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MEMORANDUM

TO: School District Superintendents
FROM: Hershel Lyons
DATE: March 3, 2017

Contact Information:

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DPS: 2017-22

SUBJECT: Continued Eligibility for Gifted Students Transferring From Out-of-State

Revised State Board of Education [Rule 6A-6.0334, Florida Administrative Code \(F.A.C.\)](#), Individual Educational Plans (IEPs) and Educational Plans (EPs) for Transferring Exceptional Students, was approved by the State Board of Education on January 17, 2017. In part, the rule clarifies for Florida school districts that:

- Students who transfer to a Florida public school from out of state with a gifted plan must be provided services comparable to those described in the student’s gifted plan from out of state until the Florida school district develops, adopts and implements a Florida EP that meets the requirements of [Rule 6A-030191, F.A.C.](#)
- Students who transfer with gifted eligibility from another state are eligible to continue to receive gifted services in Florida public schools and may not be required to meet Florida gifted eligibility criteria.
- The Florida school district is not required to obtain parental consent for the initial provision of services for a transferring gifted student determined eligible under this rule.
- 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 state and was receiving gifted services.

To facilitate the transition of students under this rule, Florida school districts in which the student enrolls must take reasonable steps to promptly obtain the student’s records including the gifted plan, supporting documents and any other records related to the provision of gifted education for the student from the previous out-of-state school district, pursuant to [34 Code of Federal Regulations §99.31\(a\)\(2\)](#).

HL/lg

cc: School District Exceptional Student Education Directors
School District Student Services Directors
School District Charter Schools Contacts
School District Choice Contacts

Mary Jane Tappen
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HERSHEL LYONS
CHANCELLOR OF PUBLIC SCHOOLS