

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



FLORIDA DEPARTMENT OF  
**EDUCATION**  
fdoe.org

**2016**

***ANNUAL***

***REPORT***

Florida Department of Education  
Division of Public Schools  
Bureau of Exceptional Education and Student Services

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

Hannah Erhli, co-chair  
Kara Tucker, co-chair  
Enrique Escallon, vice-chair  
Sarah Lopez Sequenzia, parliamentarian

Thea Cheeseborough, chair, Nominating Subcommittee

**Bureau of Exceptional Education and Student Services**

Monica Verra-Tirado, Ed.D., chief  
April Katine, program director and State Advisory Committee liaison  
Tonya Milton, program planner/analyst and State Advisory Committee liaison

State of Florida  
Department of State

2016

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

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

## *INTRODUCTION*

*“to provide policy guidance with respect to the provision of exceptional education and related services for Florida’s children with disabilities ....”*

## Introduction

The State Advisory Committee for the Education of Exceptional Students (SAC) is appointed by the commissioner of education, commensurate with the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), to provide policy guidance with respect to the provision of exceptional education and related services for Florida's children with disabilities. The SAC operates under the auspices of the Bureau of Exceptional Education and Student Services (BEESS), Florida Department of Education (FDOE).

### *Membership*

In compliance with IDEA, Florida's SAC includes the following representation:

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

The bureau chief of BEESS (or a designee) serves as an ex officio member of the SAC.

Additional representatives may be appointed at the sole discretion of the commissioner.

(See SAC Membership List, page 9.)

### *Responsibilities*

The SAC has the following responsibilities:

- Advise FDOE of unmet needs within the state in the education of children with disabilities.
- Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities.

- Advise FDOE in developing evaluations and reporting on data.
- Advise FDOE in developing corrective action plans to address findings identified in federal monitoring reports under IDEA, Part B.
- Advise FDOE in developing and implementing policies relating to the coordination of services for children with disabilities.

FDOE must transmit to the SAC the findings and decisions of due process hearings conducted pursuant to sections 300.507-300.519 or 300.530-300.534 of Title 34, Code of Federal Regulations (CFR).

The SAC also performs other duties assigned to it by BEESS.

#### *Meeting Schedule and Major Topics*

During 2016, the SAC held meetings on July 11-12 and December 5-6, 2016. Major presentation/discussion topics during the meetings included Florida's State Performance Plan (SPP) and Annual Performance Report (APR), state legislation and State Board of Education rules related to exceptional student education (ESE), federal and state funding, restraint and seclusion of students with disabilities (SWD), graduation requirements and diploma options, secondary transition programs, assessments, dispute resolution, Workforce Innovation Opportunity Act (WIOA), general supervision, monitoring, and early warning systems. Each meeting provided an opportunity for committee member updates, discussion of unmet needs and coordination of services for children with disabilities, as well as for a committee business session and public input.

(See Meeting Reports.)

#### *Evaluation*

Evaluations conducted as part of each meeting were favorable in terms of meeting preparation, agenda topics and background materials provided. The majority of members who responded rated the bureau chief and other BEESS staff highly in terms of expertise and leadership of Florida's ESE and student services programs, accessibility, and responsiveness to program needs and member issues and concerns.

Members were also given the opportunity to comment on to what extent they felt SAC is making a positive difference for SWD. Those who provided comments consistently noted that SAC was contributing significantly to making a positive difference for SWD.

(See Evaluation Summary available from BEESS.)

#### *Annual Report*

This annual report represents the organization and work of the SAC during 2016 and includes a list of members, the minutes of all meetings, committee bylaws and federal requirements. For further information, contact any member of the committee or BEESS.

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

## *STATE ADVISORY COMMITTEE MEMBERSHIP LIST*



**Florida Department of Education  
Division of Public Schools  
Bureau of Exceptional Education and Student Services**

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

**Membership List  
2016**

Name	Representation
Dr. Karen Barber	Local Education Agency – Medium District McKinney-Vento Homeless Assistance Act Santa Rosa County
Roxana Beardall	State Vocational Rehabilitation/Transition Services Florida Department of Education
Keith Berry	Parent – Leon County
Laurie Blades	Other State Agency Serving Children with Disabilities Substance Abuse Mental Health Program Office
Lauren Bustos-Alban	Parent – Miami-Dade County Parent-To-Parent of Miami
Thea Cheeseborough	Parent – Leon County
James Clark	Parent – Hernando County
Sonja Clay	District ESE Administrator Very Large District - Broward
Amy Coltharp	State Adult Corrections
Hannah Ehrli <b>Co-Chair</b>	Teacher Parent – Orange County
Enrique Escallon <b>Vice-Chair</b>	Parent – Miami-Dade County
Laura Harrison	School Choice Florida Department of Education
Cindy T. Jones	State Juvenile Justice Agency Florida Department of Juvenile Justice
Richard La Belle	Family Network on Disabilities
Rick Lockenbach	Florida Developmental Disabilities Council
Shawn Larkin	District ESE Administrator Small District – Jackson County
Melissa Miller	Parent – Polk County

Name	Representation
Carol Nett	Parent – Seminole County
Carmen Noonan	Parent – Indian River
Patrick Noonan	Individual with a Disability
Debra Rains	Private School Representative Parent – Duval County
Tom Rankin	Other State Agency Serving Children with Disabilities Agency for Persons with Disabilities
Chris Rehmet	Parent – Orange County
Tamar Riley	Institute of Higher Education Parent – Miami-Dade County
Grace Roberts	Parent – Hillsborough County
Kelly Rogers	Other State Agency Serving Children with Disabilities Children’s Medical Services, Early Steps Parent – Leon County
Terry Roth	District ESE Administrator Medium District – Clay County
Catherine “Cat” Rudniski	Individual with a disability
Cecilia Rueda-Hill	Parent – Brevard County
Sarah Lopez Sequenzia <b>Parliamentarian</b>	Parent – Orange County
Kristin Shuttz	Parent – Citrus County
Ann Siegel	Other Agency Serving Children with Disabilities Disability Rights Florida Parent – Broward County
Laura Sokalski	Parent – Hillsborough County
Courtney Smith	State Child Welfare Agency/Foster Care Florida Department of Children and Families

<b>Name</b>	<b>Representation</b>
Tracie Snow	Florida School for the Deaf and the Blind Parent – St. Johns County
Kimberley Spire-Oh	Learning Disability Association of Florida Parent – Palm Beach County
Tracy Stevens	Parent – Jackson County
Kara Tucker <b>Co-Chair</b>	Individual with a disability
Kendall Vinot	Central Florida Parent Center Parent – Pasco County
Sheila Ward	Division of Vocational Rehabilitation
Monica Verra-Tirado, Ed.D., Chief	State Education Official (ex officio) Bureau of Exceptional Education and Student Services

The SAC is appointed by the commissioner in accordance with IDEA (20 United States Code [U.S.C.] Chapter 33, as amended by Public Law 108-446) and state requirements “to provide policy guidance with respect to special education and related services for children with disabilities in the state.” All members are appointed for terms as specified in the committee bylaws, pending their continued eligibility and willingness to serve.

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

## *FUNDING STREAMS FOR EDUCATION IN FLORIDA WEBINAR*

*March 10, 2016*

### **Overview – State Funds**

Article IX, section 1 of the Florida Constitution establishes the State of Florida's commitment to funding kindergarten through Grade 12 (K-12) education, as follows: "The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure and high quality system of free public schools that allows students to obtain a high quality education ..."

### **Florida Education Finance Program (FEFP)**

In 1973 the Florida Legislature enacted the FEFP and established the state policy on equalized funding to guarantee to each student in the Florida public education system the availability of programs and services appropriate to his or her educational needs

that are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors.

### **FEFP**

To equalize educational opportunities, the FEFP formula recognizes: (1) varying local property tax bases; (2) varying education program costs; (3) varying costs of living; and (4) varying costs for equivalent educational programs because of sparsity and dispersion of the student population.

### **FEFP (2)**

- The FEFP is the primary mechanism for funding the operating costs of Florida school districts.
- A key feature of the FEFP is that it bases financial support for education upon the individual student participating in a particular educational program rather than upon the number of teachers or classrooms.

### **FEFP (3)**

- FEFP funds are primarily generated by multiplying the number of full-time equivalent (FTE) students in each of the funded education programs by cost factors to obtain weighted FTE students.
- Weighted FTE students are then multiplied by a base student allocation and by a district cost differential to determine the base funding from state and local FEFP funds.
- In addition to the base funding allocation, two major allocations within the FEFP are the Supplemental Academic Instruction Allocation and the Exceptional Student Education (ESE) Guaranteed Allocation.
- Class Size Reduction funds are also a significant allocation.

## **Determining FTE Reported by Student and Course for Classes Operating During Survey Week**

### **Membership/Enrollment**

Each prekindergarten through Grade 12 (PreK-12) student must meet the membership requirement as discussed in this paragraph to be eligible to be reported, and must also meet the attendance requirement to be eligible for funding. On the Friday of survey week, the district must capture the student course schedule for each student who is on the membership roll for that week.

If the student has at least one day of membership during survey week, the student meets the membership requirement and is eligible for reporting. The student is in membership when he or she is officially assigned to a course or program by a school or district.

Students who are not in membership during survey week should not be reported for FTE. For example, if the student's last day of membership is Friday prior to survey week, the student does not meet the membership requirement and is not eligible to be reported.

## **Attendance**

To receive FEFP funding for students, the district must determine whether students who have met the membership requirement have also met the attendance requirement outlined below. The district must verify that the student has been in attendance during the 11-day window.

A student is considered to have met the attendance requirement if the student has been in attendance at least one day of survey week or on one of the six scheduled school days preceding the survey week when the school was in session.

FTE eligibility as related to attendance for students in Grades PreK-12 is not determined on a course-by-course basis; instead, it is **determined on a daily basis**. The documentation that verifies that the student met the attendance requirements for FTE eligibility must be maintained for a period of three years or until all applicable audits have been completed, whichever is longer.

## **FEFP (4)**

- How do the matrix and FTE funding interrelate?

### Response:

The first three levels are guaranteed allocations for special services. Funding is a base funding. Levels 254 and 255 are a separate cost factor.

- Is district funding for an ESE student totally calculated on the matrix or are FTE-based funds supplemented by matrix funds?

### Response:

The first three levels are guaranteed allocations for special services. Funding is a base funding. For Levels 4 and 5, the entire program (basic and special services) is funded through the matrix.

## **Scholarship Programs**

- John M. McKay Scholarships for Students with Disabilities Program
- Personal Learning Scholarship Accounts
- Florida Tax Credit Scholarships

## **Capital Outlay**

- Proceeds from gross receipts taxes, referred to as Public Education Capital Outlay funds.
- School boards may also levy up to 1.5 mills (property taxes) for capital outlay and maintenance.
- Citizens may vote an additional millage levy for operations and/or capital outlay.
- School districts are authorized to sell bonds for capital outlay projects to be repaid from local property taxes.
- Sales taxes authorized by voter referendum for school district capital outlay or shared with the county commission.

## **Federal Funds for Education**

- Federal funds are typically used to supplement state and local funds. This means that all programs receive their basic support from state and local funds and federal funds are added on top to address specific purposes.
- Federal funds come with many requirements with respect to how and when the funds may be spent.

## **Federal Funds – Major Programs**

- Elementary and Secondary Education Act (ESEA)
  - Title I – Improving the Academic Achievement of the Disadvantaged (Students in Poverty, Migrant Students, and Neglected and Delinquent)
  - Title II – Preparing, Training, and Recruiting High-Quality Teachers and Principals
  - Title III – Language Instruction for Limited English Proficient and Immigrant Students
  - Title IV – 21<sup>st</sup> Century Schools (Safe and Drug-Free Schools, no longer funded; 21<sup>st</sup> Century Community Learning Centers)

## **Federal Funds – Major Programs (2)**

- Title V – Promoting Informed Parental Choice and Innovative Programs (Charter School Program – competitive)
- Title X – Education for Homeless Students

Note: ESEA has been amended many times. The No Child Left Behind Act (NCLB) was an amendment to ESEA. The recently enacted Every Student Succeeds Act is an amendment to NCLB and most provisions will take effect in the 2017-18 school year.

