida Standards, National Gifted Standards and Critical Content
- Educational Plans reflect individualized goals and objectives
- Educational Plan goals are individualized, measurable and observable

Section 3: SOCIAL AND EMOTIONAL NEEDS OF THE GIFTED

Many gifted learners have unique social and emotional needs. Social emotional development may be asynchronous with intellectual development. No set of social-emotional characteristics can describe gifted children in general, but some gifted children may have intensities, overexcitabilities, and social challenges that require special training and skill on the part of the educators that serve them. A school's gifted program will tailor itself to the social-emotional needs of the students it serves, providing counseling, family support, and individualization of the learning environment according to the needs of the gifted student.

Section 4: TEACHERS OF THE GIFTED

Teacher Selection

Teachers providing services for will display:

1. Compliance with the Gifted Endorsement section as described
2. Successful teaching experience
3. A genuine interest and desire to work with gifted students
4. Evidence of advanced content competence in core academic subjects
5. Willingness to pursue training for needed professional understanding and competencies
6. The skills and ability to successfully individualize instruction according to individual student needs and interests
7. The skills and ability to successfully differentiate (personalize) curriculum, ability group, and accelerate curriculum

8. A genuine desire and ability to collaborate with colleagues and to contribute to the professional growth of all educators

Professional Development

As reflected in their professional growth plans, teachers of the gifted are encouraged to participate in professional development specifically targeted to the instruction of students who are gifted. Professional development may take the form of district meetings for teachers of the gifted, national and state conferences for teachers of the gifted, and/or district staff development offerings targeted to teachers of the gifted. Some examples of professional development offered by the district are the annual South Florida Gifted and Talented Symposium conference, EP writing workshops, webinars delivered via Teams, Gifted Endorsement Courses, Gifted Coordinator/LEA workshops, and monthly Gifted Advisory Meetings.

Gifted Endorsement or In-Field Status

Teachers providing gifted services must be certified in the subject and content area of the course(s) they are teaching, hold the Florida Department of Education Gifted Endorsement or be approved through the Gifted In-Field Rubric by the Talent Acquisition Department. The Florida Department of Education Gifted Endorsement requires completion of five state-approved courses related to the education of gifted students. Teachers who do not have the endorsement or have not been approved through the in-field rubric, but are providing services to gifted students, must be placed on an approved out-of-field waiver. In addition, teachers must also be certified in the subject and content area of the course(s) they teach. If teachers are on an approved out-of-field waiver they must complete at least two courses per year until the requirements for endorsement are complete or satisfy the requirements on the in-field rubric in one school year. Teachers who are on an out-of-field waiver and the schools employing them, must comply with all state requirements pertaining to out-of-field teachers.

Each year the Professional Development Standards and Support Department will offer the necessary courses required to earn the Florida Department of Education gifted endorsement or meet the requirements of the in-field rubric. Teachers have the option of taking the courses online through Broward Virtual University (BVU), or at other sites (such as universities) authorized by the Florida Department of Education to provide the courses. Courses taken online through BVU earn inservice points along with the endorsement, while courses taken through colleges and universities earn graduate or undergraduate college credit along with the endorsement. Some universities may include endorsement courses in a master's degree program. Teachers can register for online courses offered through Broward Virtual University by logging on to Learning Across Broward (LAB).

For a copy of the In-Field Rubric please go to the following link:

https://browardcountyschools-my.sharepoint.com/:b:/g/personal/p00021996_browardschools_com/EUqVq20caplHjjZQjW6sPssB9t5B0L59FSbPdW2Ef11RLw

Section 5: EDUCATIONAL PLAN (EP)

An EP reflects a current and thorough assessment of the student's areas of strength and options for advancing and enriching that student's educational program within their areas of strength. An EP may also address a student's areas of weakness(es) in the Social/Emotional and Independent Functioning domains in those instances where the weakness(es) becomes a barrier to mastering the curricular goals. The intent is to ensure the student will be able to make academic gains in his/her area(s) of strength. EP's can be developed for either a one-year or a two-year period, unless there is a social/emotional goal. If there is a social or emotional goal, the EP will be in effect no more than one year. New EP's must be generated when a student transitions from elementary to middle school and middle to high school.

EP Goals

Educational Plan (EP) goals will:

1. Be individualized to reflect each student's strengths, interests, needs, and weaknesses (if applicable)
2. Be measurable so that growth can be assessed in clear and certain terms
3. Be observable to the classroom teacher, the parent, and the student
4. Include a minimum of two goals that address curriculum

The gifted endorsed teacher of record (or on an approved out-of-field waiver) providing the direct services is required to write/revise the goals for any upcoming EP meetings. That includes any math, science, reading/language arts or social studies teachers providing direct services. If the student is on consultation then the teacher providing the consultation services is responsible for writing/revising the goals and completing the consultation logs in EdPlan.

EP Meetings

Teachers and parents of the gifted should prepare for EP meetings. Teachers will assess the student's strengths, interests, and needs and develop expectations for student growth prior to the EP meeting. Teachers will supply, at the meeting, data regarding the student's mastery of goals related to the student's (1) curriculum and learning environment, (2) social/emotional behavior, (3) independent functioning. Data may take the form of literacy folders, benchmark testing results, achievement scores, etc. Parents should be encouraged to prepare for the EP meeting by reviewing the Educational Plan Parent Handbook-Frequently Asked Questions. The guide is available on the Innovative Learning-Gifted website and will be mailed upon request. Parents should communicate their perspective regarding the student's strengths, interests, and needs as well as expectations for student growth.

EP Progress Reports

Schools must communicate progress towards EP goals on a quarterly basis. The EP progress reports should be delivered in conjunction with quarterly report cards. However, parents and/or teachers may request EP meetings to review a student's EP goals at any time. The gifted endorsed teacher of record (or on an approved out-of-field waiver) providing the direct services is required to collect data on the progress of their goals for each marking period to include in the EP progress reports. That includes any math, science, reading/language arts or social studies teachers providing direct services. If the student is on consultation then the teacher providing the consultation services is responsible for collecting data on the progress towards the goals and reflect that data on the EP progress reports each marking period.

