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- 14C: SWDs enrolled in higher education OR some other postsecondary program, competitively employed OR just employed (perhaps below minimum wage, for fewer hours).
- BEESS research on one diploma states (an *overview* of other states' policies and procedures related to diploma options, based on the 2011 national study completed by NCEO)
- Other considerations
  - Department staff in other states have various interpretations of their own policies.
  - Many states have strong local control, where districts make their own policies.
  - Much like Florida, many states are in flux with national and local priorities and are currently in the process of making changes to state policy that may affect this information.
  - Statutory language from states with one diploma option
 

Similarities between states:

    - Many states allow alternate courses to be used, and some allow performance criteria to be lowered.
    - Most of the time, these modifications are documented in the IEP.
- Examples
  - New Jersey

#### 6A:14-4.11 Graduation

The IEP of a student with a disability who enters a high school program shall specifically address the graduation requirements. The student shall meet the high school graduation requirements according to N.J.A.C. 6A:8-5.1(c), except as specified in the student's IEP. The IEP shall specify which requirements would qualify the students with a disability for the State endorsed diploma issued by the school district responsible for his or her education.

- Michigan and Personal Curriculum

#### 380.1278b(6)

(6) If a pupil receives special education services, the pupil's individualized education program, in accordance with the individuals with disabilities education act, title VI of Public Law 91-230, shall identify the appropriate course or courses of study and identify the supports, accommodations, and modifications necessary to allow the pupil to progress in the curriculum requirements of this section and section 1278a, or in a personal curriculum as provided under subsection (5), and meet the requirements for a high school diploma.

- Personal Curriculum













#### Indicator 4

- Suspension and expulsion also lags a year.
- Target of 0% was not met, but there was improvement.
- BEESS reviewed districts' Student Code of Conduct and SP&Ps to see if they had policies that would result in disproportionality. Some districts we could not calculate because they did not have large enough minority populations (e.g., Native American).

#### Indicator 5

- LRE for ages 6–21.
- Targets not met, but getting better.
- We have a challenge because Florida counts Hospital/Homebound students as disabled and an exceptionality, and most states serve them but do not count them in their ESE count.

Indicator 6 and 7 skipped – they are being dealt with at another advisory committee for Pre-K, LRE 3–5 and 7 is pre-school outcomes.

#### Indicator 8: Parent Involvement

- We now include the survey choice “agree” as a positive. Data looks much better this way. We still have a challenge getting parents to respond. We are considering sampling instead of everyone surveyed every year. Ms. Denbroeder asked for input on this.
- Members noted:
  - Parents participate in survey, but they do not get feedback. Are they being heard? What are the trends?
  - Sampling better approach.
  - Ms. Denbroeder noted that we would be releasing the data by district.
  - Releasing the district data is important and parents are much more likely to complete if they see the results.
  - Parents want it to be meaningful.
  - What is the response rate? Be sure responses include all subgroups, races, etc.
  - Add activities that include parents.
  - Do survey after IEP meeting. May be hard to do, people are tired after the meeting.
  - Parent advisory groups might be able to help. Attempt to improve services. Might have a better number.
  - Some districts have a survey as well; should be only one.
  - Parents might be intimidated by staff in room while they do the survey.
  - Family night a good time. Partner with libraries.
  - Free public service announcements and other grassroots areas.
  - Communicate importance of survey – should be explained and the response rate would be better.
  - Some parents are concerned about retaliation.
  - Jackson County gives out an information sheet and offers a computer for use after IEP meeting.
  - Opportunity to partner with parents, parent to parent.

#### Indicators 9 and 10: Disproportionate Representation

- In 2011–12, no districts were found to have disproportionate representation that appears to be the result of inappropriate identification.

#### Indicator 11: 60-Day Timeline

- Target 100%.
- 2011–12 was 99%

#### Indicator 13: Secondary Transition, compliance only

- Target: 100%.
- Actual: 90.9%.

#### Indicator 14: Postsecondary Outcomes

- 2/3 targets met.
- Targets for 2011–12
  - 28% in higher education.
  - 38% in higher education or competitive employment.
  - 51% in education or employment
- Member asked about getting data by disability, Ms. Denbroeder noted that small cell size problem – we will explore.
- Once over 18, postsecondary is self-reported.
- Higher education liaison Peg Sullivan noted that each campus has an office for disability services that may have data.

#### Indicator 16 and 17

- State-level Indicators, due process hearing requests.
- 17 not reported in APR; reported elsewhere.

#### Indicator 18: Hearing Requests

- Target 59.5%.
- 52% in 11–12, not met.

#### Indicator 19: Mediation

- Target: 75–85% of mediations that resulted in full or partial agreement.
- Target not met.

### **Nomination Report**

Nominating subcommittee chair Carin Floyd announced the slate of officers (Hannah Ehri, Shawn Larkin, for co-chairs; Thea Cheeseborough for vice chair; and Kara Tucker for parliamentarian) and asked each to speak for five minutes. Each nominee introduced themselves and provided a brief statement on their background and experience with ESE.

Ms. Floyd stated that elections would take place during the business meeting.

