

STATE BOARD OF EDUCATION

Action Item

November 18, 2014

SUBJECT: Approval of Amendment to Rule 6A-6.03029, Development of Individualized Family Support Plans for Children with Disabilities Ages Birth Through Five Years

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1001.02(1), (2)(n), 1003.01(3)(a),(b), 1003.21(1)(e), 1003.57(1)(c), 1003.571, 1001.03(8), 1001.42(4), 1011.62(1)(c), Florida Statutes

EXECUTIVE SUMMARY

The Department of Health, Children's Medical Services, Early Steps, is the lead agency for early intervention services provided to infants and toddlers with disabilities through Part C of the Individuals with Disabilities Education Act (IDEA). School districts serving children with disabilities, ages three (3) through five (5) years, may utilize, at the option of the school district and with parental consent, an individualized family support plan (IFSP) in lieu of an individual educational plan (IEP).

This amendment provides clarification for use of the IFSP for early intervention services to children with disabilities, ages birth through two (2) years or special education and related services to children with disabilities, ages three (3) through five(5).

This amendment includes requirements for content, timelines and IFSP team meetings as stipulated in the IDEA Part C Federal Regulations and in the Department of Health, Children's Medical Services, Early Steps Policy Handbook and Operations Guide for children with disabilities, ages birth through two (2) years or, as referenced in Rule 6A-6.03028, F.A.C., for children with disabilities, ages three (3) through five (5) years.

Supporting Documentation Included: Proposed Rule 6A-6.03029, Development of Individualized Family Support Plans for Children with Disabilities Ages Birth Through Five Years

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6A-6.03029 Development of Individualized Family Support Plans for Children with Disabilities Ages Birth Through Five Years.

Parents are a child's first teachers and ~~are must be~~ partners with school and school district personnel to identify the ~~their~~ specific concerns and priorities of the family related to enhancing their child's development. Procedures for developing individualized family support plans shall be set forth in each district's Exceptional Student Education (ESE) Policies and Procedures for the Provision of Specially Designed Instruction and Related Services to Exceptional Students document, as defined in Rule 6A-6.03411 (2), F.A.C., consistent with the following requirements:

(1) Definitions: An individualized family support plan (IFSP) is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services: to children with disabilities ages birth through two (2) years or special education and related services to children with disabilities ages three (3) through five (5). To meet the identified outcomes for an individual child and family, ~~a~~ A planning process involving the family, professionals, ~~and~~ others shall be used to prepare the document.

(2) Use of IFSPs ~~family support plans~~. For children with disabilities ages birth through two (2) years, an IFSP-a ~~family support plan~~ consistent with the requirements of subsections (3), (4), (6), (8), ~~and~~ (9) and (10) of this rule shall be used. For children with disabilities ages three (3) through five (5) years, school districts may utilize, at the option of the school district and with written parental consent, an IFSP-a ~~family support plan~~, consistent with the requirements of subsections (3), (5), (7), ~~and~~ (9) and (10) of this rule, in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP a ~~family support plan~~ and an IEP.

(3) Contents. The IFSP ~~family support plan~~ shall ~~be in writing and~~ include:

(a) A statement of the child's present levels of physical development; (including vision, hearing, ~~and~~ health status), cognitive development, communication development, social or emotional development; and adaptive skills development based on the information from the child's evaluation and assessment ~~objective criteria~~;

(b) With the concurrence of the family, a statement of the family's resources, priorities; and concerns related to enhancing the development of the ~~family's child with disabilities~~ as identified through the assessment of the family;

(c) A statement of measurable results or measurable ~~the major~~ outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language and numeracy skills as developmentally appropriate, and the goals, criteria, procedures; and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes identified on the IFSP is being made, and whether modifications or revisions of the expected results or outcomes or early intervention or special education and related-services are necessary; and

(d) A statement of the specific early intervention services, based on peer-reviewed research (to the extent practicable), or ~~for children ages three (3) through five (5) years,~~ the special education specially designed instruction and related services; necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified on the IFSP, ~~including:~~ including the frequency, intensity, and the method of delivering

services;