Matriculation of Gifted Students

EP's will be reviewed prior to a student's matriculation to middle and high school, regardless of whether the two-year time period for the EP has expired. Both the student's current school and the student's future next level school must be involved in the EP review, including (1) the student, (2) the parent(s), (3) ESE Specialist or Gifted Coordinator of the sending school, (4) ESE Specialist or Gifted Coordinator of the receiving school, (5) Gifted Teacher of the sending school, and (6) other parties as needed.

Eligibility and EP Procedures for Transfer Students

Gifted students that transfer from other districts within the State of Florida are accepted without any further qualifications. However, an EP review meeting must be held, and a new EP generated regardless of the end date of the existing EP.

Gifted students transferring from out of state and have documentation that they were in a gifted program at their previous school are accepted without any further qualifications, even if they do not meet initial eligibility requirements in Broward or the state of Florida. ESE Specialists must contact the previous school to confirm. An EP review meeting must be held, and a new EP generated regardless of the end date of the existing EP.

EP Resources

The Innovative Learning Department will:

- Provide staff development for teachers, counselors, and ESE Specialists regarding the writing and monitoring of EP's
- Provide annual parent EP workshops
- Include EP Resources for parents in the department's website

Canvas Resource Courses

Revised April 2023

The following Canvas Courses have been created to provide additional resources.

1. **Gifted Resources for Parents Course:**
<https://browardschools.instructure.com/courses/873274>
2. **Gifted Teacher Resource Canvas Course:**
<https://browardschools.instructure.com/courses/873274>
3. **Gifted LEA Resource Canvas Course:**
<https://browardschools.instructure.com/courses/657575>
4. **EP Writing Canvas Course:**
<https://browardschools.instructure.com/courses/451246>

Part V. Appendices

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

Select from the following:



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

The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.


N/A

The school district's positive behavioral interventions and supports policies and procedures is included as an attachment.

N/A

Part V. Appendices

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

 This section is not applicable for the district.

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

Describe the exceptional education services available within the lab school:

N/A

Part V. Appendices

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



This section is not applicable for the district.

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

The District Best Practices for Inclusive Education Assessment Document (District's BPIE Indicator Rating Tally Sheet) is attached.

The Plan for Inclusive Education: Short- and Long-Term Improvement Efforts Document to address the prioritized BPIE Assessment Indicators is attached.

District Best Practices for Inclusive Education (BPIE) Assessment

Broward County School District



District BPIE Indicator Rating Tally Sheet

Date Completed: 02/09/2022 **District:** Broward County **District Contact/Title:** Saemone, Hollingsworth,
Executive Director
Exceptional Student Learning Support

FIN Team: Bari Aronson, FIN Facilitator
Barbara Krakower, FIN Facilitator
Jennifer Robinson, FIN Facilitator
Lauren Peragine, FIN Facilitator
Mixy Sorondo, FIN Facilitator
Patricia Fernandez-Laza, FIN Facilitator
Gina Sandusky-Nelson, FIN Facilitator

District BPIE Team Members:

Saemone Hollingsworth, Executive Director ESLS, Teresa Hall, Director Support Services ESLS, Diane Eagan, Director PreK & Elementary ESLS, Dr. Nathalie Neree, Director Secondary ESLS, Dr. Avriolos Moumoutjis, Curriculum Supervisor ESLS, Gary Grigull, Curriculum Supervisor ESLS, Keondra Pierre-Eafford, Curriculum Supervisor ESLS, Andrea Ciotti, Curriculum Supervisor ESLS, Gwendolyn Lipscomb, FDLRS Manager, Brian Norris, Curriculum Supervisor ESLS, Stacy Wolfe, Supervisor Transition ESLS, Stephanie Acosta-Castro, Curriculum Supervisor ESLS, Dr. Lisa Cunningham, Specialist Exceptional Student Education Deaf Hard of Hearing, Ericka Stewart, Specialist Exceptional Student Education Hospital Homebound, Dr. Susan Robinson, Due Process Coordinator, Rhonda Said, Coordinator Support Services, Lisa-Ann Clarke, Coordinator Medicaid/504, Debra Harrington, Curriculum Supervisor Speech/Language, Adreinne Dixon-Paul, Specialist, MTSS/Rtl, Allisyn Axelrod, ESE Program Specialist Charter Schools Management/Support Department, Ernie Lozano, Director School Performance & Accountability, Horace Hamm, Director School Performance & Accountability, Angie Moodliyar, Principal Griffin Elementary, Melissa Guerrero, Principal Forest Glen Middle, Jay Milmed, Assistant Principal Marjorie S. Douglas High, Dr. Howard Jones, Principal Wingate Oaks Center, Kay Blake, Director Transportation Services, Mindy Encalada, ESE Specialist for Transportation and Compliance program Specialist, Dr. Victoria Saldala, Director Bi-Lingual/ESOL, Lori Canning, Executive Director Early Learning & Language Acquisition, Zuzel Rodriguez, Curriculum Supervisor Gifted, Technical & Adult/Community Education, Dr. Shernette Grant, Direct Innovate Program Design, Marissa Kinney, Director Student Services, Susan Villapondo, Supervisor Family Counseling Program, Ellen Kay, Chair Meaningful Inclusion Subcommittee, Valeska McDonald, Support Facilitator Tequesta Trace Middle, Candy Allen, SVE Teacher Taravella High, Patrice Wilson, Support Facilitator Hallandale High, Fania Desinord, Support Facilitator Coconut Creek High, Brian Bender, ASD Cluster Teacher Eagle Ridge Elementary, Tyler Warnock, IND Cluster Teacher Pembroke Lakes Elementary, Kyle Pelligrino, Support Facilitator Westwood Heights Elementary, Denise Hanson, Principal Park Springs Elementary, Nicole Hicks, Support Facilitator Cooper City High, Bach Todaro: Bach Todaro - Parent & Chair of DS Committee of ESE Advisory Council, Tyler Raphael, Teacher, Pembroke Lakes Elementary, Bach Todaro, Chair Down Syndrome Subcommittee, Wendy Carroll, Parent, Leigh Townley, Chair Emotional Behavioral Disorder Subcommittee, Sharonda Bailey, Director of Head Start Early Intervention, Beth Williams, Curriculum Supervisor ESLS, Linda Celestin, Support facilitator Fort Lauderdale High