Monica Verra-Tirado reminded the members that the State Board is seeking recommendations from the SAC, including those that would require rule changes.

## **Restraint and Seclusion Report**

(See Restraint and Seclusion PowerPoint and draft of state plan in *SAC Member Notebook*, Tab 6.)

Jill Snelson, Program Director, BEESS, and Susan Bentley, Program Specialist, BEESS, presented information on restraint and seclusion, covering the following topics:

- Changes to the incident-reporting website
  - Added Mandt System to list of training strategies.
  - Removed “bathroom” from list of places where incident occurred.
  - Tightened Date of Birth so that only one format is accepted—mm/dd/yyyy.
  
- SP&Ps
  - Reviewed districts’ goals.
  - Required to be measurable.
  - 46 out of 73 districts met their stated SP&P goals for restraint.
  - 56 out of 73 districts met their stated SP&P goals for seclusion.
  - 9 districts have incidents of prone restraint but state that this is not allowed.
  - 3 districts have incidents of mechanical restraint but state that this is not allowed.
  
- Data and trends
  - Restraints: First quarter 2011–12 compared to first quarter 2012–13.
    - 24 of 73 districts reported an increased number of incidents (32.9%).
    - 3 of 73 districts reported 0% change (4.1%).
    - 30 of 73 districts reported a decreased number of incidents (41.1%).
    - 14 of 73 districts continued to report no incidents (19.2%).
  
- Three-year restraint trend data, first quarter comparison, 2010–11 to 2012–13
  - Restraints
    - 21 of 73 districts indicated an increased number of incidents (28.8%).
    - 1 of 73 districts indicated 0% change (1.4%).
    - 35 of 73 districts indicated a decreased number of incidents (47.9%).
    - 15 of 73 districts reported no incidents (20.5%).
  - Seclusions: First quarter 2011–12 compared to first quarter 2012–13
    - 11 of 73 districts indicated an increased number of incidents (15.1%).
    - 3 of 73 districts indicated 0% change (4.1%).
    - 15 of 73 districts indicated a decreased number of incidents (20.5%).
    - 41 of 73 districts continued to report no incidents (56.2%).
  
- Three-year seclusion trend data, first quarter comparison, 2010–11 to 2012–13
  - Seclusions
    - 11 of 73 districts indicated an increased number of incidents (15.1%).
    - 1 of 73 districts indicated 0% change (1.4%).
    - 19 of 73 districts indicated a decreased number of incidents (26%).
    - 37 of 73 districts reported no incidents (50.7%).

- Follow-up with districts
  - Verification activity of 2011–12 data.
  - Memo with questionnaire.
  - Phone contact to discuss trends and conclusions.
- State plan
  - Guiding principles.
  - The use of restraint and seclusion should only be used in **emergency situations** when an **imminent risk** of serious injury or death to the student or others is present.
  - Key element is **PREVENTING emergency situations** when an **imminent risk** of serious injury or death to the student or others is present.
    - Preventative measures
    - Positive behavioral supports (PBS)
    - De-escalation
    - Crisis prevention strategies/techniques
- Trainings
  - Districts are encouraged to select training programs that emphasize and focus on the importance of de-escalation strategies and PBS techniques.
  - Restraint and seclusion should only be administered by trained and certified school personnel.
  - Certification should be renewed on an annual basis.
- U.S. Department of Education Restraint and Seclusion: Resource Document
  - Published in May 2012.
  - Contains 15 principles.
  - BEESS supports this framework in its mission to reduce the need for restraint and seclusion in the state of Florida.
- Goals
  - 100% of all districts will
    - Meet their district's goal for reducing restraint; and
    - Meet their district's goal for reducing seclusion.
  - The number of districts prohibiting the use of
    - Prone restraint will increase by 7%;
    - Mechanical restraint will increase by 4%; and
    - Seclusion will increase by 15%.
  - 100% of all districts will report and submit restraint and seclusion data that is valid and reliable.
- Monitoring
  - Based on the previous year's data, districts will receive tiered levels of supports.
  - All districts will receive baseline interventions.
  - Districts that are above the state level will receive additional supports that increase in intensity.



- The districts that have the highest number (percentage) of incidents will receive more intensive supports in addition to the interventions/support offered to the Tier 1 and Tier 2 districts.
- LRP audio conference
  - BEESS offered an LRP audio conference to all districts on September 20.
  - Restraint & Seclusion: Avoiding Dangerous and Costly Practices and Policies.
  - There were 45 distinct participant sites, including BEESS, districts and discretionary projects.

A member expressed concern about using school resource officers (SROs) for interventions as a way around reporting. They are not part of behavior intervention plan. Are parents allowed a copy of the report that goes to FDOE? Are parents entitled to that report? Ms. Bentley stated that it should be the same notice. Jenni Jenkins noted that parents should get both notification and the web-generated report.

Ms. Bentley noted that we are not encouraging SRO use except in emergencies. SROs must comply with procedures, and the state is encouraging districts to include restraint and seclusion procedures in contracts with SRO providers.