## **IDEA**

- Part B (generated by students ages 3-21, can be used for students birth-21)
- Part B, Preschool (generated by and used for students ages 3-5)
- Funds distributed to the states by formula and to the local educational agencies (LEAs) by formula
- Intended for the excess costs of educating SWD
- Subject to maintenance of effort requirements

## **IDEA – Uses of Funds**

- Administrative Set-Aside – used by the state to administer the program (staff and associated costs) (2%)
- State-Level (discretionary) Set-Aside – may be used for a variety of statewide purposes such as monitoring, complaint investigation, mediation, technical assistance, training, capacity building activities, expanding use of technology, transition programs, provision of appropriate accommodations and/or alternate assessments (8%)
- Flow-through to districts (90%)



## **Career and Adult Education**

- Carl D. Perkins Vocational and Technical Education Act
- Adult Education
- WIOA

## **Resources**

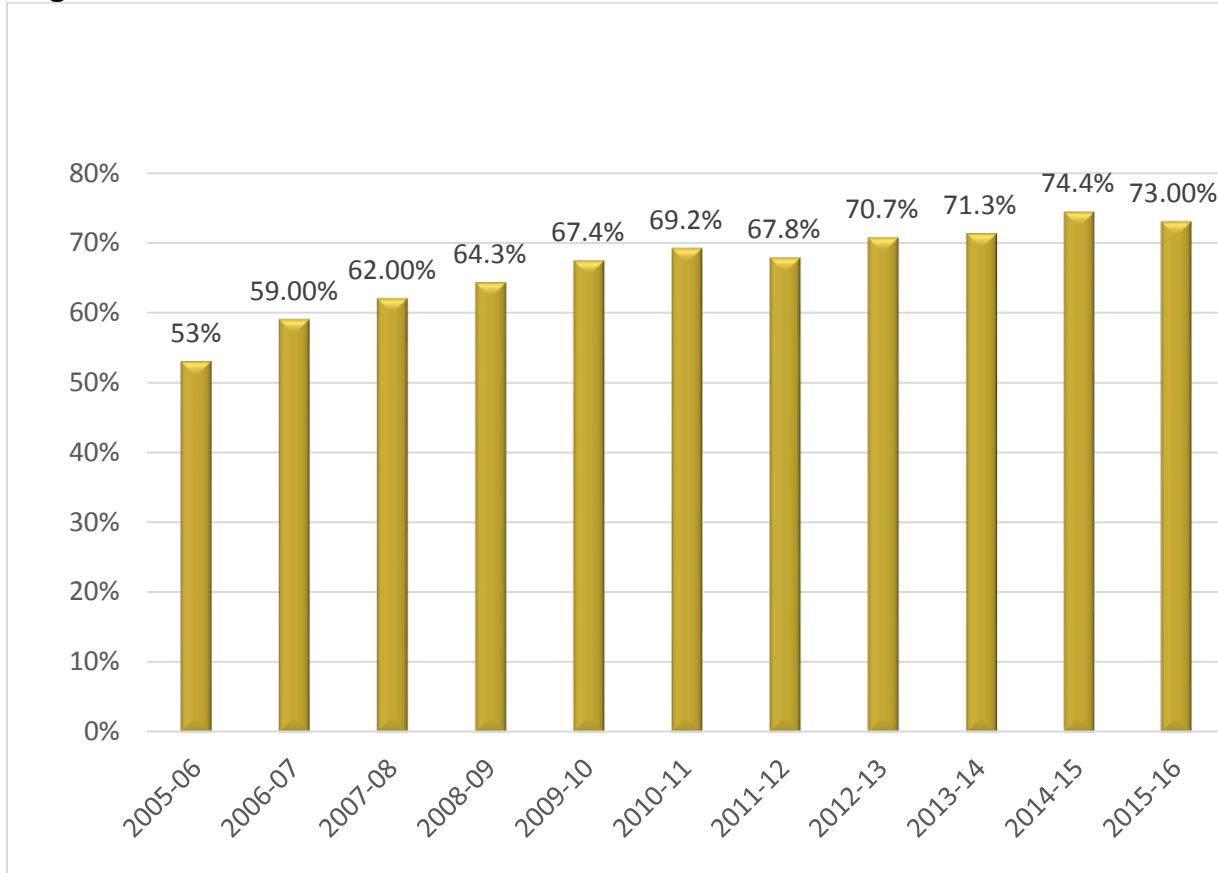
- FEFP
  - <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>
- Federal Programs
  - <http://www.ed.gov/>

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

*GRADUATION  
REQUIREMENTS  
WEBINAR*

*May 3, 2016*

**Data:**  
**Regular Class Placement**



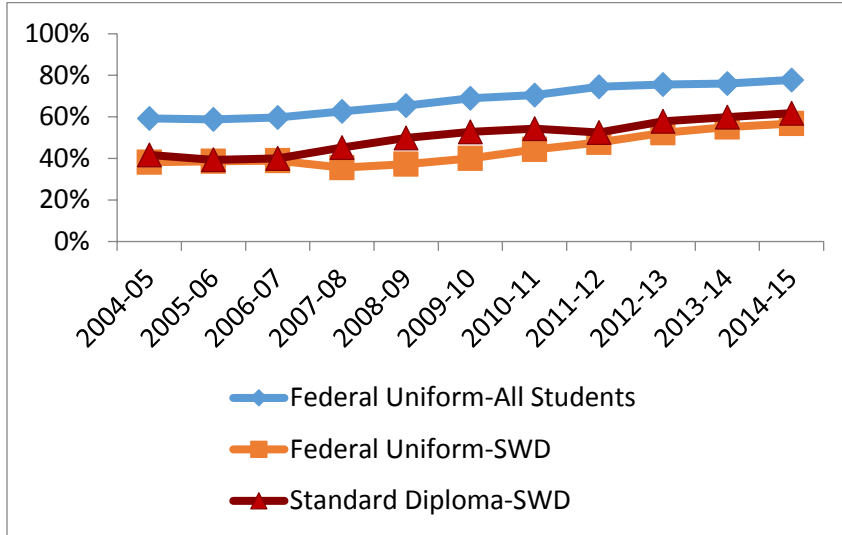
**Class**

- The ideal situation is for all children to be educated together
- The **classroom** a student sits in does NOT dictate the type of **courses** they take
- Students in a general education classroom may be enrolled in access courses and students in a separate environment may be enrolled in general education courses

**Course**

- For students now in the tenth grade and below, there are only two course choices for core subjects, general education courses and access courses
- Both are based on the same standards, but the level of complexity is very different
- Only students on access points can take access courses
- Access points are only for students with a **significant cognitive disability** and parental consent is required

## Graduation Rates



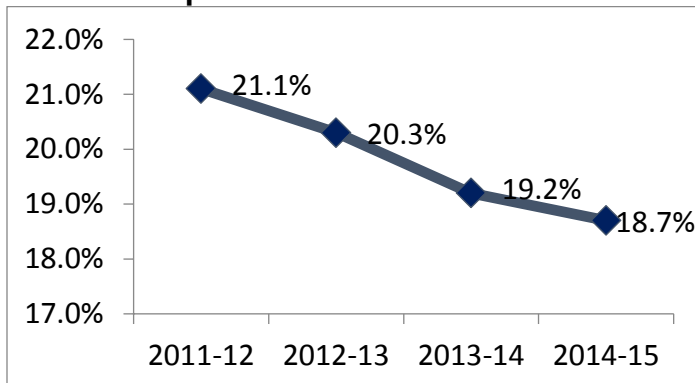
## 2014-15

### High Performing Districts – Standard Graduation Rate by Size Alike

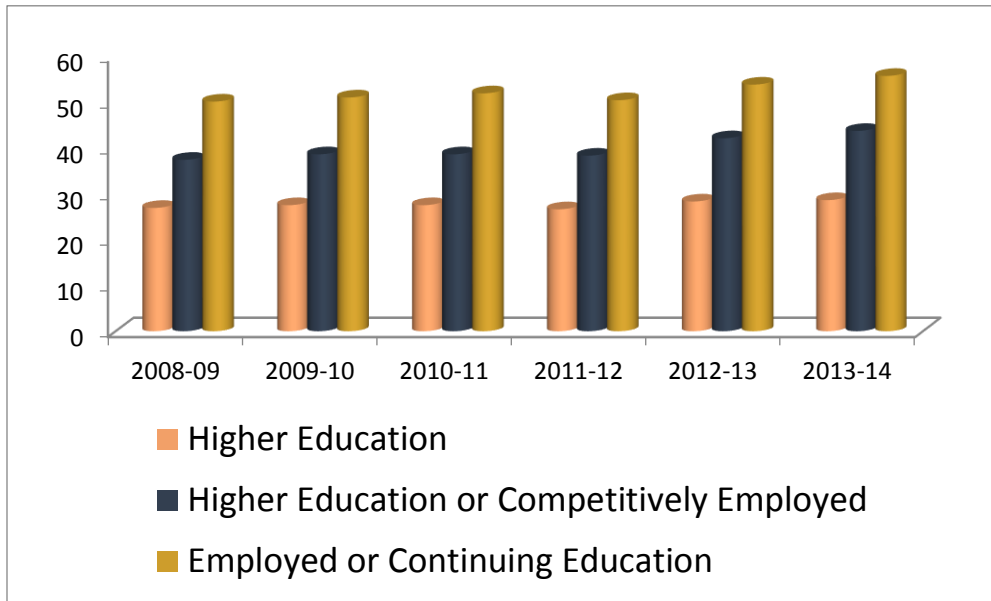
Orange, Collier, Pasco, St. Lucie, Seminole,\* Bay, Clay, Okaloosa, St. Johns, Indian River, Martin, Nassau, Sumter, Baker, Bradford, Calhoun,\* Dixie,\* Gilchrist,\* Gulf, Levy,\* Liberty,\* Madison and Wakulla.\*

\* Over 80%

## Federal Dropout Rate



## Post-School Outcomes



## Graduation Requirements

### Florida Public School Options

- 24 Credit Standard Diploma
- 18 Credit Academically Challenging Curriculum to Enhance Learning (ACCEL) Option
- Special Diploma (not available to students who began ninth grade in 2014-15 or later)
- Performance-Based Exit Option/GED® Exit Option
- International Baccalaureate (IB) Diploma Program
- Advanced International Certificate of Education (AICE) Diploma Program

### 24 Credit Standard Diploma (Section 1003.4282, Florida Statutes [F.S.])

- There are three 24-credit high school diploma options
- Two available only to SWD
  - Academic and employment
  - Access courses and alternate assessment

The majority of SWD will complete the option available to all students

### 24 Credit Standard Diploma

- 4 English Language Arts
  - ELA I, II, III, IV
- 4 Math
  - Must include Algebra I and Geometry
- 3 Science
  - Must include Biology I and two equally rigorous science courses
  - Two of three must have lab
  - Allows career and technical education (CTE) substitutes

- 3 Social Studies
  - 1 World History, 1 U.S. History, .5 U.S. Government, .5 Economics with Financial Literacy

## **24 Credit Standard Diploma (2)**

- 1 Fine and Performing Arts, Speech and Debate, or Practical Arts
- 1 Physical Education
  - Include the integration of health
- 8 Electives
- One of the above must be an online course (may be waived for SWD)

## **Standard Diploma via Academic and Employment-Based Courses**

Must meet the same 24 course requirements as all students

Must earn at least one-half credit in an employment-based course

Documented achievement of components on employment transition plan

May substitute a CTE course with content related for English IV, one math, science and one social studies

Not Algebra, Geometry, Biology or U.S. History

## **Standard Diploma via Access Courses**

Must meet the same 24 course requirements as all students, but will use access courses

Access Algebra 1 instead of Algebra 1, etc.

Other ESE courses and core courses may be used in certain circumstances

May substitute a CTE course with content related for access English IV, one access math, one access science and one access social studies

Not access Algebra, Geometry, Biology or U.S. History

Course substitutions must be approved by FDOE

CTE courses may be modified

## **Standard Diploma via Access Courses**

Must take the Florida Alternate Assessment (FAA) in reading, math and science until replaced by Florida Standards Alternate Assessment (FSAA)

Must score 4 or above or have results waived (FSAA scoring not yet normed so minimum score has not been determined)

If results waived, demonstrate achievement via a portfolio (best practice - collect portfolio artifacts for all students)

## **Significant Cognitive Disability**

- IEP team decision, must have parental consent
- Approximately 1% of all students (10% SWD)
- Most profound and complex learning challenges
- A history of poor performance on state assessments and/or deficit in reading scores alone do not qualify
- Impact should be on ALL activities, including academic, independent functioning, community living, leisure and vocational
- IQ score alone not sufficient

## **Significant Cognitive Disability (2)**

Must use a variety of sources of information, such as

- Psychological assessments
- Achievement test data
- Aptitude tests
- Observations
- Medical records
- Attendance records
- Mental health assessments
- Adaptive behavior assessments
- Language assessments
- School history
- Student response to instruction/intervention

## **18-credit ACCEL Option**

Same requirements as 24 credit option, except:

- 3 elective credits instead of 8
- Physical Education is not required
- Online course is not required

## **Special Diploma**

- In the 2014 Legislative Session, the special diploma statute was repealed.
- Students who were already in high school and whose IEP stated that they were working toward a special diploma may continue to do so, or they can switch to a standard diploma.
- Switching may mean they will need to spend extra time in high school.