Leadership and Decision-Making

Indicator	Implementation Status	Data Sources/ Supporting Evidence
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high- incidence disabilities in general education and natural contexts in every school.	Partially--Almost	<ul style="list-style-type: none"> • Review reports of relevant information from the district and schools through Sharepoint dashboard, EdPlan, Data Warehouse • Analyze current enrollment, IEP and LRE data annually • Input from SAC and SAF • District-wide, full implementation of the MTSS/Rtl process • Maintaining continuous progress monitoring of individual students • It took over a quarter for a student who was identified as performing at grade level in math to be transferred from ACCESS math into a general education math class. Once there, even after entering the course over a quarter later, he outperformed students who had been in the class from the first day of school • Inclusive scheduling that enables students to spend time with typical peers
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.	Partially--Almost	<ul style="list-style-type: none"> • It varies at different schools. • Special programs sites differ throughout the district. And not every school has every program. Higher percentages of SWD at schools with preschool special programs in addition to special programs in the K-5 grades. <p>Comments: Continuously monitor data to make sure that students are receiving a meaningful instruction in the LRE. Benchmark and Demographic reports are available by school.</p>
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.	Partially--Almost	<p>It took over a quarter for a student who was identified as performing at grade level in math to be transferred from ACCESS math into a gen math class. Once there, even after entering the course over a quarter later, he outperformed students who had been in the class from the first day of school</p> <ul style="list-style-type: none"> • Many of the magnet programs are hesitant to accept students with IEP's • Students in special programs usually assigned to home school • During IEP/matriculation meetings, we present these choices to the parents and explain all of the options the District offers • Decision making guides for special program • Special program students are assigned based on availability of programs. Not usually by choice. All programs are not available in all schools across the District • Marketing efforts are not geared towards SWDs • All attempts are made to make sure that SWDs are able to access learning in the closest school to their home address...parents are also given options for their SWDs as to what is most in alignment with their needs • SWD have more options for school choice i.e. McKay Scholarship • All programs within the District are open to all students but may have eligibility criteria that eliminates some applicants • Some students are rerouted to other schools not their home schools because of their learning differences and needs • Charter schools do not accept children with more severe disabilities • SWDs have extra hurdles such as teacher recommendations and panel

Leadership and Decision-Making

Indicator	Implementation Status	Data Sources/ Supporting Evidence
		interviews when it comes to magnet programs at the MS level. And in HS, it is just not an option unless academic grades and test scores allow the SWD into the magnet
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program with peers without disabilities. (Note: As of July 01, 2020, the October FTE Survey 2 will include 5-year-old-students with disabilities in kindergarten under State Performance Plan (SPP) Indicator 5. Prior to this change, this SBPIE indicator included students who were the age of 5 in kindergarten receiving special education and related services in kindergarten.)	Partially–Beginning	<ul style="list-style-type: none"> • Head Start Early Intervention team works closely with the ESLS team to provide inclusive opportunities in both Head Start and VPK • There is very positive collaboration in schools with Head Start and ESE PreK programs • There are very few integrated PreK classes available for students with SWDs to be placed. Not all elementary schools have PreK classes. I have not been to a staffing for a PreK child where a general education setting was offered as an option • Our preschool programs are a wide array, but it is a work in progress. We continue to open programs and strive for improved inclusive programs • The District serves significantly more PreK SWDs in BCPS than PreK students without disabilities • My elementary school has the ESE PreK special programs, but we do not serve PreK students without disabilities • Pre-K students are assessed to determine the most appropriate placement for them. Sometimes students will not benefit from a typical setting. • 10% of our students in Head Start classes are SWD • Changes in funding for early childhood education has begun to increase which will create greater opportunities for inclusion
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.	Partially–Almost	<ul style="list-style-type: none"> • Most schools have a wide range of placement options • Charter schools can choose the level of service in their charter application • Formula based on needs of the SWD students • ESE caseloads in many schools are very high. <p>Comments: ESE teachers cannot keep up. Additional support is needed. An ESE teacher should not have 60 students on their caseload.</p>

Leadership and Decision-Making

Indicator	Implementation Status	Data Sources/ Supporting Evidence
<p>6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.</p>	<p>Fully</p>	<ul style="list-style-type: none"> • Florida Inclusion Network Discretionary Project provides support to the District and schools • The District provides a full range of personnel at the district and school level to support progress toward BPIE goals and education for all SWD • Key personnel are assigned to each school for all special needs • District staff is always available to clarify, educate, and provide support to schools related to SWDs • The District provides training, inclusive school week activities, inclusion recommendations, inclusive scheduling, and school collaboration • Schools do not always take advantage of the District provided support • ESLS does a great job providing personnel and resources to support our schools. Always willing to help • Many MTSS teams do not know what to do with students with dyslexia • Schools do have the expertise to support students with intellectual disabilities in the general education classrooms
<p>7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi- tiered behavior supports in general education classrooms and natural contexts.</p>	<p>Partially–Almost</p>	<ul style="list-style-type: none"> • When my child needed assistance from District Staff to stay safe at school, they were there to assist the teacher, school staff, and my child • District staff is responsive and available to help with any MTSS and PBIP issues or concerns • On-site Behavior Tech is a positive • District support team provides ongoing support and follow ups on behavior strategies, review data collection with us, and assist with FBA and PBIP, as well as make us aware of trainings. These teams are designed to provide support from various expertise and perspectives • The District's School Climate and Discipline Department has been designated to provide training, support, and resources. They reach out to Charter Schools as well and provide information and training • There is a very collaborative approach including school psychologist, PBIS, ESLS Behavior Specialists, and the MTSS Department • The District continues to monitor supports to ensure needs are addressed • This is an ongoing area to improve • There is dedicated district staff to support all students within the School-wide Positive Behavior Plan. The plans address the specifically address SWDs • We are supported and offered training to teachers and ESPs- asking us what we need has been helpful in developing effective program • There's a need to have family counselors on campus 5 days a week, not part time <p>Comments: Many MTSS teams do not know what to do with students with dyslexia. Schools do have the expertise to support students with severe intellectual disabilities in the general education classrooms. We can improve by spot checking the process at various schools to ensure</p>