Judy Owen noted that some large districts have their own police forces and they should require training for them. Ms. Bentley agreed that if they are district employees they must go by policies. Dr. Verra-Tirado noted that, in her experience, SROs do not want to be involved in restraint and seclusion and perhaps this is an opportunity for conversation across agencies.

A member asked if the report is printed out and put in student file. Ms. Bentley replied that the school must keep the record, but we do not dictate where it is stored. We will find out where the record is stored (e.g., when student graduates and asks for record, will it be there?).

Judy Owen reminded members that they can complete action forms regarding this topic and that the State Board has asked for SAC recommendations. A member asked if the district restraint and seclusion data must be shared with stakeholders. There is no requirement for this. Will Gordillo, ESE director from Palm Beach, shared how the data is shared in Palm Beach.

Ms. Bentley asked for SAC feedback on the state plan for the reduction of restraint and seclusion.

Dr. Verra-Tirado noted that most, if not all, districts have parent advisory groups, which would be a good mechanism to share this data.

Sylvia Smith from Disability Rights Florida, a guest at the meeting, shared that organization's analysis of restraint and seclusion data from a different angle. Some programs that districts are purchasing can demonstrate results, which is a wise use of purchasing dollars. Another task they undertook was to read all SP&Ps and appendices. The summaries are on their website. All SP&Ps are on the BEESS website, but families need to know where to look, so they posted on their site as well. The data is easy to use, BEESS staff make it clear. Disability Rights Florida wants families to look at it and use it. Ms. Smith thanked BEESS for making the sharing of this data a priority.

A member asked who is providing input into the plan. Jenni Jenkins stated that BEESS could add someone from APD to the group. Member noted to be sure to address trauma-informed care in the plan. Ms. Bentley noted that Multiagency Network for Students with Emotional/Behavioral Disabilities (SEDNET) is working with that aspect.

Ms. Owen thanked the group for allowing her to be the chair for the last year. She stated that she had to leave, but the vice chair would run the meeting during the afternoon. Ms. White asked members to provide her with the action forms.

## **Sponsored Lunch**

### **Rtl (MTSS)**

(See Response to Intervention PowerPoint in *SAC Member Notebook*, Tab 7.)

Heather Diamond, MTSS Liaison, BEESS, and George Batsche, Director, Florida PS/Rtl Project, presented information on Rtl, covering the following topics:

- SAC questions from meeting in July 2012
  - What percentage of students remain in Tier 1, 2 and 3 for how long?
  - Length of time in Rtl – what should that time be?
  - What percentage of general education students are under Rtl?
- Overview and clarify terms: MTSS, Rtl, problem solving
  - Rtl is the practice of (1) providing high-quality instruction/intervention matched to student needs and (2) using learning rate over time and level of performance to (3) make important educational decisions (Batsche, et al., 2005).
  - Problem solving is the process used to develop effective instruction/interventions.
  - MTSS is a term used to describe an evidence-based model of schooling that uses data-based problem solving to integrate academic and behavioral instruction and intervention.
  - The integrated instruction and intervention is delivered to students in varying intensities (multiple tiers) based on student need. “Need-driven” decision making seeks to ensure district resources reach the appropriate students (schools) at the appropriate levels to accelerate the performance of ALL students to achieve and/or exceed proficiency.
- The Rtl framework is an MTSS
- An Overview of Data-based Problem Solving within a Multi-tier System of Supports in Florida’s Public Schools

### **Intensive, Individualized Supports**

- Intensive interventions based on individual student needs
- Students receiving prolonged interventions at this level may be several grade levels behind or above the one in which they are enrolled

- Progress monitoring occurs most often to ensure maximum acceleration of student progress
- If more than approximately 5% of students are receiving support at this level, engage in Tier 1- and Tier 2-level, systemic problem solving

### **Targeted, Supplemental Supports**

- Interventions are based on data revealing that students need more than core, universal instruction
- Interventions and progress monitoring are targeted to specific skills to remediate or enrich, as appropriate
- Progress monitoring occurs more frequently than at the core, universal level to ensure that the intervention is working
- If more than approximately 15% of students are receiving support at this level, engage in Tier 1-level, systemic problem solving

### **Core, Universal Supports**

- Research-based, high-quality, general education instruction and support
- Screening and benchmark assessments for all students
- Assessments occur for all students
- Data collection continues to inform instruction
- If less than approximately 80% of students are successful given core, universal instruction, engage in Tier 1-level problem solving

- It's history!
  - 2002 – No Child Left Behind
  - 2004 – IDEA
  - 2006 – IDEA regulations, technical assistance paper
  - 2007 – Demonstration districts/pilot sites
  - 2008 – State plan, course and website
  - 2009 – Parent video, brochure, other resources
  - 2006–2009 – ESE State Board Rule revisions
  - 2006–Present – Integration
  - 2009 – Rule implementation training/technical assistance
  - 2010 – Guiding Tools for Instructional Problem Solving
  - 2011 – MTSS
  - 2012 – District Action Planning and Problem Solving Process, CCSS institutes
- Current vision/mission
- Integrating Florida's support systems for continuous improvement in all schools
- One, multi-tiered system supporting ALL students!
  - A system in which instruction and learning is based upon CCSS, sound research, collaboration, problem solving driven by multiple sources of student data and culminating in increased student achievement.