1. Frequency, intensity, and method of delivering services;

2. Location of the services;

3. Length of the services;

4. Funding source or payment arrangements, if any;

5. Anticipated duration of these services;

6. Other services;

7. Projected dates for initiation of services for children birth through two (2), which must be as soon as possible but within thirty (30) calendar days of the date the parent consents to the service, and the anticipated duration of these services; and

8. Steps to be taken to support the transition of the child, when exiting the Early Steps program to preschool services for children with disabilities ages three (3) through five (5), or other services that may be available. The steps required for transition shall include:

a. Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;

b. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;

c. Notification information to the school district for the purpose of child find;

d. With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and

e. Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

(e) A statement of the natural environments in which early intervention services, or ~~for children ages three (3) through five (5) years, special education specially designed instruction~~ and related services, are to be provided, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

(f) A statement of the strategies needed in order to meet the child's and family's outcomes; ~~The projected dates for initiation of services and the anticipated duration of such services;~~ and

(g) The name of the service coordinator from the profession most immediately relevant to the child's or family's needs, or the individual who is otherwise qualified to be responsible for the implementation of the ~~early intervention or special education and related services identified in~~ of the IFSP plan, including transition services and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at the time ~~that~~ the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP support plan or appoint a new service coordinator;

(h) Family demographic and contact information; ~~support plans developed for children with disabilities ages birth through two (2) years shall also include:~~

1. The frequency, intensity, and method of delivery of the early intervention service;

~~2. The location of the early intervention services;~~

~~3. The payment arrangements, if any;~~

~~4. Other services to the extent appropriate;~~

~~5. The steps to be taken to support the transition of the child, upon reaching age three (3), to preschool services for children with disabilities ages three (3) through five (5), to the extent that those services are considered appropriate or other services that may be available, if appropriate. The steps required for transition shall include:~~

~~a. Discussions with an assistance to parent(s) regarding future placements and other matters related to the child's transition;~~

~~b. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and~~

~~e. With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of family support plans that have been developed and implemented.~~

~~(i) A statement of eligibility, including recommendations for children not found eligible;~~

~~(j) A description of everyday routines, activities and places in which the child lives, learns and plays and individuals with whom the child interacts;~~

~~(k) Identification of the most appropriate IFSP team member to serve as the primary service provider;~~

~~(l) Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP; and~~

~~(m) For children ages birth through two (2) years:~~

~~1. Identification of any medical and additional supports that the child or family needs or is receiving through other sources, but that are neither required nor funded under the Individuals with Disabilities Education Act, Part C, 34 CFR §303.344(e); and~~

~~2. A description of the steps the service coordinator or family will take to assist the child and family in securing additional supports not currently being provided.~~

~~(4) Timelines for IFSPs family support plans for children with disabilities ages birth through two (2) years. These timelines shall include the following:~~

~~(a) For a child who has been evaluated for the first time and determined to be eligible, a meeting to develop the initial IFSP family support plan must be conducted within forty-five (45) days from referral;~~

~~(b) A review of the IFSP family support plan for a child and the child's family must be conducted every six (6) months; from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review. The review may be carried out at a meeting or by another means that is acceptable to the parents and other participants. The purpose of the periodic review is to determine:~~

~~1. The degree to which progress toward achieving the results or outcomes identified on the IFSP is being made; and~~

~~2. Whether modifications or revisions of the results or outcomes or services are necessary; and-~~

~~3. Whether additional needs have been identified based on ongoing assessment or observation. The review may~~

~~be carried out at a meeting or by another means that is acceptable to the parents and other participants.~~

(c) A face-to-face meeting must be conducted on at least an annual basis by the IFSP team to re-determine eligibility and review to evaluate the IFSP family support plan for a child and the child's family, and as appropriate and to revise, change or modify its provisions and assess the continuation of the outcomes, strategies and recommended services, as needed. The results of any current evaluations, and other information available from ~~the~~ ongoing assessments of the child and family, must be considered at the annual review of the IFSP used in to determine determining continuing eligibility and the early intervention what services that are needed and will be provided.