Leadership and Decision-Making

Indicator	Implementation Status	Data Sources/ Supporting Evidence
		fidelity.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.	Partially–Almost	<ul style="list-style-type: none"> • Schools monitor this data and discuss quarterly at behavior meetings to monitor and adjust as needed. We meet as a school team to look at all SWD suspensions and make sure we are following all matrix consistently for all students • We work a great deal with our general education teachers to understand the behavioral needs of some of our SWD • District Program Specialists monitor suspension. There is a monthly Behavior Specialist PLC • TERMS BASIS are not consistently used to capture behavior information in the charter schools • Teachers are always part of the Rtl collaborative process of providing students with the behavioral supports that are needed to make sure that they are not excluded from the learning environment. Data is monitored, and supports are put in place to make sure that students are educated in the LRE • School and district level PBIS Teams address this area in the SPBP and continuously analyze data to ensure SWDs are not overrepresented <p>Comments: I believe there is a lack of understanding of certain disabilities. ADHD can cause impulsive behaviors which are misunderstood and thought to be purposeful. I think there needs to be PD.</p>
9. District policies and student transportation schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same daily schedule as students without disabilities, except for those SWDs who have an IEP indicating a shortened school day.	Fully	<ul style="list-style-type: none"> • Evidence would include our Bus synopsis • Feeder patterns ensure timely arrivals • My SWDs arrive to school during arrival time via bus, car rider, or walk up among their peers without disabilities. They also leave at the same time as their peers without disabilities and sit in the same dismissal areas • District transportation is provided at the same rate and frequency as is provided to typical students. None of the ‘bumps’ are related to disability status • As the field trip coordinator at my school, I am aware that there are processes to ensure that all students can access transportation and participate with typical peers • School liaisons work highly collaborative with transportation to ensure transportation is running smoothly • Special program locations are selected with consideration of travel time

Leadership and Decision-Making

Indicator	Implementation Status	Data Sources/ Supporting Evidence
<p>10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.</p>	<p>Partially–Almost</p>	<ul style="list-style-type: none"> • The Matriculation Matters Guide and tools developed by ESLS Division support the transition of SWDs when they move from elementary to middle and from middle to high • LRE is considered during ESE Specialist matriculation meetings, child study meetings, and transition meeting • Matriculation from elementary school special program placement to middle school does not offer the same amount of support for successful transition
<p>11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.</p>	<p>Partially–Beginning</p>	<ul style="list-style-type: none"> • At my school we do for all staff interviews, and I created one for my AP interviews, however, I am not sure if that is across the board • Each school has the autonomy to create our questions but as principals we align the questions to the position's need • We ensure when we interview curriculum supervisors and instructional specialists, we ask about serving ALL students and how to meet their needs. • Our District Division incorporates job interview questions pertaining to diversity and best practices to inclusive education. These can be incorporated into every position. • Been working with the talent acquisition recruitment to develop interview questions to ensure it is a consistent process. • During the interview process at our school, applicants are asked questions regarding their knowledge and experience with SWD, however, not sure if this is across the board in the district.

Instruction and Student Achievement

Indicator	Implementation Status	Data Sources/ Supporting Evidence
<p>12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.</p>	<p>Partially–Almost</p>	<ul style="list-style-type: none"> • We still have self-contained classes and pull-outs. • Special education services, related services are provided in general ed • Students are assigned to special programs based on their needs not exceptionality. Students in Special programs are gradually mainstreamed into general settings if they show success in a smaller setting • EdPlan and IEPs, student schedules demonstrate the decision making to place students. 99% of Charter Schools place students at least 80% in their gen ed classes • Most students with learning disabilities are served in general education but many children with intellectual disabilities do not ever get that opportunity • Parents of children with intellectual disabilities must advocate to have their children included with typical peers or peers without IEPs
<p>13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.</p>	<p>Fully</p>	<ul style="list-style-type: none"> • We receive communication from support teams, school administration, service provide regarding trainings for curriculum and behavior • FIN partnership with our schools • Monthly ESE Specialist meeting, New ESE Specialist meetings, Inclusion of SWD Course, Support Facilitation course • School Administration shares current information with staff via faculty meetings and staff informational emails. District sends information via newsletters, emails, course information • FIN Project and FDLRS have provide training July to June that speak to best practices Inclusive scheduling, collaborative teaching, High leverage practices and so many more • So many trainings available to meet the needs of SWDs offered through the District's Learning Across Broward (LAB) professional development department, within the ESLS division and through the State. • Technical assistance opportunities for charter schools is provided through Charter Schools' Management/Support Department (CSMSD)
<p>14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the academic state standards in general education classes and natural contexts.</p>	<p>Partially–Almost</p>	<ul style="list-style-type: none"> • We receive wonderful support, but we could benefit from additional training for new Support Facilitators about IEP/Goal writing • Cluster walkthrough program standards, support meetings, ongoing support from ESLS support team • FDLRS, FIN, and the ESLS division was able to pivot due to the pandemic and offer PD and TA in a variety of ways – including virtual, some on-site. Follow up, on-site coaching and mentoring is provided. On-site support has been helpful • A wide array of professional development is available for district and school staff • ESLS staff provides training/support through school PLCs • District provides PD and TA to integrate IEP goals with new BEST Standards, utilizing district-approved materials and programs open to Charter Schools in most cases. The ESLS Department is the most inclusive when it comes to training. Other departments not so much