- A multi-tiered system of continuous improvement within which:
  - Teams engaged in data-based planning and problem solving is the way of work.
  - Resources are allocated in direct proportion to student needs. Data collected at each tier are used to measure the efficacy of the supports so that meaningful decisions can be made about which instruction and interventions should be maintained and layered.
- Organizing resources
  - Response data reflecting **need** drives all decisions about how to increase effectiveness of our system.
  - Type and intensity of supports are provided based on **evidence of need**.
  - Resources are organized, allocated and continually adjusted according to **need**.
- Collaborative vision of FDOE and related projects supporting an integrated improvement system is to:
  - Enhance the capacity of all Florida school districts to successfully **implement and sustain an MTSS with fidelity** in every school;
  - Accelerate and maximize student **academic and social-emotional outcomes** through the application of **data-based problem solving** used by effective leadership at **all levels** of the educational system; and
  - Inform the development, implementation and ongoing evaluation of an integrated, aligned and sustainable **system of service delivery that prepares all students** for postsecondary education and/or successful employment within our global society.
- Discuss how data-based planning/problem solving work
  - Levels of problem solving
  - 4-step
  - Student/instruction focused
  - 8-step
  - System focused
  - Same goal: Using an evidence-based, structured process that uses data-based decision making to improve outcomes
- What percentage of students remain in Tier 1 and 2 and 3 for how long?  
Model is based on:
  - 80% of students receive primarily Tier 1
  - 14% of students also receiving Tier 2
  - 6% of students also receiving Tier 3
- Aligns with distribution of school based resources
  - 80% of budget aligned with Tier 1 services
- “What percentage of students remain in Tier 1, 2 and 3, and for how long?”
  1. What are tiers?
  2. What informs instructional decisions and adjustments within an MTSS using problem solving?

- 100% of students always receive core (Tier 1) instruction and they receive supplemental (Tier 2) and intensive (Tier 3) interventions as needed, for as long as is needed, adjusted or changed as needed, based on their response data.
- Length of time in Rtl – what should that time be?
  - Rtl **is not** a program or a place.
  - Rtl **is** a way of developing, delivering and evaluating educational services.
  - The length of time that any student is receiving any service (Tier 1, 2 and/or 3) should be based on that student’s response to the service (evidence of need).
  - A student should continue to receive services as a particular level **if** those services are effective.
  - Within a single, integrated system of supports, teams of educators and parents engage in an on-going problem-solving process to increase the effectiveness of instruction at the core, supplemental and intensive levels. Whether a student is receiving intensive or specialized interventions, progress monitoring and adjustments based on Rtl data are continual. This is a Pre-K–12 model. Application never stops.
- “What percentage of general education students are under Rtl?”
  - 100%.
  - ALL students are served by a combination of Tiers 1, 2 and/or 3 services.
  - Therefore, ALL students are “under” Rtl.
  - Students receiving Tier 1 services are monitored less frequently (e.g., 3x/year).
  - Students receiving Tier 3 services are monitored more frequently.

## **Business Meeting**

(See *SAC Member Notebook*, Draft letter to State Board of Education, SAC By-Laws, Meeting Report [Draft, July 2012], SAC Committee Action Form, SAC Designee Form, *2011 Annual Report*, Tab 8.)

Vice Chair Thea Cheeseborough and Parliamentarian Kara Tucker co-chaired the business meeting. The nominees for officers were presented again and nominations from the floor were sought. Receiving none, a call for approval of the slate was made and seconded. The slate of Hannah Ehri and Shawn Larkin for co-chairs, Thea Cheeseborough for vice chair and Kara Tucker for parliamentarian was elected.

Ms. Tucker called for and received a motion and a second to accept the minutes from July 2012. Motion passed.

Judy White suggested the SAC meet via conference call/Adobe Connect in January to discuss the State Board report. Motion to do so made, seconded and passed.

Ms. Tucker reviewed items from the last meeting that members asked to be covered. The first was a request for restraint and seclusion data, which was presented and will continue to be at every meeting. It is expected the final plan for reduction will be presented during the summer meeting.

Ms. Tucker opened the meeting for public comment. Ms. White noted that one public comment form was received, from Mr. George Clayton Purvis. Mr. Purvis very briefly described his experience in public school as a student with autism. He noted that he is currently a university student and doing very well. He stated that his point in speaking at the meeting was to describe his negative experience with Vocational Rehabilitation (VR). The VR counselor told him that he should not be in university – he should be in a service job. He stated that he is determined to be an engineer and wondered what would happen to another student who perhaps did not have a supportive family to remind him that what one person, who does not know him, says does not create his world. Kirk Hall, from VR, gave his card to Mr. Purvis and offered to help him. Ms. Tucker thanked Mr. Purvis for speaking.