## **The Performance-Based Exit Option**

- An alternate route to a diploma for students who are at least 16 years of age, do not have enough credits, have a low grade-point average, or are overage for their current grade level.
- This option is NOT designed to be a preferred or accelerated program for early exit.
- Also known as the “GED® Exit Option.”

## **IB Diploma Program**

- Designed for highly-motivated students aged 16-19
- Based on a rigorous two-year pre-university course of study with international examinations and university credit

## **AICE Diploma Program**

- Designed for students aged 16-19 who are seeking advanced study in preparation for college or university study.
- Based on the Cambridge International Examinations curriculum and assessment

## Deferring Receipt of Standard Diploma

- Allowed by statute
- Processes described in rule

## S. 1003.4282(11)(c), F.S.

**Receipt of diploma may be deferred** under certain conditions

- IEP prescribes special education, transition planning, transition services or related services through age 21; **and**
- Is enrolled in accelerated college credit, industry certification courses that lead to college credit, a collegiate high school, courses necessary for scholar designation, or structured work-study, internship or pre-apprenticeship program

## Graduation Requirements

- Online course available at <http://pdportal.florida-ese.org>
- Choose the parts you want to view
- Access from computer, tablet or cell phone

## Accommodations and Modifications

### Accommodations

- Changes in the **way** the student learns and/or is tested
- No change in standards or expectations
- Permitted under IDEA, Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 (Section 504)
- New testing guidance:  
[http://www.ada.gov/regs2014/testing\\_accommodations.html](http://www.ada.gov/regs2014/testing_accommodations.html)

### Modifications

- Changes in **what** the student is expected to learn
- Permitted for students with significant cognitive disabilities
- Considered after all appropriate accommodations are in place

### Accommodations

- Accommodations remove barriers so that individuals with disabilities have the opportunity to participate fully (equal opportunity)
- Use of braille, sign language interpreters and wheelchair ramps
- Changes in instructional and testing methods
  - For example, More time for tests, fewer problems, quiet environment, **verbal rather than written instruction and/or responses**, materials or tasks broken down into more steps, and technology

### Modifications

- Program is modified to allow an individual with a disability to participate to the extent possible for them
- Student is not expected to learn the same material as other students



- Modified occupational completion points may be used for CTE courses
  - Up-to-date guidance is needed
  - CTE/ESE survey is being developed

### **Helping Struggling Students**

“If a child can’t learn the way we teach, maybe we should teach the way they learn.”-  
Michael J. Fox

BEES, through our projects, offers training and resources to educators to help them meet the needs of all students.

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

*STATE ADVISORY  
COMMITTEE  
MEETING REPORT*

*July 11-12, 2016*

Florida Department of Education (FDOE)  
K-12 Public Schools  
Bureau of Exceptional Education and Student Services (BEESS)

**State Advisory Committee for the  
Education of Exceptional Students (SAC)**

**Double Tree Hotel  
Tallahassee, Florida  
July 11-12, 2016**

**Meeting Report**

**MONDAY, July 11, 2016**

The SAC met in regular session with the following persons in attendance:

**Members**

(See SAC Membership List 2016, SAC Designee List and SAC Representation Chart, SAC Member Notebook, Tab 2)

Berry, Keith  
Bustos-Alban, Lauren  
Cheeseborough, Thea  
Ehrli, Hannah  
Escallon, Enrique  
Jones, Cindy  
LaBelle, Rich  
Lockenbach, Rick  
Lopez-Sequenzia, Sarah  
Miller, Lisa  
Nett, Carol  
Rehmet, Chris  
Riley, Tamar  
Rudniski, Catherine  
Siegel, Ann  
Snow, Tracie  
Spire-Oh, Kimberley  
Stevens, Tracy  
Tucker, Kara  
Verra-Tirado, Monica  
Vinot, Kendell

## **FDOE/Division of Public Schools (DPS)/BEESS Representatives**

Verra-Tirado, Monica, bureau chief, BEESS  
Milton, Tonya, program planner/analyst (SAC liaison), BEESS  
Katine, April, educational program director (SAC liaison), BEESS  
Mallini, Aimee, parent services (SAC liaison), BEESS  
Metcalf, Heidi, senior educational program director, BEESS  
Jenkins, Renee, senior educational program director, BEESS  
White, Judy, Program Director, BEESS  
Williams, Iris, School Social Work Consultant, Student Services Project  
Metty, Wendy, program specialist, BEESS  
Williams, Chelsea, program specialist, BEESS  
Musgrove, Karrie, program specialist, BEESS  
Gaitanis, Victoria, program specialist, BEESS  
Register, Amanda, program specialist, BEESS  
Grillot, Leanne, program director, BEESS  
Willis-Doxsee, Heather, program specialist, Just Read Florida!  
Garrett, Frankie, BEESS

## **Guests**

Brown, Krysta  
Montooth, Patrick  
Pasley, Cassandra  
Rogers, Stephanie, (for Tom Rankin)

## **Welcome and Introductions, Overview of Agenda and Meeting Materials Roles and Responsibilities/Way of Work**

Hannah Ehrli, committee co-chair, welcomed everyone and reviewed the agenda and meeting materials with the committee.

Sarah Lopez-Sequenzia, parliamentarian, reviewed the SAC Roles and Responsibilities.

Kara Tucker, co-chair, reviewed the sunshine laws.  
SAC members introduced themselves.

(See SAC Member Notebook, Agenda, Tab 1; Individuals with Disabilities Education Act [IDEA] SAC Way of Work and Ground Rules and Roles and Responsibilities; SAC Membership List 2015; Open Meetings Law, Tab 2; December 2015 Meeting Minutes , Tab 7; Committee Interest Form; Committee Action Form, Tab 10)

Renee Jenkins provided a presentation on dispute resolution trends with the following power point:

### **Agenda**

- Dispute Resolution Continuum
- Dispute Resolution Process Improvements
- Common Trends and Issues in Dispute Resolution
- Feedback and Questions

### Goals for Dispute Resolution

- Build relationships
  - Engage parents
  - Decision making by parties
- Maintain relationships
  - Facilitate effective and lasting solutions
  - Ongoing communication
- Repair relationships
  - Third-party decision making
  - Correction of noncompliant, improper practices

### BEES Parent Calls

Daily parent calls 8:00 a.m. to 5:00 p.m.

- Parent questions and concerns → BEES staff answer and address
- Parent requests → BEES staff liaison and communicate on their behalf

**Calls are informal and not considered to be a formal complaint, but a way to resolve issues before they reach the state level.**

	Individual Educational Plan (IEP) Facilitation	Mediation	State Complaint	Due Process Hearing
<b>How the Processes Differ</b>	Optional process not required in the IDEA in which parent or district can request an impartial facilitator to assist the IEP team with communication and problem solving	A voluntary process that brings people together with a mediator to resolve disagreements about special education or related services	A formal process in which a person or organization sends written request for investigation, alleging violation of IDEA	A parent or district files a formal hearing request to resolve issues related to identification, evaluation, placement or free appropriate public education (FAPE)
<b>Result</b>	Successful meeting results in IEP that is supported by team members and benefits the student	Successful mediation results in a written agreement	State educational agency issues written decision including findings, conclusions and corrective	Hearing officer or administrative law judge issues a legally binding decision with findings of fact and

	Individual Educational Plan (IEP) Facilitation	Mediation	State Complaint	Due Process Hearing
			action, if warranted *District may propose early resolution without admitting violation of law	conclusions of law
<b>Timeline</b>	No specific timeline; scheduled within a few days or weeks of request	Available any time; must be scheduled within a reasonable time of request; generally scheduled in less than 30 days	Decision must be issued 60 calendar days from date of complaint	Decision must be issued 45 calendar days after resolution period *Resolution meeting takes place within 15 calendar days of hearing request; the resolution period is 30 days *Expedited hearing available in certain situations related to discipline and placement (decision within 20 days of request)

**Facilitated IEP Initiative**

Think of the use of IEPs in a multi-tiered system of supports framework.

- Tier one—All personnel use good facilitation skills for all IEP meetings. IEP meetings use:
  - Collaborative attitude
  - Facilitative process
  - Facilitation tools (i.e., agendas, consensus, clear communication and action planning)

- A team member who may serve as facilitator
- Tier two—Use of a facilitator for an IEP meeting who is not a member of the IEP team
- Tier three—State-sponsored FIEP
  - Used when the parent or district requests a neutral third party from outside the district in order to move forward
  - Contact BEESS for assistance

**The Florida Diagnostic and Learning Resources System (FDLRS) Training**

At least two people from each of the 19 FDLRS centers participated in train-the trainer: May 2016

- Coaching of trainers: July-December 2016
- Goal: to have at least two trainers in each FDLRS center “certified” to provide professional development on the FIEP beginning in the 2016-17 school year

**FIEP Workgroup**

- Broad stakeholder involvement
  - District ESE, FDLRS, Disability Rights Florida, IEP Facilitators and BEESS
- Purpose
  - Planning, promotion, training, evaluation and improvement activities in the following areas:
    - System wide oversight, infrastructure and organization
    - Program access and delivery
    - Practitioner standards and professional development
    - Public awareness and outreach activities
    - Evaluation and continuous quality improvement

**National Center on Dispute Resolution in Special Education (CADRE)**

*A project funded by the Office of Special Education Programs, United States Department of Education to encourage use of collaborative strategies to resolve disagreements about special education and early intervention programs.*

**Intensive Technical Assistance Workgroup on IEP facilitation**

- Current cohort: Arkansas, Florida, Georgia, Missouri, New Jersey, New York and West Virginia

**CADRE goals**

- Develop and improve state-level IEP facilitation program
- Develop resources, protocols, trainings and coaching models that will improve local capacity to conduct effective IEP meetings

**Mediation**

**2014-15 Statewide Mediation Requests**

Total number of mediation requests	86
Mediations held	54
Mediation requests withdrawn	30
Mediations pending at time of report	2

<b>District</b>	<b>Percentage of Mediations</b>
Broward	17%
St. Lucie	9%
Orange	7%
Seminole	7%
Pinellas	7%
Polk	6%
Duval	4%
Hillsborough	4%
Lee	4%
Martin	4%
Remaining 17 districts combined (each having one mediation session)	31%

## **State Complaints**

### **2015-16 Statewide Written, Signed Complaints**

Total number of complaints filed	201
Complaints with reports issued	92
Complaints withdrawn or dismissed	48
Complaints pending at time of report	28
Complaints with findings of noncompliance	43

### **2015-16 State Complaints by District (districts with five or more complaints)**

<b>District</b>	<b>Percentage of Mediations</b>
Pinellas	11%
Highlands	8%
Orange	8%
Seminole	6%
Broward	6%
Dade	6%
Palm Beach	5%
Hillsborough	4%
Polk	4%
Escambia	3%
Charlotte	3%
Duval	2%
Martin	2%



## Due Process Hearings

### 2014-15 Statewide Due Process Hearings

Total number of due process complaints filed	195
Due process complaints fully adjudicated	6
Due process complaints withdrawn or dismissed	155
Due process complaints pending at time of report	34
Due process complaints resolved through resolution meetings	48

### 2014-15 Statewide Expedited Due Process Hearings (related to disciplinary decision)

Total number of expedited due process complaints filed	9
Expedited due process complaints fully adjudicated	0
Expedited due process complaints withdrawn or dismissed	9

## Due Process Hearings

- Special Education Unit created at Division of Administrative Hearings
  - Three administrative law judges hear special education cases
- Positive impact on due process hearing timelines
  - 100% compliance

## Dispute Resolution and Monitoring (DRM) Improvement Process

### Goals and Expected Outcomes of Improvements

- Meet IDEA requirements (process and timelines)
- Address complainant issues appropriately and adequately
- Develop concise, legally sufficient reports and correspondence
- Use plain language so that people at all levels, including parents, are able to read and understand
- Create clear expectations for all
- Ensure accountability for all

### Phase 1 Improvements

- Written complaint procedures
- One initial letter
- Earlier request for and receipt of documentation
- New summary report and team discussion/decision making early in the process
- New BEESS complaint email address
- Updated complaint form

### Phase 2 Improvements

- New BEESS Determination Report for early resolution (settlement agreement, complainant proposal and district proposal)
  - Addresses each allegation in the complaint and contains:
  - Findings of fact
  - Conclusion

- Final decision
- Actions to be completed

### **Phase 3 Improvements**

- Further augment written complaint procedures to include a more concise, streamlined Report of Inquiry format:
  - Background
  - Issues
  - Applicable statutes, rules and regulations
  - Findings of fact
  - Conclusions
  - Corrective actions
  - Other allegations outside jurisdiction of BEESS

### **Common Issues and Trends in Disputes**

- Identification, location and evaluation to determine if the student is a SWD in need of special education and related services
  - Failure to:
    - Conduct evaluations within 60 days
    - Evaluate in all areas of suspected disability
    - Initiate the evaluation process while having prior knowledge or suspicion that a student may be a SWD
- Implementation of IEP (accommodations, behavior intervention plans and services)
  - Addressing needs of students with autism
  - Provision of hospital/homebound services
  - Provision of prior written notice
  - Parent participation
- Extended school year (ESY) services
  - Violation of IDEA requirements regarding:
    - Eligibility determination
    - Limiting the amount, type and duration ESY services
    - Limiting the provision of services to specific disability populations
    - Provision of needed related services
- Implementing multi-tiered system of supports/response to intervention (Rtl)
  - Failure to:
    - Implement appropriate general education interventions
    - Analyze Rtl data correctly and use appropriate evidence-based interventions for suspected areas of disability
    - Include parents in the problem-solving process and communicate Rtl progress monitoring results and data

## **Addressing the Issues**

### **Corrective Action and Required Action**

- Districts must provide documentation to BEESS as verification of completion of actions
- All corrections must be completed within one year (most are completed much earlier)
- Examples of corrective actions:
  - Specific to student
  - Conduct evaluation, reconvene IEP team, provide compensatory services, etc.
  - Specific to districts and schools
  - Professional development, revise policies and procedures, etc.