Instruction and Student Achievement

Indicator	Implementation Status	Data Sources/ Supporting Evidence
<p>15. District provides ongoing PD and TA to all school leaders on the implementation of an inclusive scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.</p>	Fully	<ul style="list-style-type: none"> • I think the training is wonderful and there to support schools, not sure most schools are taking advantage of this support • Additional training to build student schedules with SWD needs is needed. ESLS Department provided training on the varied models of support for SWD • District staff is always available to come to school site to help educate school staff on inclusive scheduling and collaborative teaching...as well as weekly support meetings to address concerns • District staff ALWAYS makes themselves available to school teams • PD is found in LAB and allows for any district person to receive training for SWD • Inclusive Scheduling PD opportunities that are provided by FIN is shared by the ESLS Leadership who in turn shares out with principals and ESE Specialists <p>Comments: Can these trainings be put on SIPs so that Principals are sure to schedule staff for them?</p>
<p>16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional and behavioral interventions for all SWDs in general education and natural contexts.</p>	Fully	<ul style="list-style-type: none"> • Progress monitoring professional learning in collaboration with FDLRS, FIN and ESLS Program Specialists are provided to schools • Behavior Program Specialists provide TA, real time support and training for teachers. • ESLS Behavior Canvas Course • BASIS • PD training calendars, courses available in LAB, resources posted in CANVAS and ESLS website, school-based hands on support
<p>17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on all academic state standards.</p>	Partially--Almost	<ul style="list-style-type: none"> • District provides ample PD opportunities though LAB, including assessment training in administering the FSAA by FDLRS, components of collaborative teaching, literacy interventions, collaboration with Elementary and Secondary Learning and Inclusive scheduling • District continues to strive to reach as many teachers and administrators as possible • PD is ongoing and covers a range of areas and needs. Collaboration with the Elementary and Secondary Learning in the rollout of BEST standards training and implementation supports inclusive practices. • The District provides PD and support to new educators <p>Comments: There are no accurate assessments for students with very profound disabilities. I also do not see an accurate way to assess expressive writing and a way to remediate.</p>

Instruction and Student Achievement

Indicator	Implementation Status	Data Sources/ Supporting Evidence
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.	Fully	<ul style="list-style-type: none"> • Assistive Technology team serves all schools in collaboration with other providers, Speech Language Pathologists (SLPs), school staff, bringing in vendor trainings, for schools and families • IEP Documentation • If AT is indicated as a need on a student's IEP it is always accessible to the student, teachers also receive training on how to help the students access their devices. There are also weekly trainings that provide support • We receive training and support whenever we have questions about a device or software. Whenever we email questions, we get an immediate response and training within a week or so • Sometimes, the device is not available, and it takes time to reach the schools.
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.	Fully	<ul style="list-style-type: none"> • The AT team is always responsive to requests for support. • Professional learning is provided to parents, teachers and other support personnel working with students with disabilities who require AT services • AT supports us in providing our students with needed technology and how to use them • Training is always readily available to staff and family members related to AT • Our AT contact will coordinate with family of a student and schedule a training at the school to help the parent best utilize the device • District personnel is available to schools when onsite training is needed • District Training Logs, email communication, and schedules of trainers coming to locations (Charter Schools are included) • The AT team has always been responsive to me as a parent • The AT presentation at the SLD meeting was awesome. The parents loved it!
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services and curricular modifications as stipulated in student IEPs.	Partially—Beginning	<ul style="list-style-type: none"> • Just not happening from my perspective. I had to advocate very hard to secure this placement for my SWD by meeting with several administrators and presenting my case • The graph shown at the beginning of this presentation seems to show that we are not yet • They are not in general education classes except for lunch and specials for the majority. The only students I know of that are in gen ed that are on access points got there by going due process against the district • Students with intellectual disabilities are routinely placed in gen-ed classrooms for inclusion time and receive instruction with typical peers, with supports • Students on access points are in self-contained, & general education • The majority of our DHH students participate in general ed with the support of interpreters or Itinerant DHH teachers • This area needs to be worked on • Access Points are a related to standards and not a placement. More training is needed for general ed teachers

Instruction and Student Achievement

Indicator	Implementation Status	Data Sources/ Supporting Evidence
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.	Partially–Almost	<ul style="list-style-type: none"> • Students are always included in all school and district extra-curriculars. Students are ensured equal access to all activities being provided to typical peers • We have evidence school wide, but I think this is inconsistent among schools. The expectation is very clear by our District • Service provider collaboration to ensure the student can participate with peers without disabilities • New charter school applications and renewal documents are required to demonstrate charter schools' provisions for students with disabilities to participate in extracurricular and school-sponsored activities with the supports required for successful participation • I still see some SWD being excluded from field trips due to behavior or other issues related to their disability
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.	Partially–Almost	<ul style="list-style-type: none"> • Peer Buddy Programs, SEL initiatives, Valentine Exchange, Special Olympics, Best Buddies, CCT club, Hearing Hearts - Mentoring program for DHH students • FDLRS and FIN provide many resources to our schools, celebration of JDI- I did It...We Did Awards, celebration of Inclusive Schools Week, and ISW activities and resources are provided to ESE Specialists. • Our school has Pelican Pals which is a peer buddy program at our school. We also participate in best buddies. • Some schools have Peer counselors and Buddy Programs. In-class teachers have peer buddies/peer support. • FIN inclusive practices – each and every day, imbedded within schools and district offices <p>Comments: There are lots of great programs available. I would like to see schools with segregated cluster classes have the classes moved to within the schools. Could this be addressed through the School Improvement Plan?</p>
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.	Fully	<ul style="list-style-type: none"> • Our school has also created a BUG award, “Bringing Up the Grades”, to increase opportunities to recognize SWDs • We always include our SWD's in our award programs and recognize them at the same time as gen ed students • Kid of Character, Honor Roll, Superlatives as well as end of the year grade level award ceremonies • I collaborate with my grade level pair and make sure awards are grade level appropriate • All students are encouraged to participate in reading challenges, Sun-Sentinel Kids of Character program, honor roll, and other school and community wide programs • Citizenship awards