Members discussed experiences with VR. Some members noted that their children have had negative experiences as well. Others stated that they had wonderful experiences with VR, noting everything depends on the person assigned to the case and how responsive they are. Mr. Hall spoke briefly on the VR process, including remedies if needs are not being met. Members asked to explore VR further. Roy Cosgrove of the Florida Rehabilitation Council explained the role of that council, noting that several council members are on SAC and/or from BEESS, and told Mr. Purvis that the correct people are in the room to hear him today and that he will make sure that the concerns are followed up on. Dr. Verra-Tirado noted that she was just on a conference call on the national level to discuss VR and transition. Members asked for a presentation on VR and transition in general at the next meeting.

Ms. White projected and reviewed a re-written letter to the commissioner that reflected the changes discussed on December 10, and members made other suggestions for changes, which Ms. White made. Ms. Tucker called for and received a motion and a second to approve the letter as displayed. Ms. Tucker called for a vote and the motion carried unanimously (no abstentions).

Ms. White projected a draft of a letter to the SBE thanking them for holding the ESE workshop. Ms. Tucker called for and received a motion and a second to approve the letter as displayed. Ms. Tucker called for a vote and the motion carried unanimously (no abstentions).

Ms. White projected and reviewed action items that SAC members submitted. She noted that the first three items were similar and all concerned requiring district ESE advisory boards and suggested these be grouped and a recommendation sent to the SBE. She noted that BEESS cannot “require” districts to do anything without the authority of law/rule. Tonya Milton clarified that all rules must be statute based as well. Dr. Monica Verra-Tirado encouraged members not to let the lack of law or rule stop them when coming up with recommendations. BEESS can look into possible statutes that may fit, and the board can recommend new legislation. Ms. White told members that BEESS is currently collecting information on which districts have district ESE advisory boards already in place and which do not. A member recommended that specific data be shared with these groups. The group decided that this was an action item they wanted to move forward with.

Parent feedback surveys – establish goals for districts to achieve with regard to participation. A 3% rate is unacceptable; it should be at least 10%. BEESS is already in discussions and plans to gather best practices from districts to share with all districts. This is something that the indicator/strategic planning team is working on and can report on activities and results at the next SAC meeting.

Ms. White read the next action item, which concerned VR and better aligning student goals to VR services, and noted that members had already discussed this item due to the public comment received.

The final action item concerned the action plan for 71% of SWDs to achieve proficiency by 2018. A member noted that the action part of this would be a meeting that had breakouts to discuss students working toward a standard diploma as there is no time to cover both groups' needs in such a short time. A member had an objection to this as she did not want the group split. Ms. Tucker noted that this would be discussed at a future time. Dr. Verra-Tirado noted that perhaps the group needed to meet more than twice a year, maybe via teleconferencing or video conferencing, allowing time for public comment, or use breakout times to split the group along these lines. A member stated that more public comment would be welcome. Another suggested subcommittees. Ms. White reminded the group that there was a subcommittee that handled the letters discussed earlier in the meeting, but that these meetings had to be held in the sunshine as well, requiring public notice, etc. A member recalled that the group used to meet three times a year and had several subgroup projects; therefore, all of these ideas are doable. Ms. White noted that the January conference call would be a good test of what could be accomplished during a conference call.

Ms. Cheeseborough called for discussion of when and where the next SAC meeting should be, noting that BEESS staff would not be able to travel. It was suggested that two full days would be better than one and a half, which would allow for subgroup meetings. A member suggested public input would be better if the meeting were not in Tallahassee. Another suggested travelling on Sunday and meeting Monday and Tuesday so members, especially parents, did not need to take extra time off work to travel. Others agreed. A member suggested if the group met elsewhere, the district they were in could be invited to give a brief presentation. Orlando and Tampa were suggested as drivable locations for everyone. It was again stated that only a few BEESS staff would be able to attend, which is very important. Cathy Bishop reiterated that travel approval was difficult for staff members, noting that perhaps this would change with a new commissioner. Members expressed approval for allowing public comment via telephone, which may increase public comment without moving. Request to move was withdrawn. Ms. Cheeseborough confirmed the next meeting would be January, by telephone, as agreed, and the next in-person meeting would be in July. Ms. Milton asked the members if they would be willing to meet at the Turlington Building and spend the nights at the Residence Inn. Members objected as there is no restaurant at that hotel and not everyone had transportation. Costs were discussed. It was decided to stay at the Hotel Duval.

Ms. Tucker called for topics for the July meeting. Ms. White stated that her notes reflected a restraint and seclusion report was requested, as was a presentation on transition and VR, including planning for transition and final outcomes. Sharing of the final report to the State Board, as well as the SPP, will also be included on the agenda. Dr. Verra-Tirado noted that the SPP is being merged with a new BEESS strategic plan based on the state's strategic plan for education. She went on to say it seems that the subgroups' themes are being naturally created by this discussion and include transition and pathways to the general diploma.

Ms. White asked members to complete the evaluation form behind Tab 9. Members thanked BEESS staff for bringing all of the information to SAC and commended BEESS for the publications they create.

Ms. Tucker congratulated the new co-chairs and called for a motion to adjourn, which was moved, seconded and approved.

Note: All materials referenced in this report are available, on request, through FDOE, BEESS, 614 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400.