(d) ~~IFSP Family support plan~~ meetings must be conducted:

1. In settings and at times that are convenient to families; and
2. In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

(e) Meeting arrangements must be made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

(f) The contents of the ~~IFSP family support plan~~ must be fully explained to the parent(s) and informed written consent from the parent(s) must be obtained prior to the provisions of early intervention services described in the plan. If the parent(s) does not provide consent with respect to a particular early intervention service, that service may not be provided. The early intervention services to which parental consent is obtained must be provided.

(5) Requirements for ~~IFSPs family support plans~~ for children with disabilities ages three (3) through five (5). These ~~IFSPs family support plans~~ shall be consistent with the requirements of ~~subsections Rule 6A-6.03028(3)(a)-(g), (j)-(k) and (m)-(t) (3)-(6) (10), and (11), F.A.C.~~

(6) Participants for ~~IFSP meetings family support plans~~ for children with disabilities ages birth through two (2) years. ~~The participants shall include the following:~~

(a) Each initial meeting and each annual meeting to evaluate review the IFSP family support plan and re-determine eligibility must include the following participants:

1. The parent or parents of the child;
2. Other family members, as requested by the parent(s) ~~if feasible to do so;~~
3. An advocate or individual person outside of the family, if the parent(s) requests that the individual person participate;
4. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or who has been designated to be responsible for implementation of the ~~IFSP family support plan;~~
5. For initial individualized family support plan meetings, a person directly involved in conducting the evaluation or assessment; at least two professionals from two different disciplines directly involved in conducting the evaluations and assessments. For subsequent family support plan meetings, at least two professionals from two different disciplines; and

6. As appropriate, individuals persons who will be providing services to the child or family.

(b) If an individual a person listed in paragraph (6)(a) of this rule is unable to attend a meeting, arrangements

must be made for the individual's ~~person's~~ involvement through other means, including:

1. Participating in a telephone or video conference call;
2. Having a knowledgeable authorized representative attend the meeting; or
3. Making pertinent records available at the meeting.

(c) Each periodic review must provide for the participation of individuals ~~persons~~ in subparagraphs (6)(a)1.-4., and 6., of this rule. If conditions warrant, provisions must be made for the participation of other representatives.

(7) Participants for IFSP family support plan meetings for children with disabilities ages three (3) through five (5) years shall include those listed in Rule subsection 6A-6.03028(3)(c)(4), F.A.C.

(8) Provision of services before evaluation and assessments are completed. Early intervention services for a child with disabilities ages birth through two (2) years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

- (a) Parental consent is obtained;
- (b) An interim IFSP family support plan is developed that includes:

1. The name of the service coordinator who will be responsible, consistent with paragraph (3)(g) of this rule, for implementation of the interim IFSP family support plan and coordination with other agencies and individuals persons; and

2. The early intervention services that have been determined to be needed immediately by the child and the child's family; and

3. Signatures of those who developed the IFSP.

(c) The evaluation and assessments are completed within forty-five (45) calendar days from referral as the time period required in paragraph (4)(a) of this rule.

(9) Nonpublic schools. For children with disabilities ages birth through five (5), the procedures described in Rule subsection 6A-6.03028(3)(n) and (o) (12), F.A.C., shall be followed.

(10) Financial responsibility. For children ages birth through two (2) years, the school district shall only be responsible for the early intervention services specified and agreed to through the IFSP family support plan process. For children ages three (3) through five (5) years, the school district shall only be responsible for the provision of the special education and related services necessary for the child to benefit from special education.

Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57(1)(c) ~~(5)~~, 1003.571 FS. Law Implemented 1001.03(8), ~~1001.42(4)~~, 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57(1)(c) ~~(5)~~, 1003.571 ~~1011.62(1)(e)~~ FS. History—New 7-13-93, Amended 1-4-94, 9-20-04.