Communication and Collaboration

Indicator	Implementation Status	Data Sources/ Supporting Evidence
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.	Fully	<ul style="list-style-type: none"> • A Person First Language poster has been provided by FIN to schools and during professional learning activities • District and school-based Newsletters are inclusive of person-first language • Provide information and resources that help written and verbal communication for FPL. Support provided through PD and internal and external • All district memos and communication reflect Person First Language, this is a very important component in school staff trainings. • EdPlan, District's Websites, FINs and ESLS Departments' website are a constant source of information to the community • First person language is highlighted in professional development, collaborative groups, and resources provided by the ESLS team.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	Fully	<ul style="list-style-type: none"> • District emails contain person first language • District, as well as school- based, newsletters, websites, and other communication, include person first language • Consistent communication and collaboration brought awareness to this need. Program materials, documents, forms, all show evidence of person first language. • EdPlan • Trainer language is all first person
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.	Fully	<ul style="list-style-type: none"> • ESE Advisory Meetings • Information is sent via email, flyers, student communication folders to parents • District's electronic communication • ESLS Department's communication • FDLRS and CSMSD disseminates this type of information to school principals and ESE specialists, including Charter Schools. • This is required for transition IEPs, ESE advisory meetings, as well as parent trainings that are offered • FIN & FDLRS Team provide presentations to the ESE Advisory, initiate parent webinars • Numerous training and workshops are provided through ESE advisory, but at times we struggle to get the attendance that we would like to see • The pre covid annual EASE Conference • The District provides a great deal of information about researched based inclusive practices. Due to the pandemic releveled we do have an issue about meeting the needs of all learners when it comes to accessing technology • The ESLS website has resources <p>Comments: Many of the parents do not have any idea of what their rights are or what services are available to their children. The information is available, but the parents either do not have access or they don't know where to find the information.</p>

Communication and Collaboration

Indicator	Implementation Status	Data Sources/ Supporting Evidence
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.	Partially–Almost	<ul style="list-style-type: none"> • Quarterly progress reports, encourage parent/teacher meetings • Professional learning on Family Engagement • IEP meetings and parent collaboration. The parents are a part of the IEP team, so we encourage their feedback • Faculty meetings - stress and remind importance of communication
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district-wide decision-making and planning processes, including initiatives related to inclusive practices.	Fully	<ul style="list-style-type: none"> • Parent Surveys district-wide and school-wide • ESE Advisory • Parents are routinely invited to school board meetings, as well as surveys, and advisory councils • Based on my school site we encourage all parents to attend PTA, SAC meetings and other surveys
29. District disseminates information to all families in the same manner and at the same time.	Fully	<ul style="list-style-type: none"> • Parent Links • Robocalls, emails, texts, twitter, FB • The District uses a variety of methods to ensure communication to all. • District & individual school's Robo Calls • District website • IEP goal progress reports provided for all students with IEPs at same time a report card • Power Up
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	Fully	<ul style="list-style-type: none"> • Broward College Partnership • Transitional program partnerships • Graduation Exit Surveys • Data/surveys from the Transition Office in the ESLS Department • Post-secondary options for students - Broward University, deferment programs • Ellen Kay: There is a need for more collaboration with colleges for students with Intellectual disabilities • ESLS transition dept provides support and resources and collaborates closely with project 10 and local colleges to provide opportunities for students ages 18-21. • Transition information is provided to students starting at age 12.

Communication and Collaboration		
Indicator	Implementation Status	Data Sources/ Supporting Evidence
		<ul style="list-style-type: none"> • Broward is the only district to offer a college prep program • Nicole Hicks: College & Career night for SWD <p>Comments: Broward College would be the only one that integrates or includes adults without disabilities that I can tell.</p>

Priority Indicators Selected by District:

4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program with peers without disabilities.

11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.

14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the academic state standards in general education classes and natural contexts.

17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on all academic state standards.

20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services and curricular modifications as stipulated in student IEPs.

27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.

Indicator Rating Chart content from Broward BPIE Self-Assessment 2/9/2022

1) PA

2) PA

3) PA

*4) PB

*5) PA

6) F

7) PA

8) PA

9) F

10) PA

11) PB

12) PA

13) F

*14) PA

15) F

*16) F

*17) PA

18) F

19) F

20) PB

21) PA

22) PA

23) F

24) F

25) F

26) F

27) PA

28) F

29) F

*30) F



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

District: Broward County Public Schools

Date: 5/18/2023

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

In July 2013, Florida lawmakers enacted section 1003.57, Florida Statutes (F.S.) at <http://www.leg.state.fl.us/>, which defines inclusion as a student with a disability receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and access is provided to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

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

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



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

District Contact Information:

Latonia Green, Executive Director Exceptional Student Education (ESE)

Team Members/Titles:

Latonia Green, Executive Director, ESE

Sonja Clay, Acting Director, Curriculum

Stephanie Acosta Castro, Task-Assigned Director, Support Services

Gwen Lipscomb, FDLRS Supervisor

Andrea Ciotti, Curriculum Supervisor, InD

Gary Grigull, Curriculum Supervisor, ASD

Keondra Pierre-Eafford, Curriculum Supervisor, SLD

Avrilios Moumoutjis, Curriculum Supervisor, Prekindergarten

Beth Williams, Curriculum Supervisor, EBD

Stacy Wolfe, Curriculum Supervisor, Transition

Chauntea S. Cummings, SEDNET Coordinator

Christine Durst, District Coordinator

Plan for Inclusive Education Review Meeting and Closeout-May 13, 2024

Sabrina Sheib, ESE Director, Curriculum

Andrea Ciotti, Director, Specialized Instruction

Avrilios Moumoutjis, ESE Curriculum Supervisor

Andrica Thomas, ESE Curriculum Supervisor

Antionece Robinson, ESE Curriculum Supervisor

Dr. Nakia Liggins, FIN Facilitator

JaSheena Ekhaton, FIN Executive Co-Director

District BPIE Self-Assessment and Plan for Inclusive Education review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: 2/9/2022

- District BPIE Priority Indicators:
District BPIE Priority Indicators: 4, 11, 14, 17, 20, 27

Scheduled/future Plan for Inclusive Education Review Dates:

October 2023, February 2024

Indicator Rating Chart content from Broward BPIE Self-Assessment 2/9/2022

1) PA	*1) PB	21) PA
2) PA	12) PA	22) PA
3) PA	13) F	23) F
*4) PB	*14) PA	24) F
*5) PA	15) F	25) F
6) F	*16) F	26) F
7) PA	*17) PA	*27) PA
8) PA	18) F	28) F
9) F	19) F	29) F
10) PA	*20) PB	*30) F



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

Top School BPIE Priority Indicators (August 1, 2022 – May 1, 2023):

- **Indicator 18-** Specials, electives, and career technical education (CTE) teachers have regularly scheduled opportunities to consult with special education teachers and related service providers to implement strategies that support the learning of all SWDs in their classes.
- **Indicator 26-** All paraprofessionals have received PD that includes clear descriptions of their work responsibilities and strategies for providing support to SWDs in general education classrooms and natural contexts.
- **Indicator 27-** All special education teachers are full, collaborative members of a general education curriculum team.
- **Indicator 28-** General and special education teachers use regularly scheduled collaborative planning time to clarify their roles and responsibilities while planning effective instruction and assessment for all students.
- **Indicator 32-** Reports of progress toward implementing inclusive practices are disseminated to families, school district personnel, and community members annually.