# **State Advisory Committee** **for the Education of Exceptional Students**

## *STATE ADVISORY COMMITTEE BY-LAWS*

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Bureau of Exceptional Education and Student Services  
K-12 Public Schools  
Florida Department of Education

**STATE ADVISORY COMMITTEE  
FOR THE EDUCATION OF EXCEPTIONAL STUDENTS**

**BYLAWS**

**Article I. Name:**

The name of the Committee is the State Advisory Committee for the Education of Exceptional Students ("State Advisory Committee," "Committee," or "SAC").

**Article II. Authority:**

The SAC exists by authority of Florida's participation in the Individuals with Disabilities Education Improvement Act (IDEA 2004), Part B, as amended by Pub. L. 108-446. It is established in accordance with the provisions of 20 U.S.C. Chapter 33, 1412(a)(21) and 34 CFR 300.167 – 300.169, with members appointed by the Commissioner of Education.

**Article III. Purpose:**

The purpose of the SAC is to provide policy guidance with respect to the provision of exceptional education and related services for Florida's children with disabilities.

A. Duties:

SAC duties include:

1. Advise the Florida Department of Education ("DOE") of unmet needs within the State in the education of children with disabilities.
2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities.
3. Advise the DOE in developing evaluations and reporting on data.
4. Advise the DOE in developing corrective action plans to address findings identified in federal monitoring reports under IDEA 2004, Part B.
5. Advise the DOE in developing and implementing policies relating to the coordination of services for children with disabilities.

DOE must transmit to the SAC the findings and decisions of due process hearings conducted pursuant to 34 CFR 300.507–300.519 or 300.530–300.534.

The SAC shall also perform those other duties assigned to it by the Bureau of Exceptional Education and Student Services (BEES).

B. Report:

By February 1 of each year the SAC shall submit for the preceding calendar year an annual report of its proceedings to the DOE. This report must be made available to the public in a manner consistent with other public reporting requirements of IDEA 2004, Part B.

**Article IV. Membership:**

A. Composition of the SAC:

The SAC shall be comprised of members who are representative of the State's population, and who are involved in, or concerned with, the education of children with disabilities.

Special rule. A majority (51%) of the members of the Committee must be individuals with disabilities, or parents of children with disabilities ages birth through 26. (20 U.S.C. 1412(a)(21))

Members of the SAC shall include, but not be limited to:

1. Parents of children with disabilities (ages birth through 26)
2. Individuals with disabilities
3. Teachers
4. Representatives of institutions of higher education that prepare special education and related services personnel
5. State and local education officials, including officials who carry out activities under Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act
6. Administrators of programs for children with disabilities
7. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities
8. Representatives of private schools and public charter schools
9. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities
10. A representative from the State child welfare agency responsible for foster care
11. Representatives from the State juvenile and adult corrections agencies.

The Chief of BEESS/DOE (or his/her designee) shall serve as an ex officio member of the SAC.

Additional representatives may be appointed at the sole discretion of the Commissioner of Education.

B. Appointment:

All members shall be appointed by the Commissioner of Education.

C. Term of Membership:

Individuals who serve as the official representative of a state agency shall serve for a term consistent with their continued employment in the designated official capacity, and the continued endorsement of the sponsoring agency.

All other members initially shall be appointed to three year terms. Subsequent appointments shall be for a two year term. There shall be no term limits.

Members who represent other agencies, organizations, or institutions must have the official endorsement of that entity.

D. Resignation:

Any member may resign at any time by giving written notice to the Commissioner of Education with a copy to the Chairperson of the SAC. A resignation will take effect on the date of the receipt of the notice. The acceptance of the resignation shall not be necessary to make it effective.

E. Termination of Membership:

Membership may be terminated by the Commissioner of Education for any member who no longer qualifies as a representative of the category for which he/she was appointed, or for other just cause including failure to carry out the responsibilities assumed by acceptance of membership.

If a member is absent from three (3) consecutive regularly-scheduled SAC meetings, his/her membership will be reviewed by the Executive Committee at a regular- or specially-called Executive Committee meeting. Such review shall be placed on the agenda of the Executive Committee meeting by the Chairperson after prior written notice of at least ten (10) calendar days is given to the SAC member. If membership is terminated, any such termination may be appealed to the Executive Committee.

If the Executive Committee votes to recommend termination of membership for cause, a letter conveying this recommendation shall be forwarded to the Commissioner of Education unless the SAC member shall, within ten (10) calendar days after the vote of the Executive Committee, submit a written request to the Chairperson for a full hearing by the SAC. If this request is made, the matter shall be placed on the SAC agenda and heard at the next regularly-scheduled SAC meeting.

F. Appointments to Fill Vacancies:

Any vacancy created through resignation or termination of a member shall be filled by appointment by the Commissioner of Education of a person who represents the appropriate constituency for the remainder of the former member's approved term.

G. Designees:

Members unable to be in attendance for a regular meeting may designate an alternate person to attend for them. Notification must be provided to the Chairperson, in writing, stating the name of the designee. Attendance at a regularly-scheduled SAC meeting by a designee shall constitute a missed meeting by the member. The designee must represent the same constituency, agency, and/or organization as the SAC member for whom he/she is attending.

Designees shall be accorded voting privileges on all items requiring SAC action at the meeting in which they are serving as an alternate.

H. Compensation:

The SAC membership shall serve without compensation, but the State must provide appropriate travel advances or reimburse the SAC membership for reasonable and necessary expenses for attending meetings and performing duties.

1. Members will be reimbursed for travel and per diem expenses at official State rates.
2. Members will be reimbursed for child care and/or respite care expenses necessary to their participation in SAC activities upon submission of a properly-executed invoice/voucher.

I. Conflict of Interest:

Members shall avoid conflicts of interest in regard to SAC activities.

1. No SAC member shall at any time seek personal gain or benefit, or appear to do so, from membership on the SAC.
2. Each SAC member must declare to the SAC a conflict of interest statement, whenever such conflicts occur, specifying any association with individuals, agencies, and/or organizations that might be directly impacted by activities and discussion of the SAC. Prior to any vote on an issue in which a SAC member has a vested relationship or interest, the SAC member who has such conflict of interest shall declare it and shall abstain from discussion and voting on the issue.
3. All policy decisions are made at SAC meetings. No individual or subcommittee can speak for the full SAC or act for the SAC unless specifically authorized by the Committee to do so. Each SAC member must respect the rights of the SAC as a whole and represent policies and procedures of the SAC when appearing in public as a representative of the SAC. When presenting views and opinions contrary to SAC policies, or for which the SAC has no official position, the

member must make clear that such views are given as an expression of personal opinion, not that of the SAC.

- J. As an advisory board to a state agency, SAC is subject to state laws and requirements concerning Government in the Sunshine (Section 286.011, *Florida Statutes*; Article 1, Section 24(b), *Florida Constitution*), Public Records Law (Chapter 119, F.S.; Article 1, Section 24(a), *Florida Constitution*), and the Code of Ethics (Chapter 112, F.S.; Article II, Section 8, *Florida Constitution*).

## **Article V. Officers and Staff:**

### A. Officers:

The officers of the SAC are as follows: Co-Chairpersons (2), of whom one must be a parent of a child with a disability; Vice-Chairperson; and Parliamentarian.

These officers and the Chairpersons of the SAC subcommittees shall constitute the membership of the SAC Executive Committee.

### B. Term:

Officers will serve for a term of two (2) years and may succeed themselves in office only once for an additional one-year term.

### C. Election of Officers:

The SAC Nominating Subcommittee shall recommend a slate of nominees, one or more per office, to the SAC membership at a regularly-scheduled meeting. Officers will be elected by a majority vote of the membership.

### D. Vacancy:

The SAC shall fill a vacancy in any office from existing SAC membership. Prior to the next regularly-scheduled meeting of the SAC, the Nominating Subcommittee will meet and prepare recommendations for consideration by the SAC membership. At the next regularly-scheduled SAC meeting, the membership will vote from the Nominating Subcommittee's slate to fill the unexpired portion of the officer's term.

### E. Removal from Office:

Any officer may be removed by appropriate action of the SAC when, in their judgment, the best interest of the SAC would be served thereby. Such action, if taken, requires a two-thirds vote of the SAC members present and voting at a regularly-scheduled SAC meeting. Said officer has the right to an appeals process.

### F. Duties of the Officers:

#### 1. Duties of the SAC Co-Chairpersons:

- a. To preside at and conduct all meetings of the full SAC and meetings of the Executive Committee.

- b. To develop, with DOE, agenda items for meetings of the SAC and Executive Committee.
  - c. To appoint and remove at will all subcommittee chairpersons.
  - d. To ensure that the duties of the SAC as described in Article III are carried out.
  - e. To promote the SAC's continuous cooperative working relationship with agencies of state government in exercising their responsibilities to children with disabilities.
  - f. To serve as the official spokesperson for the SAC in all activities which the SAC may deem proper and at those times when it is necessary for an opinion to be expressed for the SAC.
  - g. To provide guidance to DOE/BEESS staff in interpreting and carrying out SAC activities.
  - h. To appoint and terminate subcommittees, as necessary.
2. Duties of the SAC Vice-Chairperson:
- a. To carry out the duties of the Chairperson in the absence of either of the Co-Chairpersons.
  - b. To assist the Co-Chairpersons in monitoring the activities of the SAC subcommittees and other groups established by the SAC or the Co-Chairpersons of the SAC.
  - c. To carry out other duties as delegated by the Co-Chairpersons.
3. Duties of the SAC Parliamentarian:
- a. To assist the Co-Chairpersons with implementation of *Robert's Rules of Order*, when needed to conduct an efficient meeting and to ensure an equal opportunity for each person to express his/her opinion.
  - b. To ensure the Committee's compliance with these by-laws.

G. Staff:

DOE/BEESS shall provide staff support to the Committee to include, but not be limited to, minute taking and transcription; administrative support; printing; mailing; and coordination of meeting locations, dates and times.