### **Corrective Action Re: ESY Systemic Complaint**

#### **BEESS Actions:**

- Provided professional development to directors of ESE with regard to the requirements of ESY
  - Presentation materials made available for use by the district
- Amended Rule 6A-6.03028, Florida Administrative Code (F.A.C.), to establish criteria for the consideration of student need for ESY services
- Revised ESE Policies and Procedures document beginning with the 2015-16 school year to incorporate additional information regarding the provision of ESY services
- Incorporated review of student records to assess determination of eligibility and provision of ESY services beginning with the 2015-16 self-assessment monitoring process
- Revised the technical assistance paper (TAP) related to ESY services

### **DRM's Next Steps**

- Transition of DRM leadership
- Ongoing dialogue with stakeholders
- Continuous review of processes for improvement
- Take advantage of professional development opportunities
- Provide technical assistance

### **FIEP Video for Parents**

- Introduces the FIEP process to parents in order to encourage IEP team resolution
- Parents learn more about FIEP and how the IEP team can work together, in the best interest of the student to resolve concerns or disagreements and move forward
- Available with English and Spanish subtitles  
[https://www.youtube.com/watch?v=C-bFi\\_zUuuA&feature=youtu.be](https://www.youtube.com/watch?v=C-bFi_zUuuA&feature=youtu.be)

Renee Jenkins answered questions from SAC members.

Monica Verra-Tirado provided a Bureau Update

**From Preschool to Post-School Outcomes Preparing Florida’s Students to Become College and Career Ready  
Equity, Access and Attainment**

The Emphasis of IDEA 04

“Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities” (20 U.S.C. 1400(c)(1))

Moving from Access to Attainment:

Statewide Equity and Excellence

Increase Number of Students Graduating College and Career Ready

Improve Graduation Rate

Decrease Dropout Rate

Improve Post-School Outcomes Results

**Five Game Changers for SWD**

Aligning early childhood services and Grades K-12 services for SWD

Developing policies that would push all teachers to be prepared and trained to work with SWD and parents

Providing access to differentiated instruction and effective intervention to all SWD

Including all students in assessments by making the assessments fully accessible

Providing more transition planning for students moving into post-secondary and career opportunities.

**Florida SWD by Exceptionality**

EBD = emotional behavioral disabilities = 5%

LI = language impairment = 12%

SI = speech impairment = 13%

Other includes visual impairment, deaf and hard of hearing, and other low-incidence populations = 8%

IND = intellectual disabilities =7%

OHI = other health impaired =8%

ASD = autism spectrum disorder =9%

SLD = specific learning disability =38%

**SWD as a Percentage of the Population**

2007-08 = 14.4%

2008-09 = 14.3%

2009-10 = 14.1%

2010-11 = 13.7%

2011-12 = 13.2%

2012-13 = 12.9%

2013-14 = 13.4%

2014-15 = 13.0%

2015-16 = 13.4%

### **Regular Class Placement**

2009-10 = 67.4%  
2010-11 = 69.2%  
2011-12 = 67.8%  
2012-13 = 70.7%  
2013-14 = 71.3%  
2014-15 = 74.4%  
2015-16 = 73.0%

### **Seven Largest States**

#### **Percentage of SWD in Regular Class Placement 2014-15**

Florida has the highest percentage of students in regular class placement of the seven largest states at 73.2. Trend data were reviewed.

### **Dropout Rate Calculations**

Florida dropout rate  
400 students, 10 drop out =  $10/400 = 2.5\%$   
State rate for 2014-15 was 3.1%

### **U.S. Department of Education Facts Dropout Rate**

400 students, 100 exit, 10 exiters drop out =  $10/100=10\%$   
State rate for 2013-14 was 19.2%  
State rate for 2014-15 was 18.7%

### **Florida Education and Training Placement Information Program (FETPIP)**

FETPIP's method of data collection replaces conventional survey-type techniques and provides information in an accurate and cost-effective manner.

The follow-up studies are conducted annually by matching records of the student graduates, completers or exiters from the numerous public and independent organizations with information resources available to FETPIP.

### **High School Graduation Requirements S. 1003.4282(11), F.S.**

- The majority of SWD will continue to earn a standard diploma by meeting **the same graduation requirements as all students**
- In 2014-15, nearly 62% of SWD earned a standard diploma.

### **Standard Diploma for All Opportunity for All**

- Beginning in 2014-15, all students have the opportunity to earn a standard diploma based on Florida standards
- Students with significant cognitive disabilities may earn a diploma via access courses and the FSAA
- Students may defer receipt of diploma to remain eligible for FAPE
- The state offers many resources to assist SWD and/or learning differences achieve success
- Special diploma statute was repealed as of July 1, 2015

## **Graduation Requirements for SWD: Ensuring Meaningful Diplomas for All Students**

- Recommendations
  - Set high college and career expectations and clear goals for SWD
  - Limit the number of diploma options for SWD
  - Identify multiple, equally rigorous paths for SWD
  - Identify appropriate diploma options for students with SCD
  - Research the impact of state graduation requirements and diploma options on student outcomes

(National Center on Educational Outcomes, 2014)

### **Rule 6A-1.09963, F.A.C.**

- The statute required a rule, which became effective December 23, 2014
- Describes two high school graduation options available only to SWD
- TAP issued April 17, 2015

### **Reminder Special Diploma**

- S. 1003.438, F.S., was repealed as of July 1, 2015
- Students who began ninth grade in 2013-14 or earlier and whose IEPs already documented special diploma may continue to work toward a special diploma
- Students who began ninth grade in 2014-15 or later **may not** work toward a special diploma

### **Standard Diploma via Access Courses**

Must meet the same 24 course requirements as all students, using access courses and alternate assessment

Access Algebra 1 instead of Algebra 1, etc.

ESE courses may be used as electives

Special skills, CTE ESE, Fundamental

May substitute a CTE course with content related for access English IV, one access math, one access science and one access social studies

Not access Algebra, Geometry, Biology or U.S. History

CTE courses may be modified

### **Standard Diploma via Academic and Employment-Based Courses**

Must meet the same 24 course requirements as all students

General education courses

May take ESE electives

Must earn at least one-half credit in an employment-based course

Must be paid employment at or above a minimum wage

Documented achievement of components on employment transition plan (plan template available)

### **Significant Cognitive Disability**

- IEP team decision, must have parental consent
- Approximately 1% of all students (10% SWD)
- Most profound and complex learning challenges
- A history of poor performance on state assessments and/or deficit in reading scores alone do not qualify
- Impact should be on ALL activities, including academic, independent functioning, community living, leisure and vocational
- IQ score alone not sufficient

### **Significant Cognitive Disability**

Must use a variety of sources of information, such as

- Psychological assessments
- Achievement test data
- Aptitude tests
- Observations
- Medical records
- Attendance records
- Mental health assessments
- Adaptive behavior assessments
- Language assessments
- School history
- Student response to instruction/intervention

### **Online Training Module**

- New professional development portal at <http://pdportal.florida-ese.org/>
- Includes all high school completion options
- Designed for viewing on computer, tablet or phone

### **Employment First**

- Both a policy and philosophy
  - Employment is the first option for all individuals
- Executive Order and Interagency Agreement in place
  - Piloting similar interagency groups in four districts based on existing Project 10 Connect councils
- Florida Abilities Work Web Portal and Help Desk
  - For individuals and employers
- More information at [www.employmentfirstfl.org/](http://www.employmentfirstfl.org/)
- Introductory video available

**What accommodations and instructional practices do we expect to see when observing classrooms with SWD?**

**Evidence of the Accommodations Process = Determine Need - Make Decisions - Implement - Document**

## Evidence of Accommodations and Instructional Practices for SWD for Classroom Observation

Accommodations are generally grouped into the following categories:

- Presentation (e.g., repeat directions, read-aloud and large print, braille)
- Equipment and material (e.g., text-to-speech, amplification equipment, manipulatives, and assistive and instructional technologies)
- Response (e.g., mark answers in book, scribe records response and use a pointer)
- Setting (e.g., study carrel, student's home and separate room)
- Timing/scheduling (e.g., extended time, frequent breaks)

Class	Course
The ideal situation is for all children to be educated together	For students now in the ninth grade and below there are only two course choices for core subjects, general education courses and access courses
The classroom a child sits in does NOT dictate the type of courses they take	Both are based on the same standards, but the level of complexity is very different
Children in a general education classroom may be enrolled in access courses and children in a separate environment may be enrolled in general education courses	Only students on access points can take access courses
	Access points are only for students with a significant cognitive disability and parental consent is required

### Resources

Selecting Accommodations: Guidance for Individual Educational Plan Teams

Accommodations: Assisting SWD

Accommodations and Modifications for SWD: Career Education and Adult General Education

Accommodations and Modifications: What Parents Need to Know

**How many of our SWDs are enrolled in advanced courses?**



## Statewide SWD Participation in Rigorous Courses

Total ESE Student Population: 357,067\*

Choice Program	# of ESE Students	Percentage of Total ESE Population
Honors Courses	34,787	9.74%
Advanced Placement Courses	5,381	1.51%
Dual Enrollment Courses	844	0.24%
IB Courses	801	0.22%

### SWD earning at least one industry certification

- 2012-13 = 3,375 (approximately 3.3%)
- 2013-14 = 4,170 (approximately 4.1%)
- 2014-15 = 3,257 (Preliminary—approximately 3.2%)

### Who should take the FSAA?

Who makes the decision?

What is the criteria?

### Rule 6A-1.0943, F.A.C. – Assessment Rule

- Amends section related to participation in the FAA
  - References requirements for parent consent
  - Eliminates redundant language in criteria
    - Even with appropriate and allowable accommodations, assistive technology, or accessible instructional materials the student requires modification to the grade-level general state content standards; **and**
    - Student requires direct instruction in English language arts (ELA), math, social studies and science based on access points

### Statewide Assessment for SWD

- TAP: 2014-208 (March 20, 2015) revises and replaces existing TAP: 2010-92  
<http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf>

### FSAA 2016

- NEW NAME – Florida Standards Alternate Assessment (FSAA)
- FSAA – Performance Task Assessment
- FSAA-D – Data folio (Trial Administration 2016)
- 100% paper based
- ELA (Grades 3-10)
- Mathematics (Grades 3-8)
- Writing (operational field test – Grades 4-10)
- Science (Grades 5 and 8)
- EOCs (Algebra I, Geometry and Biology I)

It Takes a Village: Collaboration of Parents, Community and Educators  
Lunch and Viewed FIEP Video

Monica Verra-Tirado led a discussion to review the SPP through the use of a power point:

**State Systemic Improvement Plan (SSIP): Indicator 17  
2013-2018 SPP and APR**

- Includes Indicators 1-17
- Indicator 17 is SSIP

**Indicator 17 (SSIP)**

- A comprehensive, multiyear SSIP, focused on improving results for children and youth with disabilities and their families
- State identified measureable result (SIMR)

**SSIP Activities by Phase**

**Year 1 – FFY 2013 Submitted in April 2015**

**Phase I Analysis**

- Data Analysis
- Description of Infrastructure to Support Improvement and Build Capacity
- State-Identified Measureable Result
- Selection of Coherent Improvement Strategies
- Theory of Action

**Year 2 – FFY 2014 Submitted in April 2016**

**Phase II Development**

- Multiyear plan addressing
  - Infrastructure Development
  - Support the Education Information Services Program/LEA in Implementing Evidence-Based Practices
  - Evaluation Plan

**Years 3-6**

**FFY 2015-18**

**Feb 2017 - Feb 2020**

**Phase III Evaluation and Implementation**

- Reporting on Progress including:
  - Results of Ongoing Evaluation
  - Extent of Progress
- Revisions to the SPP

## SSIP

### How well is the solution working?

#### Evaluation

- Evaluation of progress annually
- Adjust plan as needed

### What is the problem?

#### Analyzing and Focusing

- Identify starting point
- Initiate broad *Data Analysis*
- Conduct broad *Infrastructure Analysis*
- Identify primary concern (potential *SiMR*)

### What shall we do about it?

#### Planning and Doing

- Identify coherent improvement strategies (Exploration Phase)
- Develop action steps (address barriers/use leverage points)
- Develop *Theory of Action*
- Develop *Plan* for improvement (Implementation Framework)

### Why is it happening?

- Investigating
- Conduct root cause analysis (including infrastructure) to identify contributing factors
- For each contributing factor, identify both barriers and leverage points for improvement

## SSIP Phase I

### Data and Infrastructure Analysis

#### Stakeholder Involvement

- FDOE BEESS and other FDOE office staff
- Other agency affiliations
- BEESS Strategic Planning teams
- SAC
- Members of the State Secondary Transition Interagency Committee
- Parent, educator and other stakeholders feedback to the State Board of Education Strategic Plan and ESEA Flexibility Waiver
- Round table meetings with district directors of special education and student services
- On-site district focus groups including students, teachers and administrators
- Graduation Pathways Taskforce – included parents, district personnel and others

#### Problem Solving Process

1. Problem identification (Is there a problem and what is it?)
2. Problem Analysis (Why is the problem occurring? What is the root cause?)

3. Intervention Design (What can be done about the problem?)
4. Evaluation (Did the intervention or action solve the problem?)

### **Data Analysis Revealed**

#### **Problem Identification**

- Increasing graduation rate for SWD and closing the graduation gap for SWD as compared to their nondisabled peers.

#### **Root Cause**

1. The lack of increased opportunities for SWD to participate in general education courses in the regular class environment, with support from highly effective teachers and leaders.
2. Loss of time in the general education classes because of disciplinary consequences such as in-school suspension, out-of-school suspension and expulsion, and secured seclusion and restraint.
3. Disproportionate representation of students by race or ethnicity.
4. The inability for students with significant cognitive disabilities to earn a standard high school diploma, rather than a special diploma.

### **Compliance Data and Barriers to Improvement**

- Compliance data related to least restrictive environment, disproportionate discipline and identification.
- A review of compliance data related to quality development of transition IEPs (Indicator 13) revealed high levels of compliance; however, high levels of compliance for this indicator did not necessarily equate to increased outcomes.
- Based on this analysis, it was determined the compliance data do not have an impact on the goal to increase the number of SWD graduating with a standard diploma ready for college.

### **Areas for Improvement**

- Districts need support in the implementation of the standards and courses required for a standard diploma.
- Critical shortages in ESE and related services—teachers of SWD are less-qualified teachers in content areas.
- Districts need support to help all staff understand how their work connects to the goal of ensuring all students graduate college, career and life ready and how to address barriers that arise.
- Data system is rich; however, variation exists among districts in relation to accessing systems data to drive improvement efforts.
- In some districts special education is separate from the curriculum and instructional support division.

## **Theory of Action**

### **Alignment with Existing Plans**

In order to achieve the desired outcomes, the SSIP must be aligned with the FDOE's and BESS strategic plan including vision, mission and goals.

### **Alignment with Existing Plans**

#### **Vision – Mission- Goals – Strategic Plan**

#### **Benefits of Aligning the SSIP with Strategic Plan**

##### Improved Results

- Having clear plan for future and monitoring progress
- Clear vision, mission and goals positively influence organizational achievements

##### Momentum and Focus

- Forces forward thinking, not getting caught in day-to day pressure
- Provide focus and commitment

##### Problem Solving

- Focuses on critical issues
- Resolve problems in an intentional, coordinated manner
- Shapes policy and procedure

##### Teamwork, Learning and Commitment

- You commit to what you help build
- Establishes common understanding

##### Communication and Marketing

- Informs board, staff and other stakeholders where the organization is heading
- Informs how they can contribute

##### Greater Influence

- Help organization be proactive rather than reactive

### **What Matters Most Key Practices**

- Use Data Well
- Focus Your Goals
- Select and Implement Shared Instructional Practices
- Implement Deeply
- Monitor and Provide Feedback and Support
- Inquire and Learn

### **Florida's SIMR**

FDOE, in collaboration with its internal and external stakeholders, has identified the measurable result of:

- increasing the statewide graduation rate for SWD from 52.3% (2012-13 graduates) to 62.3% (2017-18 graduates) and
- closing the graduation gap (baseline 23.2 percentage points in 2012-13) for SWD in half (<11.6 points).

The SIMR is related to SPP/APR results indicator #1: Percentage of youth with IEPs graduating from high school with a regular diploma.  
(20 U.S.C. 1416(a)(3)(A))

## **Phase II – Improvement Plan**

Develop plan focusing on

- Infrastructure development
- Support for implementing evidence-based practices
- Evaluation of implementation

## **Phase II – Improvement Plan: Infrastructure Development**

Infrastructure development includes:

- Building Florida’s state educational agency’s (SEA) capacity to support LEAs with the implementation of evidence-based practices (EBPs) that will lead to measurable improvement in the SIMR for SWD.
- Scale-up LEA infrastructure is based on the EBPs identified in **Moving Your Numbers: What Matters Most and Key Practices**, developed by the National Center on Educational Outcomes in collaboration with the National Association of State Directors of Special Education and the Council of Chief State School Officers.

Support for implementing EBPs includes:

- The SEA has made specific EBPs related to graduation available to LEAs; however, it is important to note that the SEA is encouraging LEAs to identify EBPs that are specific to their unique needs based on their analysis through local problem solving and action planning.
- The SEA has made a shift from a compliance focused monitoring system to a results driven monitoring focus.
- Professional development for stakeholders at the state and local levels is needed in the following areas:
  - What Matters Most: Six Key Practices
  - Leading by Convening
  - Problem Solving/Response to Intervention (PS/Rtl) Action Planning
  - Specific EBPs targeted to unique LEAs needs (i.e., Check and Connect)

The following improvement plans and initiatives were identified as integrated and aligned to support LEAs and schools as they improve the SIMR.

- Student Success Act – s. 1012.98, F.S.
- Race to the Top (past participation)
- ESEA Flexibility Waiver (reauthorized as the Every Student Succeeds Act)
- Florida Standards
- Recent legislation created a standard diploma option for students with significant cognitive disabilities – s. 1003.4282(10), F.S.
- LEA and school improvement plans
- LEA professional development plans and teacher evaluation system

- Focused monitoring in collaboration with differentiated accountability bureau, included and priority schools

### **What Matters Most Key Practices**

- Use Data Well
- Focus Your Goals
- Select and Implement Shared Instructional Practices
- Implement Deeply
- Monitor and Provide Feedback and Support
- Inquire and Learn

### **What Matters Most Survey Results**

- SEA Survey: Administered May 2014 to reflect on Strategic Plan Implementation 2013-14, including BEESS on-site visits. All strategic plan members were invited to respond.
- LEA Survey: Administered March 2016 to districts via CASE. Participants included ESE and student services directors, Title 1 coordinator, and assistant superintendent, which represented northwest, north, central, and south regions of the state and sizes ranging from small and rural to large.

### **SEA STRENGTHS**

- Key Practice #1: Use Data Well
- Key Practice #2: Focus Your Goals

### **LEA STRENGTHS**

- Key Practice #2: Focus Your Goals
- Key Practice #6: Inquire and Learn

### **SEA - HIGHEST NEED**

- Key Practice #5: Monitor and Provide Feedback and Support
- Key Practice #6: Inquire and Learn

### **LEA - HIGHEST NEED**

- Key Practice #1: Use Data Well
- Key Practice #4: Implement Deeply

### **Phase II - Improvement Plan: Evaluation**

- The plan to evaluate implementation includes:
  - BEESS staff worked with stakeholders to develop a strategic plan with specific evidence-based action for each area of the system (as described in Phase I) and
  - BEESS has prioritized EBPs, through stakeholder engagement, to support LEAs:
    - Using Data Well
    - Focusing Goals
    - Selecting and Implementing Shared Instructional Practices

## Evaluation Plan: Measurement Table - discussion

### K-12 Workgroup

The meeting started with introductions, and the group set an agenda. The first activity was a self-assessment of priorities. The consensus of the group is shared below. Where there were variances, they are noted.

#### What Matters Most Self-Assessment

1. Use Data Well: There is a disconnect between the applicability of data collected and the real problems students are facing. The State is collecting data consistently. It has improved greatly in the last few years. Data gathering is implemented better than drilling down to use data effectively. The State is doing better than districts. State-blue; districts-yellow; parents-red. Parent training is critically needed.
2. Focus Your Goals: The State is putting out fires. There is a vampire rule: it only comes when it is invited. The State needs to develop a system to be more proactive. BEESS can make suggestions but not mandates. Legislative changes are making it harder for BEESS. State-yellow; districts-red; parents-red.
3. Select and Implement Shared Instructional Practices: Where is universal design for learning (UDL), especially at the district and school levels? UDL training is being rolled out by the State. ESE teachers in the state have a limited background in UDL. Parents are blocked. State-blue; districts-yellow; parents-red.
4. Implement Deeply: Legislation often drives number of requirements. Districts bury information on mistakes/problems. State-blue; districts-blue/yellow/red (depending on district); parents-red.
5. Monitor and Provide Feedback and Support: The Vampire Theory applies again here for the state. State-blue and yellow; districts-red; parents-red.
6. Inquire and Learn: Parents are not empowered. State-blue; districts-red and yellow; parents-red.

#### Review of Strategic Plan

1. Data-based problem-solving regarding participation rates of SWD in standard assessments. No remarks.
2. In the second initiative, add UDL to last point regarding assistive technology (AT) and accessibility of instructional materials. Reading staff from State's Florida Just Read! program can monitor implementation of UDL during its district and school visits. At end of topical calls, FDOE could add discussion questions and self-monitoring exercises so districts can follow up.
3. Examples: Toolkits on UDLs, video project following a student being engaged in Florida standards (using e.g., UDL, AT, etc.) Instructional coaches could be encouraged to get trained. There could be collaboration with other groups on this initiative.



### Review of Last Meeting's Discussion Updates

1. School principals: FDLRS 20-hour course is available as a resource. The Collaboration for Effective Educator Development, Accountability and Reform (CEEDAR) also has an administrator course that will be available in fall 2017. New standards are being developed for evaluation of schools, administrators and teachers. FLDOE tab teaching, performance evaluation heading shows new programs.
2. Professional development: There is now an FIN online UDL course. There is also new training coming out this week. A UDL Facilitator's Guide is coming soon. A UDL Toolkit is coming out in July-August. There is a CEEDAR online course.
3. Parent resources: Portal for Exceptional Education Resources resists adding more pages/elements to IEP form. Collaboration can be developed with the Parent Strategic Planning Group to reach out to parents. The State is also addressing the issue of connecting parents to each other and to resources using parent survey and through Team Calls. It could be raised as a discussion question.
4. Interventions and assessment: An Intro to MTSS [multi-tiered system of supports] training module is coming out. Could also look into strategies for empowering parents. Each district has a PreK and K-12 reading plan.
5. Textbook adoption: When textbook companies put in bids, they must provide info on UDL aspects of their programs. The textbooks must be accessible, but must ensure the answer is accurate.

### Parent Training and Empowerment of Parents by Schools

1. There has been a lack of participation in the parent survey. What can be done? It has been mailed to homes by districts.
2. Types of Parent Training
  - a. How to be an effective member of the IEP team
  - b. How to prepare for an IEP meeting
  - c. How do we get existing information and resources (BEES website, Family Network on Disabilities [FND], Wrights law) out to parents?
3. Training teachers on correctly filling out checklists
4. Training teachers on identifying potential disabilities
  - a. Developing courses with practical strategies for teachers on how to identify and help SWD. Right now we tell them why (lots of info on IDEA and laws), but not how to do things correctly
  - b. Develop 20-hour trainings on behavior strategies and learning disabilities
5. Training for paraprofessionals (paras), not just teachers and parents (FDLRS has some, but paras are not required to take them)
6. Offer joint trainings (parents, teachers, paras and other staff)
7. Schools do not expect basic competency for paras. Develop different tiers of paras (higher tier has more training)
8. Positive behavior supports/restraint training (such as the Mandt System, which emphasizes prevention and uses less dangerous/traumatizing restraints than prone, etc.)
  - a. Trying to get districts and schools to adopt best practices

- b. Need to keep higher education/teaching programs aware of state and district initiatives
- c. Ask the state to identify districts that are doing things right and highlight them as examples to others. For instance, show their vision and examples of it in practice. Need to evaluate the districts' plans for strength.
- d. There is a problem with so much paperwork/data crunching and less emphasis on following initiatives well. There should be less paperwork and an increase in best practices guidance with intrinsic rewards.
- e. BEESS is looking for model schools and developing case studies for positive behavior support (PBS).