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

Indicator 5			
	State Target	Current District Data and Source	District Target
Indicator 5A: Regular Class Placement	2022-2023: 77.7% 2023-2024: 78%	80.6% (FLDOE LEA Performance Report 2023)	2023-2024: 81.6%
Indicator 5B: Separate Class Placement	2022-2023: 13.20% 2023-2024: 12.90%	14.66% (FLDOE LEA Performance Report 2023)	2023-2024: 13.66%
Indicator 5C: Separate Environment	2022-2023: 3.00% 2023-2024: 2.90%	2.11% (FLDOE LEA Performance Report 2023)	2023-2024: 2%



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

Indicator 3B			
	State Target	Current District Data and Source	District Target
Indicator 3B (ELA/Reading): Proficiency rate for students Grade 4 with IEPs against grade-level academic achievement standards	2022-2023: 24% 2023-2024: 26%	29.84% (FLDOE LEA Performance Report 2023)	2023-2024: 30.84%
Indicator 3B (ELA/Reading): Proficiency rate for students Grade 8 with IEPs against grade-level academic achievement standards	2022-2023: 20% 2023-2024: 21.50%	20.74% (FLDOE LEA Performance Report 2023)	2023-2024: 21.74%
Indicator 3B (ELA/Reading): Proficiency rate for students in HS with IEPs against grade-level academic achievement standards	2022-2023: 18% 2023-2024: 20%	19.7% (FLDOE LEA Performance Report 2023)	2023-2024: 20.7%
Indicator 3B (Math): Proficiency rate for students Grade 4 with IEPs against grade-level academic achievement standards	2022-2023: 29% 2023-2024: 30.50%	37.52% (FLDOE LEA Performance Report 2023)	2023-2024: 38.52%
Indicator 3B (Math): Proficiency rate for students Grade 8 with IEPs against grade-level academic achievement standards	2022-2023: 24% 2023-2024: 26.50%	23.97% (FLDOE LEA Performance Report 2023)	2023-2024: 24.97%
Indicator 3B (Math): Proficiency rate for students in HS with IEPs against grade-level academic achievement standards	2022-2023: 16% 2023-2024: 18%	16.25% (FLDOE LEA Performance Report 2023)	2023-2024: 17.25%



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

Indicator 3C			
	State Target	Current District Data and Source	District Target
Indicator 3C (ELA/Reading): Proficiency rate for students in Grade 4 with IEPs against alternate academic achievement standards.	2022-2023: 57% 2023-2024: 57%	45.7% (FLDOE LEA Performance Report 2023)	2023-2024: 46.7%
Indicator 3C (ELA/Reading): Proficiency rate for students in Grade 8 with IEPs against alternate academic achievement standards.	2022-2023: 58.50% 2023-2024: 58.50%	41.22% (FLDOE LEA Performance Report 2023)	2023-2024: 42.22%
Indicator 3C (ELA/Reading): Proficiency rate for students in HS with IEPs against alternate academic achievement standards.	2022-2023: 61.50% 2023-2024: 61.50%	50.93% (FLDOE LEA Performance Report 2023)	2023-2024: 51.93%
Indicator 3C (Math): Proficiency rate for students in Grade 4 with IEPs against alternate academic achievement standards.	2022-2023: 56.50% 2023-2024: 56.50%	47.25% (FLDOE LEA Performance Report 2023)	2023-2024: 48.25%
Indicator 3C (Math): Proficiency rate for students in Grade 8 with IEPs against alternate academic achievement standards.	2022-2023: 62.50% 2023-2024: 62.50%	39.31% (FLDOE LEA Performance Report 2023)	2023-2024: 40.31%
Indicator 3C (Math): Proficiency rate for students in HS with IEPs against alternate academic achievement standards.	2022-2023: 63% 2023-2024: 63%	52.02% (FLDOE LEA Performance Report 2023)	2023-2024: 53.02%



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

Indicator 3D			
Indicator 3D (ELA/Reading): Gap in proficiency rates for Grade 4 students with IEPs and all students against grade level academic achievement standards.	State Target	Current District Data and Source	District Target
Indicator 3D (ELA/Reading): Gap in proficiency rates for Grade 8 students with IEPs and all students against grade level academic achievement standards.	2022-2023: 29.50% 2023-2024: 28%	28.56% (FLDOE LEA Performance Report 2023)	2023-2024: 27.56%
Indicator 3D (ELA/Reading): Gap in proficiency rates for HS students with IEPs and all students against grade level academic achievement standards.	2022-2023: 36.40% 2023-2024: 35%	31.05% (FLDOE LEA Performance Report 2023)	2023-2024: 30.05%
Indicator 3D (Math): Gap in proficiency rates for Grade 4 students with IEPs and all students against grade level academic achievement standards.	2022-2023: 35.20% 2023-2024: 34%	31.72% (FLDOE LEA Performance Report 2023)	2023-2024: 30.72%
Indicator 3D (Math): Gap in proficiency rates for Grade 8 students with IEPs and all students against grade level academic achievement standards.	2022-2023: 25% 2023-2024: 24%	24.06% (FLDOE LEA Performance Report 2023)	2023-2024: 23.06%
Indicator 3D (Math) Gap in proficiency rates for HS students with IEPs and all students against grade level academic achievement standards.	2022-2023: 31.80% 2023-2024: 31%	28.86% (FLDOE LEA Performance Report 2023)	2023-2024: 27.86%
Indicator 3D (ELA/Reading): Gap in proficiency rates for Grade 4 students with IEPs and all students against grade level academic achievement standards.	2022-2023: 20% 2023-2024: 19%	18.54% (FLDOE LEA Performance Report 2023)	2023-2024: 17.54%



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

District BPIE Assessment Priority Indicator(s):

4- District data reflect that SWD, ages 3–5, receive special education and related services in the regular early childhood program (Pre-K) with peers without disabilities.