**Article VI. Committees:**

- A. Executive Committee: The Executive Committee shall be comprised of the Co-Chairpersons, Vice-Chairperson, Parliamentarian, and Chairpersons of the SAC subcommittees. The Executive Committee's duties shall be:



1. To serve in an overall advisory capacity to the SAC.
  2. To take any emergency action deemed necessary by a majority of the committee on behalf of the SAC. Any such actions, whether in meetings or conference calls, shall be reported to the full SAC for the purpose of vote, approval, or disapproval at the next regularly-scheduled SAC meeting.
  3. To monitor the work of the SAC subcommittees.
- B. Nominating Committee: At the time of the bi-annual election, the Executive Committee of the SAC shall consider all members who, through completion of a Committee Interest Form or other self-nomination, have expressed interest in serving in this capacity, and from these elect up to five (5) members to serve as the Nominating Subcommittee. The Co-Chairpersons shall appoint the Chair of the Nominating Subcommittee. The Nominating Subcommittee shall be responsible for presenting a slate of candidates to the full SAC for the elective officers. For any vacancies, the Nominating Subcommittee shall also present a list of potential applicants for the SAC to the membership, ensuring that the composition of the SAC continues to be representative of the State, and maintains the representation cited in Article IV (A).
- C. Ad hoc committees can be formed to serve a particular need and to aid the SAC in its operation. Membership of these committees shall be appointed by the SAC Co-Chairpersons in consultation with other members.

#### **Article VII. Meetings:**

- A. The SAC shall meet as often as necessary to conduct its business, including regularly-scheduled meetings at least two (2) times per year.
- B. All meetings of the SAC and its committees shall be open to the public.
- C. A quorum for a SAC meeting shall be over thirty-three percent (33%) of the appropriate membership, including designees.
- D. The Chairpersons are members of all committees.
- E. All Committee meetings and requests for agenda items must be announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend. Meetings shall be advertised in the *Florida Administrative Weekly*. The DOE online calendar and other media outlets as appropriate shall be used with meetings listed at least ten (10) calendar days in advance on the Florida DOE website.
- F. Interpreters and other necessary services must be provided at Committee meetings for members or participants.
- G. Official minutes must be kept on all SAC and Executive Committee meetings. Minutes must be approved by the SAC and must be made available to the public upon request.
- H. Any action required or permitted to be taken by the SAC under these by-laws shall require a majority vote (51% or more) of those members present and voting for

passage of said action, unless otherwise required by these by-laws. Should there be a need for specific SAC business at a time other than a regularly- scheduled meeting, the Chairperson may seek a SAC decision through telecommunication or mail.

- I. The SAC and its subcommittees shall follow, in all cases involving parliamentary procedure, *Robert's Rules of Order*, most recent edition, when such rules do not conflict with the provisions of these by-laws. The rules may be suspended by a two-thirds (2/3) vote of the members present and voting at any meeting of the SAC or its subcommittees.
- J. Each regularly-scheduled SAC meeting shall provide an opportunity for public input at a scheduled time on the noticed agenda. Time limits may be imposed at the discretion of the Chairperson. Individuals may be heard at other times during the meeting at the discretion of the Chairperson.

### **Article VIII. Committee Action**

Items presented to the Committee for action shall be proposed in writing, including a statement of the issue, background and rationale as appropriate, and recommended action.

### **Article IX. By-Laws:**

These by-laws shall be recommended to the Chief, DOE/BEESS by appropriate action of the Committee. Upon approval by DOE, they shall be in force.

Amendments to the by-laws require the submission of a written proposal at a regularly-constituted meeting, with action taken on the proposal at the next regular meeting. Should the action require a vote, passage requires a vote of two-thirds of the members present and voting.

Amendments may be proposed by any member, including ex officio, of the SAC.

Any provision of the by-laws may be suspended by a 2/3 vote of the members present and voting.

**State Advisory Committee**  
**for the Education of Exceptional Students**

*STATE ADVISORY  
COMMITTEE  
REQUIREMENTS OF  
THE INDIVIDUALS WITH  
DISABILITIES  
EDUCATION ACT  
(IDEA 2004)*

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**Excerpt from 20 U.S.C. Chapter 33  
Individuals with Disabilities Education  
Improvement Act of 2004  
P.L. 108-446**

Sec. 1412. STATE ELIGIBILITY.

(a) IN GENERAL.—A state is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:

(21) STATE ADVISORY PANEL.—

(A) IN GENERAL.—The state has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population, and be composed of individuals involved in, or concerned with, the education of children with disabilities, including—

(i) parents of children with disabilities (ages birth through 26);

(ii) individuals with disabilities;

(iii) teachers;

(iv) representatives of institutions of higher education that prepare special education and related services personnel;

(v) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);

(vi) administrators of programs for children with disabilities;

(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

(viii) representatives of private schools and public charter schools;

(ix) not less than 1 representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;

(x) a representative from the State child welfare agency responsible for foster care; and

(xi) representatives from the State juvenile and adult corrections agencies.

(C) SPECIAL RULE.—A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities (ages birth through 26).

(D) DUTIES.—The advisory panel shall—

(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.