### **Secondary Transition**

Our group discussed the 2016-17 BEESS Strategic Plan for the following Indicators: 1 graduation rate, 2 dropout rate, 13 transition IEP compliance, and 14 post-school outcomes. The plan was reviewed line by line and suggestions were written down by parties on draft copy and each individual draft copy was collected for additional notations at the end of the SAC meeting. Suggestions for clarification and specific targets were identified for improvement.

Overall the group felt using data well was a strength; a concern was information making it to parents. This was a general consensus from the group including parents, advocates, and community members.

### **Family Involvement and Self Advocacy**

1. The group engaged in discussion about the current dispute resolution process. Concerns were raised over:
  - a. The lack of information and assistance available to parents when using the dispute resolution system
  - b. Not being provided with the documentation that the district provides to BEESS during a state complaint process and having to file a records request to obtain said documentation
  - c. The group requested more information on the dispute resolution process, which will be accomplished through a series of conference calls
  - d. The group will then prepare a presentation on their experience as parents with the dispute resolution process for the December 2016 SAC meeting. The presentation will include suggested solutions for improvement
2. The ESE Parent Survey was discussed. Conversation included:
  - a. A request, through conference call, to look at the survey more closely and provide feedback from the perspective of parents, families and advocates.
  - b. Move from a compliance mindset to a results-driven accountability mindset

### **Access Points**

Most members of this small group were not in attendance at this meeting. Tracy Stevens and Lisa Miller reviewed the state plan and reviewed the first module of the Florida Inclusion Network (FIN) module. Suggestions were provided in writing to the FIN Administration team.

## **Tuesday, July 12, 2016**

The SAC met in regular session with the following persons in attendance:

### **Members**

(See SAC Membership List 2016, SAC Designee List and SAC Representation Chart, SAC Member Notebook, Tab 2)

Berry, Keith  
Bustos-Alban, Lauren  
Cheeseborough, Thea  
Ehrli, Hannah  
Escallon, Enrique  
Jones, Cindy  
LaBelle, Rich  
Lockenbach, Rick  
Lopez-Sequenzia, Sarah  
Miller, Lisa  
Nett, Carol  
Rehmet, Chris  
Riley, Tamar  
Rudniski, Catherine  
Siegel, Ann  
Snow, Tracie  
Spire-Oh, Kimberley  
Stevens, Tracy  
Tucker, Kara  
Verra-Tirado, Monica  
Vinot, Kendell

### **Designees**

None

### **FDOE/DPS/BEESS Representatives**

Verra-Tirado, Monica, bureau chief, BEESS  
Milton, Tonya, program planner/analyst (SAC liaison), BEESS  
Katine, April, educational program director (SAC liaison), BEESS  
Mallini, Aimee, parent services (SAC liaison), BEESS  
Metcalf, Heidi, senior educational program director, BEESS  
Jenkins, Renee, senior educational program director, BEESS  
White, Judy, program director, BEESS  
Williams, Iris, school social work consultant, Student Services Project  
Metty, Wendy, program specialist, BEESS  
Williams, Chelsea, program specialist, BEESS  
Musgrove, Karrie, program specialist, BEESS  
Gaitanis, Victoria, program specialist, BEESS

Register, Amanda, program specialist, BEESS  
Grillot, Leanne, program director, BEESS  
Willis-Doxsee, Heather, program specialist, Just Read Florida!  
Garrett, Frankie, BEESS

### **Guests**

Rogers, Stephanie, (for Tom Rankin)  
Montooth, Patrick  
Pasley, Cassandra  
Brown, Krysta

### **Business Meeting – 1 p.m.**

1. The chair (Kara) opened the phone for public comment. There was no public comment.
2. The chair (Kara) determined quorum
3. Enrique Escallon moved to accept the minutes from the December 2015 SAC meeting with the addition that Enrique Escallon and Tracey Steven's were on the phone during the business meeting. Sarah Sequenzia seconded the minutes. Motion carries.
4. Sarah Lopez-Sequenzia reviewed the green sheets.
  - a. Request of information to bring to the next meeting, specific information on district allocations for funds spent on special education. No vote needed.
  - b. Utilize presenters who make presentations at state meetings available to districts.
  - c. Would like BEESS to provide parents with resources for districts on best practices for consultations, collaboration, co-teaching and support facilitation for staffing and resources. Chris Rehmet moved. Kendell Vinot seconded. Motion amended to say that it should be provided on the BEESS website. Motion carries.
  - d. Sarah Lopez-Sequenzia made a motion to have rules changed so that students with a Section 504 plan can come back to school until age 21 even after they drop out. Monica Verra-Tirado shared that students with a Section 504 plan are not given the same rights under IDEA; therefore, this is not in our purview. Sarah withdrew the motion.
  - e. Kimberley Spire-Oh moved to organize an annual awards conference for best practices for districts or administrators who are implementing best practices. Have this at an already existing conference. Chris Rehmet seconded the motion. Motion carries. They would like time at the next meeting to work on this.
  - f. Kendell Vinot moved to have school districts ask students at age 17 if they want to continue to have their parents attend IEP meetings. Chris Rehmet seconded the motion. Enrique called the question. Enrique withdrew the call of question. Discussion continued. Investigate what other states are doing. IDEA speaks to SEAs that have an approach to what happens when SWD reach the age of majority and their parents. Motion to amend that BEESS

- looks into age of majority and transfer of rights and what we can do about it and bring recommendations. Motion carries.
- g. Rich Labelle made a motion that he and Kimberley Spire-Oh and Anne Siegel will research and make recommendations at the next SAC meeting to look into the transfer of rights issue. Motion withdrew. Chairs can appoint a committee and appoint a chair.
  - h. Anne Siegel made a motion to allow students who have graduated with a special diploma and not reached the age of majority to return to adult education to work toward a standard diploma through adult education. Motion seconded by Kimberley Spire-Oh. Motion carries.

Create a form for making motions that are streamlined. Work with Sarah Sequenzia.

Two subcommittees created: Dispute Resolution/Parent Involvement and Engagement and Legal Research.

Hannah Ehrli let people know that we are having elections for one co-chair at the next meeting. Please let April Katine know if you want to be placed on the ballot.

Please update your contact information.

Meeting adjourned

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

## *STATE ADVISORY COMMITTEE MEETING REPORT*

*December 5-6, 2016*

Florida Department of Education (FDOE)  
K-12 Public Schools  
Bureau of Exceptional Education and Student Services (BEES)

**State Advisory Committee for the  
Education of Exceptional Students (SAC)**

**Double Tree Hotel  
Tallahassee, Florida  
December 5-6, 2016**

**Meeting Report**

**Monday, December 5, 2016**

The SAC met in regular session with the following persons in attendance:

**Members**

(See SAC Membership List 2016, SAC Designee List and SAC Representation Chart, SAC Member Notebook, Tab 2)

Barber, Karen  
Berry, Keith  
Blades, Laurie  
Bustos-Alban, Lauren  
Cheeseborough, Thea  
Clark, James  
Ehrli, Hannah  
Escallon, Enrique  
Jones, Cindy  
LaBelle, Rich  
Lockenbach, Rick  
Miller, Lisa  
Nett, Carol  
Noonan, Carmen  
Raines, Debra  
Rankin, Tom  
Riley, Tamar  
Roth, Terry  
Rudniski, Catherine  
Rueda-Hill, Cecilia  
Shuttz, Kristin  
Siegel, Ann  
Sokalski, Laura  
Spire-Oh, Kimberley  
Stevens, Tracy  
Tucker, Kara

Verra-Tirado, Monica  
Vinot, Kendell  
Ward, Sheila

### **Designees**

Cathy Russell (for Laura Harrison)  
Antione Hickman (for Sonja Clay)  
Rogers, Stephanie (for Tom Rankin)

### **FDOE/DPS/BEESS Representatives**

Katine, April, educational program director (SAC Liaison), BEESS  
Milton, Tonya, program planner/analyst (SAC Liaison), BEESS  
Kowalczyk, Aimee, parent services (SAC Liaison), BEESS  
Metty, Wendy, program specialist, BEESS  
Musgrove, Karrie, program specialist, BEESS  
Gaitanis, Victoria, program specialist, BEESS  
Grillot, Leanne, program director, BEESS  
Willis-Doxsee, Heather, program specialist, Just Read Florida!  
Barnhill, Jennifer, program specialist, BEESS  
Riley, Susan, program specialist, BEESS  
Brown, Shane, program specialist, BEESS  
Eliassaint, Kenny, BEESS

### **Guests**

Amy Eaton  
Tosha Littles

## **WELCOME AND INTRODUCTIONS, OVERVIEW OF AGENDA AND MEETING MATERIALS**

### **ROLES AND RESPONSIBILITIES/WAY OF WORK**

Hannah Ehrli, committee co-chair, welcomed everyone  
Kara Tucker, co-chair, reviewed the roles and responsibilities  
SAC members provided in-depth introductions. They were asked to state one success or celebration, any needs or concerns they currently have related to special education in Florida and, if they represented an agency, the top five current initiatives they wanted SAC to be aware of.



## CONCERNS/NEEDS

- New ESE exam coming—what will cutoff scores look like? How will this affect various demographic groups?
- Corrective actions that do not correct anything
- How can we get our arms around the uncertainty around public education policy in the new administration?
- Development of inclusive higher education programs for students with intellectual disabilities under new state law and Florida post-secondary comprehensive transition programs
- Awareness of Florida Developmental Disabilities Council resources
- Status of interventionist certification development
- We need leadership certification for ESE (non-principal)
- Where and when—Office of Special Education Programs funding opportunities for personnel/leadership
- How do we engage companies in science, technology, engineering and mathematics to offer career opportunities to persons with disabilities?
- Restraint laws need to be strengthened
- Reading success by third grade (speech-language disability [SLD], language identification earlier, effective interventions)
- Lack of specificity of IEPs
- Retention of teachers in our Department of Juvenile Justice (DJJ) schools, especially PACE and AMI
- Students overage for grade level
- Teacher retention
- How to effectively identify English language learners with a learning disability/language disorder
- Best way to help kids being punished or restrained. Provide with appropriate behavioral supports.
- Do SAC members and educational stakeholders know where to go with Division of Vocational Rehabilitation (VR) questions, concerns or needs?
- How can we partner with LEAs to offer credit for some of the career-readiness and planning courses we have available through VR?
- How can we partner with LEAs to help parents and students see the benefit of employment—leading to student independence as adults?
- Impact on services for our youth
- How Block Grant on Medicaid will be affected. Concern: change of wind in administration
- Parent and educator resources: Guardianship Social Security Trusts
- Would like Florida to expand to yearlong school tracks to avoid transition problems with children with autism
- Limits to Medicaid Student Plan services because of parent income
- Transition for students with significant disabilities
- No or few school/agency partnerships
- Defunding public schools in the name of choice

- How do we improve transition for children with more support needs? Impact from choice?
- Which colleges in Florida are accepting of SWD?
- With Prop. 2 (Medical Marijuana) passed, can schools allow administration of cannabis when federal law still prohibits marijuana (since schools receive federal funds)?
- Prop 2: how long will it take? There are many individuals in need of alternative access to pain control
- More inclusion in our schools and community
- Parent training in special education throughout the school years
- How we can really work together to get what is needed for all ESE students
- Knowledge by parents of matrix development
- With a new election, have Council on Exceptional Students come give an overview/concern of political issues in relation to education of students with special needs
- Disconnect between state level and local schools
- Create a more welcoming relationship between schools and families to have better outcomes
- Coming from education world and knowing how important relationships are, we need to collaborate with special educators. What do education stakeholders need from VR to help transition outcomes?
- College accommodations?
- How to support SWD get to college with the proper accommodations?
- Jobs for individuals with disabilities after high school
- What transition programs have shown success with students with significant cognitive disabilities (e.g., nonverbal, autism, cerebral palsy, and Agency for Persons with Disabilities' [APD] clients)
- When will Florida take an active role to eliminate corporal punishment for children in school?
- True accountability
- Understanding access points
- Putting ESE students in correct grade level
- ESY services are not a battle
- Kara concern: continue to advocate for individuals with disabilities can always do something
- Policy—regulation on inclusion for schools
- Major changes in system of care challenges to partner/collaborate
- MTSS is used to delay evaluation—not evaluating—using classroom-based assessments

## **CELEBRATIONS/SUCSESSES**

- Personally: son is flourishing in film school in LA
- Mission: getting collaborations going in policy change through two new roles
- Seizure-free daughter
- Celebration: Able Trust accounts, Gardner Legislation, strong support in Florida

- Celebration: SB 1108 (1 credit in ESE content) higher education seeing teachers wanting “more tools” to assist SWD
- Clarissa HUG teacher award (Council on Exceptional Educational Students) an alumni of teacher preparation
- Successful FIEP in Hillsborough County
- As a Prekindergarten teacher for students who have ASD, I participated in STATE Theatre Festival in an inclusive production of The Jungle Book
- Celebration: [www.thesillpies.com](http://www.thesillpies.com)
- Family Café
- Infant programs
- Success: college students providing respite, Project 10 started in Polk
- Celebrations: one of our DJJ youth received his AA degree while in commitment; offering secondary education in commitment
- Gardiner Scholarship
- Celebrate: expansion of school; implementation of transition to work
- [www.NoahsFaith.com](http://www.NoahsFaith.com)
- Being asked to work on a committee that supports the individuals I am most passionate about—SWD; learned from all of you
- My son got his high school diploma!
- Celebration: completion of Florida Postsecondary Education Guide and Disability Awareness Guide Through Language Arts & Literacy: PreK Through Elementary
- Eight years on the Neptune Beach City Council
- Child was told he will never talk or learn, at 22 he is finishing his first semester at state college taking six classes with all “As,” except in one class

### **AGENCY/TOP 5 THINGS**

- TOP 5
  - Implementation of SB 12 passed last session
  - Child welfare/behavioral health integration
  - Care coordination high risk position
  - Focus on certified behavior analyst social/start
- TOP 5
  - Barriers: lack of collaboration
  - Discipline: suspension and expulsion
  - Charter schools: not serving SWD
  - Cuts in direct supports
  - Low expectations
- Changes/Updates:
  - Now have regional education coordinators
  - Legislature has added district support on front end of commitment
- Agency APD
  - Employment Initiative Waitlist

- Able Trust account
- Effective transition
- Community resources/national supports
- Parent training
- VR
  - WIOA Pre-Employment Transition Services statewide
  - STAR Program offered to SWD without needing to qualify for VR eligibility
  - Collaboration between LEA and VR (e.g., services, tracking, referrals and performance standards)

## **GOVERNMENT IN THE SUNSHINE, PUBLIC RECORDS AND ETHICS**

Jim Richmond

*Board Certified, State and Federal Government and Administrative Law*

Office of the General Counsel, 850-245-0442

## **GOVERNMENT IN THE SUNSHINE**

Florida’s Government in the Sunshine Law applies to any gathering of two or more members of the same collegial body to discuss some matter that may foreseeably come before the commission for action.

## **SAC AND ITS MEMBERS ARE SUBJECT TO THE REQUIREMENTS OF THE SUNSHINE LAW**

- “Advisory Committee” in the context of Sunshine Law is restricted to groups conducting only fact-finding function.
- SAC charged with the duty to make recommendations to FDOE.
- “[T]he Sunshine Law equally binds all members of governmental bodies, be they advisory committee members or elected officials” *Monroe County v. Pigeon Key Historical Park, Inc.*, 647 So. 2d 857, 869 (Fla. 3d DCA 1994)

## **SUNSHINE LAW REQUIREMENTS**

- Meeting must be open to the public
- Reasonable notice must be provided
- Minutes of the meetings must be taken

## **PRACTICAL IMPACT**

- Notice published 7 days in advance of any meeting in Florida Administrative Register
- Agenda must be prepared more than 7 days in advance of any meeting;
- Meeting space must accommodate Committee members and members of the public

## **WHAT IS A MEETING?**

- Two or more members of the same group discussing matters that are before the group or foreseeably may come before the group
- Applies to formal meetings and informal encounters or discussions

- Includes:
  - telephone calls
  - written correspondence between committee members
  - e-mails
  - texts
  - communicating through a liaison

**A DOCUMENT CAN BE SHARED AMONG COMMITTEE MEMBERS**

The use of a written document by one Committee member to inform other members of a subject which will be discussed at a public meeting is not a violation of the Sunshine Law

**IF:**

Prior to the meeting, there is no interaction related to the document among the members

**BUT NOT IF:**

The document is circulated to solicit comments, or there is a responsive memorandum circulated among the members. In that case, a meeting has occurred in violation of the Sunshine Law.

**HOW TO SHARE A DOCUMENT**

If you have a document that you want to distribute to other members, please send it to April Katine at [April.Katine@fldoe.org](mailto:April.Katine@fldoe.org) and she will distribute the document.

**CAN COMMITTEE MEMBERS MEET WITH STAFF AND DISCUSS MATTERS THAT WILL BE BEFORE THE COMMITTEE FOR ACTION?**

- Yes; members can seek information, advice and input from staff
- However, staff cannot act as a conduit from one member to another

**COMMITTEE MEETINGS**

- The Sunshine Law does not allow committees to ban nondisruptive videotaping, tape recordings or photography at public meetings.

**COMMITTEE MEETINGS – OPPORTUNITY TO BE HEARD**

- Since 2013, with limited exceptions, the public must be given the opportunity to be heard before the Committee takes official action.

**PENALTIES**

- Criminal penalties for a knowing violation
- Civil penalties of up to \$500
- Suspension or removal from office
- Civil action to invalidate Committee action

**BUREAU UPDATE**

## **Moving from Access to Attainment: Statewide Equity and Excellence**

- Increase number of students graduating college and career ready
- Improve graduation rate
- Decrease dropout rate
- Improve post-school outcome results

## **Theory of Presuming Competence: Least Dangerous Assumption**

“...in the absence of conclusive data, educational decisions ought to be based on assumptions which, if incorrect, will have the least dangerous effect on the likelihood that students will be able to function independently as adults. Furthermore, we should assume that poor performance is due to instructional inadequacy rather than to student deficits.”—Anne Donnellan, 1984 as quoted by Cheryl Jorgensen, 2005

Discussion of SWD related to population, regular class placement, separate class placement, comparison with the seven largest states and the standard diploma rate.

Discussion of ELA— Florida Standards Assessments (FSA) Grades 3-10; Grades 3-5, 6-8 and 9-10.

Data reviewed for:

- Scoring Levels 3-5 on Statewide ELA (FCAT, FCAT 2.0 or FSA)  
All Students and SWD—Grades 3-10
- Percentage of SWD at or Above *Basic* and at or Above *Proficient* on NAEP Reading—Grade 4
- Percentage of SWD at or Above *Basic* and at or Above *Proficient* on NAEP Reading—Grade 8
- Mathematics—FSA and EOCs—Grades 3-8
- Mathematics—FSA and EOCs—Grades 3-5
- Mathematics—FSA and EOCs—Grades 6-8
- Mathematics—Geometry—EOC
- Mathematics—Algebra 2—EOC
- Scoring Levels 3-5 on Statewide Math (FCAT or FCAT 2.0)
- Percentage of SWD at or Above *Basic* and at or Above *Proficient* on NAEP Mathematics—Grade 4
- Percentage of SWD at or Above *Basic* and at or Above *Proficient* on NAEP Mathematics—Grade 8
- Science Grade 5—by Achievement Levels
- Grade 8 Science Combined (Statewide Assessment and Biology 1 EOC)
- Science—Biology 1—EOC (by itself)
- Social Studies—Civics—EOC
- Social Studies—U.S. History—EOC

## **Suspension/Expulsion (SPP Indicator 4A): 2005-06 to 2014-15**

- State Change
  - 0.61 point decrease between 2005-06 and 2014-15
- District Change
  - 55 districts < 3.0 in 2005-06
  - 58 districts < 3.0 in 2011-12
  - 68 districts < 3.0 in 2012-13
  - 65 districts < 3.0 in 2013-14
  - 66 districts < 3.0 in 2014-15
- District Variability
  - 3 districts > 4.0 in 2010-11
  - 0 districts > 4.0 in 2013-14
  - 2 districts > 4.0 in 2014-15
  - 27 districts < 1.0 in 2011-12
  - 31 districts < 1.0 in 2012-13
  - 32 districts < 1.0 in 2013-14
  - 37 districts < 1.0 in 2014-15

## **Restraint and Seclusion**

### Data Review Monthly

- Export, review, analyze and document restraint/seclusion data from state web-based reporting system
  - Provide restraint/seclusion data disaggregated by race and ethnicity
  - Provide restraint/seclusion data disaggregated into district size-alike groups
- Calculate number of district students restrained or secluded divided by district SWD population
  - Compare this district percentage rate to state average percentage rate
- Districts are contacted for rates two times or more of that month's state average rate
- Districts are asked to submit reasons for increase and decrease based on their data review and actions taken related to these rates
  - This information is documented and may be shared with districts statewide

### **QUARTERLY**

- Quarterly data is compiled and distributed to district ESE directors

### **YEARLY**

- Districts are monitored and/or visited based on their restraint and seclusion rates

## **2015-16 and 2016-17 First-Quarter Restraint Data Comparison**

- August 1 through October 31, 2016:
  - 2,560 incidents of restraint involving 1,273 students, 0.35% restrained
- August 1 through October 31, 2015:
  - 2,187 incidents of restraint involving 1,306 students, 0.37% restrained
  - For First Quarter 2016-17, increase of 9,106 Florida SWD Florida population

- For First Quarter 2016-17, increase of 373 incidents of restraint
- For First Quarter 2016-17, decrease of 33 students restrained
- For First Quarter 2016-17, 0.02% decrease of students restrained

#### **Restraint by Grade Level for First Quarter 2016-17**

- Grades PreK-3—46%
- Grades 4-8—40%
- Grades 9-12—14%

#### **Restraint by Exceptionality for First Quarter 2016-17**

- Emotional behavioral disability (EBD)—21%
- ASD—27%
- Intellectual disability (InD)—8%
- SLD—4%
- Other— 41%

#### **Types of Restraint for First Quarter 2016-17**

- Immobilization while in transport—8%
- Mechanical—7%
- Prone—23%
- Seated—17%
- Standing—40%
- Supine—5%

#### **Crisis Management Strategies Used for First Quarter 2016-17**

- Crisis Prevention Institute (CPI)—42%
- Other—15%
- Professional Crisis Management (PCM)—42%
- Safe Crisis Management (SCM)—3%
- Techniques for Effective Aggressive Management (TEAM)—2%
- Techniques for Adolescent and Child Handling (TEACH)—9%
- Handle with Care (HWC)—0%
- Violence Intervention Techniques and Language (Vital)—2%

#### **2015-16 and 2016-2017 First Quarter Seclusion Data Comparison\***

- August 1 through October 31, 2016:
  - 476 incidents of seclusion involving 242 students, 0.07% students secluded
- August 1 through October 31, 2015:
  - 388 incidents of seclusion involving 242 students, 0.07% students secluded
  - For First Quarter 2016-17, increase of 9,106 Florida SWD Florida population
- For First Quarter 2016-17, increase of 88 incidents of seclusion
- For First Quarter 2016-17, same number of students secluded
- For First Quarter 2016-17, same percentage of students secluded
- \*Comparisons between August 1 through October 31, 2016, and August 1 through October 31, 2015



### **Seclusion by Grade Level for First Quarter 2016-17**

- Grades PreK-3—41%
- Grades 4-8—48%
- Grades 9-12—10%

### **District Policies and Procedures (SP&P) Manuals Report of Family Engagement and Advocacy Subgroup**

- Includes specific information including data related to race and ethnicity and exceptionality of students restrained/secluded
- Districts must have a plan for:
  - Reducing restraint and seclusion
  - Reducing the use of prone restraint
  - Reducing the use of mechanical restraint
- Each SP&P is reviewed by BEESS to make sure plans are comprehensive and goals are appropriate
- Discussion about training for parents and what is available.
- Discussion about whether states and districts have met requirements.

### **State Targets for the 2016 Determination Performance Criteria**

- Federal uniform graduation rate (2014-15): 56.3%
- Dropout rate (2014-15): 16.8%
- Regular class placement (2015-16): 79%

### **2016 LEAs in Meets Requirements**

- Very Large Districts
  - Broward
  - Duval
  - Orange
- Large Districts
  - Pasco
  - Seminole
  - Volusia
  - Osceola
  - Collier
  - Escambia
- Medium Districts
  - St. Lucie
  - Clay
  - Leon
  - Okaloosa
  - Santa Rosa
- Medium/Small Districts
  - Martin
  - Indian River
  - Nassau
  - Columbia

- Monroe
- FLVS
- Hendry
- Small Districts
  - Suwannee
  - Levy
  - Wakulla
  - Baker
  - Bradford
  - Gilchrist
  - Madison
  - Union
  - Dixie
  - Gulf
  - Hamilton
  - Lake Wales Charter
  - Liberty
  - FSDB
  - FAU
  - FSU
  - FAMU
  - UF
  - DOC

### **State Targets for 2017**

- 2017 LEA Determination Targets
  - Federal uniform graduation rate (2015-16)—56.3%
  - Dropout (2015-16)—15.1%
  - Regular class placement (2016-17)—**82%**

### **Results from Seven Very Large States**

- Pennsylvania—87.09%—Meets Requirements
- Ohio—76.67%—Needs Assistance second year
- Florida—85.42%—Meets Requirements
- Illinois—81.25%—Meets Requirements
- New York—60.00%—Needs Assistance second year
- California—77.09%—Needs Assistance second year
- Texas—72.50%—Needs Assistance (improved from Needs Intervention)

### **BACKGROUND AND FAMILY CONCERNS REGARDING STATE COMPLAINT PROCESS**

- Following the last SAC meeting, the subgroup considered the state complaint process and several members shared their personal experiences.
- Some members expressed frustration with the transparency of the complaint process from their experience.

- Some members expressed concern that the complaint process does not hold districts accountable for changes, even if a violation is found.
- It is not clear to families what information, in putting together their complaint, would be useful to state investigators in determining compliance or noncompliance by a district.
  - A. Example: In one situation, regardless of the number of meetings held between the district and the family to resolve the situation leading to the complaint, nothing changed from the family's perspective; however, the state appeared to give the district credit for the number of meetings held, regardless of the result of the meetings, which did not resolve the underlying issue.
- As was stated at the SAC meeting, it is frustrating for families that the information they provide in their complaint is provided to the district, but the information provided by the district in response to the complaint is not provided to the family filing the complaint without a public records request.
- Comment/question: The families filing complaints view this as an adversarial process against the district to help resolve their individual situation. How does the state view the process and its role in it?

## QUESTIONS AND SUGGESTIONS

1. How does the state determine compliance or noncompliance on the part of a district when a complaint is filed?
  - A. Is there an investigation manual/guide/checklist or something similar that is used? It would be very helpful to families to make whatever may be used to help guide investigators easily available to families at the beginning of the complaint process.
  - B. It would be very useful for families to know how to lay out the information in their complaint so that it would be the most helpful to the State in conducting its investigation.
  - C. The subgroup suggests that it would be very useful and helpful to families for the state to develop a workshop for families, made available online, that walks families through the entire complaint process and how to organize their complaint so that it is as clear as possible to the state investigators.
2. Flow of information between families, state and district—the subgroup strongly suggests that the presumption should be that all information provided by any party should be automatically and as a matter of course, without any further request being necessary, be provided to all other parties.
  - A. Why is this not happening now? What is necessary to have this instituted as the standard procedure?
  - B. For example, if any information provided by the district in response to a complaint was required to be kept confidential, that information could be redacted and the remaining nonconfidential information could be provided to the family.
3. What is the scope of the authority of the state to compel a district to comply with the state's findings when the state finds a family's complaint to be justified?
  - A. Concerns were raised about the division of powers between FDOE and the individual school districts. It is unclear to families to what extent, if their complaint is found to be valid, the State will require a district to correct the situation. This would be helpful for families to understand from the beginning of the complaint process.

(See SAC Member Notebook, Agenda, Tab 1; Individuals with Disabilities Education Act [IDEA] SAC Way of Work and Ground Rules and Roles and Responsibilities; SAC Membership List 2016; Open Meetings Law, Tab 2; July 2016 Meeting Minutes , Tab 7; Committee Interest Form; Committee Action Form, Tab 10)

## NOTES FROM SMALL GROUPS

### Access K-12 Group

FIN to present how access looks in the general setting?

Model classes, video examples

Buy in—from curriculum coaches, general education and paraprofessionals (paras)

Train the Trainer? Inclusion experts on regular education – curriculum teams, etc.

Elementary – Middle – High

## Dissemination of Information

Public, private, general education and paraprofessionals

For Next Meeting

Data/info for schools with high number of schools with students using access points

Diploma Pathways

Information on dissemination of information, data

How well is it working using specific examples of students?

\*\*\* We may need to push the diploma pathways results out because of first cohort not graduating until 17/18

## K-12 Small Group

### 1. Training for Paras

- Concern: ESE paras lack training opportunities for working with SWD.
- Idea: Create statewide training opportunities for paras.
  - Survey: create a survey for districts to administer to paras to determine interest in teacher certification and to determine continuing education and training needs
  - Micro-credentials: consider developing micro-credentials that paras could earn
  - Incentives: what incentives could districts offer for paras earning micro-credentials or attending trainings (e.g., hiring preferences and bonuses)?
  - Existing training: what training already exists that could be utilized (e.g., FDLRS, Multiagency Network for Students with Emotional or Behavioral Disabilities [known as SEDNET])?
  - Access: need for training for paras to assist in establishing the para's role in assisting teachers in the delivery of instruction for students on access points
  - Additional Ideas/Concerns Related to Paras:
    - How can the Para-to-Teacher programs be promoted on a wider scale? Is this information reaching paras?

### 2. Charter Schools

- Concerns:
  - Lack of understanding of responsibilities for serving students with a Section 504 plan or IEP
  - Reports of parents being charged for services such as occupational therapy and physical therapy
  - Need to educate legislators about issues of inequality for SWD in charter schools
- Ideas:
  - Include charter school contacts in BEESS topical calls and other department calls
  - Determine if an awareness of a charter school's responsibilities for serving students with a Section 504 plan or IEP is built into the charter school approval process—if not, can it be?

### 3. Annual ESE Best Practices Award

- Concern: How are districts being recognized for best practices in ESE?

- Idea: Create a process for recognizing districts that demonstrate exemplary practices in specific areas of ESE
  - Award:
    - Based on data
      - Districts would be invited to apply after data are reviewed to identify possible candidates
      - A scoring rubric would need to be developed
    - Possible categories:
      - Behavior: restraint/seclusion data
      - Student growth (disaggregated by subgroups)
      - Inclusion
      - Graduation/drop out
    - Possible site: AMM Conference
      - The winner would present on the best practices

### **Transition Group**

- Find a mechanism to distribute transition information (early childhood through postsecondary) to parents and school staff.

#### Tasks:

1. Collect information from various transition stakeholders, to possibly include:
  - APD
  - The Florida Developmental Disabilities Council
  - VR
  - Project 10
2. Transition web page on the FDOE website and/or an APP  
Page design would be similar to:
  - Early – Elementary
  - Elementary – Middle School
  - Middle School – High School
  - High School – Postsecondary
 This would be intuitive, by area, to provide links to local resources, as age appropriate
- Let's Get ALL Students a Career!

Florida Legislature to provide funds to support increased and/or additional transition activities.

- Transition specialist positions
- Districtwide transition fairs
- Renew/revamp middle school career and educational planning courses (including soft skills, social skills, and self-advocacy); these courses are currently available for ages 15-21 through VR
- Create an elementary level career and educational planning course\*
- \*Transition exposure/planning must start in elementary school and be available to ALL students!

## **Family Engagement and Advocacy Group**

The group began by considering the parking lot items identified at the July 2016 meeting as items of concern/more information needed. Several members suggested priorities from the list of topics that we would like to have presentations on for the July, 2017 meeting. These included:

- A. How do we effectively get word out about training available to families through Parent Training Centers, FDLRS, and other training resources, including through district?—one-pager—finalize it.
- B. Report from VR on WIOA. Get info on this into hands of teachers. Resources we can put in the hands of parents and educators.

The group decided to hold additional meetings by conference call prior to the July SAC meeting. Dates for January and February were reviewed—1/19/17 at 1-2:30 p.m. and 2/15/17 at 1-2:30 p.m. It was decided that the topics of the calls would be as follows:

1. Parent questionnaire
  - We (Parent Engagement group) need to participate in the BEESS review process
    - Transition?
    - Impact
    - Calls with Batya to get her input from technical standpoint of suggested changes/additions
    - Revisit questions that were circulated earlier among group members prior to the call in January.
  - BEESS will share proposed changes that they are currently working on with small group.
  - Look at including results in best practices for inclusive education process and as a function of District and School Advisory Councils. Look at suggestions for rule revision to accomplish this, if necessary.
2. Follow up for what would be useful in training by BEESS on dispute resolution training proposed in our presentation from yesterday.
  - Video broken up into easy-to-digest segments
  - Family friendly language
  - How many meetings?
    - Dispute resolution vs. State complaint
      - First step—contact district
      - Jurisdiction
      - Why go to mediation?
      - Key is expectation management
  - Start in February/March—take this up if we are done with questionnaire.
3. Notice of existence of federally funded Parent Centers
  - Pair solutions with barriers
  - Have Parent Centers present on ESE Directors' call (also BEESS Weekly)
  - Training, solution-based thinking, "we're here to help," collaborative communication

4. Flesh out responses to April/Aimee and discuss more options for July at either January or February call. April/Aimee will circulate Survey Monkey for us to give feedback prior to January call.

### **Tuesday, December 6, 2016**

The SAC met in regular session with the following persons in attendance:

#### **Members**

Barber, Karen  
Berry, Keith  
Blades, Laurie  
Bustos-Alban, Lauren  
Cheeseborough, Thea  
Clark, James  
Ehrl, Hannah  
Escallon, Enrique  
Jones, Cindy  
LaBelle, Rich  
Lockenbach, Rick  
Miller, Lisa  
Nett, Carol  
Noonan, Carmen  
Raines, Debra  
Rankin, Tom  
Riley, Tamar  
Roth, Terry  
Rudniski, Catherine  
Rueda-Hill, Cecilia  
Shuttz, Kristin  
Siegel, Ann  
Sokalski, Laura  
Spire-Oh, Kimberley  
Stevens, Tracy  
Tucker, Kara  
Verra-Tirado, Monica  
Vinot, Kendell  
Ward, Sheila

#### **Designees**

Cathy Russell (for Laura Harrison)  
Antione Hickman (for Sonja Clay)  
Rogers, Stephanie, (for Tom Rankin)

#### **FDOE/DPS/BEES Representatives**

Katine, April, educational program director (SAC liaison), BEES  
Milton, Tonya, program planner/analyst (SAC liaison), BEES



Kowalczyk, Aimee, parent services (SAC liaison), BEESS  
Metty, Wendy, program specialist, BEESS  
Musgrove, Karrie, program specialist, BEESS  
Gaitanis, Victoria, program specialist, BEESS  
Grillot, Leanne, program director, BEESS  
Willis-Doxsee, Heather, program specialist, Just Read Florida!  
Barnhill, Jennifer, program specialist, BEESS  
Riley, Susan, program specialist, BEESS  
Brown, Shane, program specialist, BEESS  
Eliassaint, Kenny, BEESS

### **Guests**

Amy Eaton  
Tosha Littles

### **SMALL GROUPS CONTINUED TO MEET FROM 8:30 a.m. – 1 p.m.**

#### **BUSINESS MEETING—1 p.m.**

1. The chair (Kara) opened the phone for public comment.
  - Mr. Andrew Ladanowski provided comments by phone. Mr. Ladanowski stated that he thought students should be allowed to take computer coding classes as an accommodation to count as their foreign language credit, as local school districts feel. This is particularly important for students on the autism spectrum, Asperger syndrome and speech apraxia.
  - Ms. Amy Eaton provided comments in person. Ms. Eaton mentioned mental and verbal gymnastics. She stated that response to intervention is not allowed to be used to delay services, but she feels it is being used to deny services. She stated children are being provided interventions rather than an IEP and providing services.
2. The chair (Kara) determined quorum
3. Enrique Escallon moved to accept the minutes from the July 2016 SAC meeting with the addition that Enrique Escallon and Tracey Stevens were on the phone during the business meeting. Sarah Sequenzia seconded the minutes. Motion carries.

### **REPORT FROM LEGAL RESEARCH SUBCOMMITTEE**

Our inquiry began following the last SAC meeting when concerns were raised about the inequality of power in the relationship between SWD who turn 18 while enrolled in Florida public schools and school districts. Members of the SAC raised various issues regarding this inequality of power, including that SWD may be taken advantage of in certain circumstances and be persuaded to take actions that may not be in their educational best interests. The issue was also raised of whether a school district has a fiduciary duty to ensure that the rights and interests of SWD who turn 18 are protected and has a duty to affirmatively take steps to ensure that these students are not taken

advantage of by the district and/or its employees, even though the students may be legal adults.

In the course of our research, we discovered that several other states have already instituted procedures of some sort to address these issues. In particular, we examined how South Carolina addresses the issue. South Carolina's definition of which students are included in their procedures is extremely limited—to only those students who are completely unable to communicate. This was due solely to last-minute political opposition that we do not feel would be likely to occur in Florida, particularly if Florida were to include principles of Supported Decision Making in our procedures, which South Carolina does not.

We feel that, by combining both principles of Supported Decision Making and the protections that currently exist in the guardianship statutes, when necessary, and by making clear that the presumption is that this type of inquiry will occur with every student with disabilities turning 18 while enrolled in Florida public schools, Florida could lead the nation in how we address this issue.

Since such changes cannot be accomplished through rule changes, but would require statutory changes, we do not have any recommendations to make to the SAC at this time.

**MEETING ADJOURNED**

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

## *STATE ADVISORY COMMITTEE BYLAWS*

**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 (BEESS).

**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/BEES 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)*

**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.