Please check all SPP Indicators that apply if applicable:

Indicator 5A: Regular Class Placement: _____ Indicator 5B: Separate Class Placement Indicator 5C: Separate Environment: _____
Other: _____ Indicator #6 _____

SMART Goal 1: By May 2024, Broward School District will increase students with disabilities, ages 3-5, receiving special education and related services in the regular early childhood programs alongside peers without disabilities by 1% from 5.78% to 6.78%.

Goal 1 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	Follow-up: (Measurable and aligned with each action step)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN, FDLRS, TATS and ESE Staff will plan content for professional learning sessions focused on inclusive education for SWDs, ages 3-5. FIN will provide content that addresses K-5 in the least restrictive environment.	FIN, FDLRS, TATS, ESE Staff, District Early Childhood Staff	June 2024	Develop professional learning content for VPK, Head Start and PreK staff	Agenda, Sign-in sheets, Professional Development Content	In-progress
2. ESE Staff, VPK, and TATS will develop a plan to create a proposal for new positions and services to support students with IEPs.	TATS, ESE Staff, District Early Childhood Staff	June 2024	Establish a plan for increasing options for PreK SWDs to receive services in general education PreK settings	Agenda, sign-in sheets for quarterly meetings	Completed -There was a proposal for new positions, however new positions were not created. Existing support was used to support students in the least restrictive environment.



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

Notes/Comments:

District BPIE Priority Indicator(s):

11- All district departments and schools use job interview questions to appraise an applicant's knowledge of, respect for and appreciation of differences in student learners and best practices for inclusive education, as applicable to the position.

Please check all SPP Indicators that apply if applicable:

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

SMART Goal 2: By the end of May 2024, Broward School District will share a bank of job interview questions to appraise an applicant's knowledge and beliefs pertaining to best practices for inclusive education, as applicable to the position.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	Follow-up: (Measurable and aligned with each action step)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Status: (Completed, in-progress, revised, additional goal/action step)
1. The district will share a bank of job interview questions with district departments and schools to add to current interview questions.	District, OSPA, ESE	June 2024	The district will monitor a bank of job interview questions shared with district departments and cadre directors.	Plan to distribute interview questions bank	Completed

Notes/Comments:



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

District BPIE Priority Indicator(s): 14: District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the state academic achievement standards in general education classes and natural contexts.

Please check all SPP Indicators that apply if applicable:

Indicator 5A: Regular Class Placement: X Indicator 5B: Separate Class Placement X Indicator 5C: Separate Environment:
Other: Indicator 3B/Reading Proficiency and Indicator 3B/Math Proficiency

SMART Goal 3: By the end of June 2024, Broward School District will coordinate and schedule 4 professional learning (PL) offerings with technical assistance (TA) and job-embedded coaching on how to implement IEP goals and accommodations in the general education classroom to increase performance in ELA by 1% in each grade band 3B indicator.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	Follow-up: (Measurable and aligned with each action step)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FDLRS in collaboration with ESE Staff will conduct professional learning with technical assistance sessions with collaborative teachers on writing and implementing effective IEP goals and accommodations in the general education classroom.	FDLRS and ESE Staff	June 2024	Consultation between the ESE support team and ESE providers	Technical assistance session notes, follow-up plan	In-progress
2. District ESE Staff will review current IEPs to determine which staff members need additional technical assistance on how to	ESE Staff	June 2024	Review of IEPs by ESE Support Staff	Meeting Notes and feedback from coaching sessions	In-progress



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

implement IEP goals within the general education classroom as a result of initial training that was conducted in the integration of state standards within IEP goals.					
Notes/Comments:					

District BPIE Priority Indicator(s): 17-District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWD based on the state academic achievement standards.

School BPIE Priority Indicators:

#26- All paraprofessionals receive professional development on ways to support SWD in general education.

Please check all SPP Indicators that apply if applicable:

Indicator 5A: Regular Class Placement: X Indicator 5B: Separate Class Placement X Indicator 5C: Separate Environment:

Other: Indicator 3B/Reading Proficiency and Indicator 3B/Math Proficiency

SMART Goal 4: By June 2024, Broward School District will provide 3 job-embedded professional learning offerings and technical assistance on inclusive practices, instruction, and assessment for students with disabilities across all placement categories to increase performance in ELA from by 1% in each grade band 3B indicator.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	Follow-up: (Measurable and aligned with each action step)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Status: (Completed, in-progress, revised, additional goal/action step)
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Plan for Inclusive Education: Short and Long-Term Improvement Efforts

1. District ESE Staff, FIN and FDLRS will collaborate to facilitate PL and TA sessions to school-based staff on the following topics: High Leverage Practices for Inclusive Classrooms (FIN), Accommodations, Literacy, and Behavior Intervention Strategies.	ESE Staff, FIN, FDLRS	June 2024	Participants needs assessment will be provided for ongoing coaching and support	Sign-in sheets, agendas, follow-up	Completed
2. District ESE Staff, FIN and FDLRS will provide coaching and support to schools identified on topics covered during PL and TA sessions.	ESE Staff, FIN, FDLRS	June 2024	The district will continue to collaborate with discretionary projects to provide consultation between the ESE support team and ESE providers.	Attendance and technical assistance session notes, follow-up plan	In-progress and ongoing action step
Notes/Comments:					



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

District BPIE Priority Indicator(s):

27- District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.

Please check all SPP Indicators that apply if applicable:

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

SMART Goal 6: By the end of June 2024, Broward School District in collaboration with FIN and FDLRS will provide resources on how to effectively communicate and collaborate with families of SWDs to district and school-based staff.

Goal 6 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	Follow-up: (Measurable and aligned with each action step)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Status: (Completed, in-progress, revised, additional goal/action step)
1. District ESE Staff, FIN and FDLRS will provide family resources from the Florida Inclusion Network Family Products on effectively communicating and collaborating with families to schools and district staff.	FIN, FDLRS, ESE Staff	6/2024	Distribution of resources and presentation	Meeting notes and list participants	In-progress

Notes/Comments: