STATE BOARD OF EDUCATION Action Item November 18, 2014

SUBJECT: Approval of Amendment to Rule 6A-6.0331, General Education Intervention Procedures, Evaluation, Determination of Eligibility, Reevaluation and the Provision of Exceptional Student Education Services

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1001.02(1), (2)(n), 1003.4282, 1003.57, 1003.571, 1003.5715, Florida Statutes

EXECUTIVE SUMMARY

Section 1003.4282, F.S., was amended during the 2014 legislative session to create new standard diploma options for students with disabilities beginning with the student cohort entering grade 9 in 2014-2015. Special diploma will no longer be an option for these students. Students instructed in access points curriculum and administered the Florida Alternate Assessment will be able to work toward a standard diploma given this legislation. Therefore, Form 313181, Parental Consent Form – Instruction in State Standards Access Points Curriculum and Florida Alternate Assessment must be revised to align with this statutory change. In addition, timelines related to the evaluation process for students with disabilities are proposed for revision.

Supporting Documentation Included: Proposed Rule 6A-6.0331, General Education Intervention Procedures, Evaluation, Determination of Eligibility, Reevaluation and the Provision of Exceptional Student Education Services and Form 313181, Parental Consent Form – Instruction in State Standards Access Points Curriculum and Florida Alternate Assessment

Facilitator/Presenter: Mary Jane Tappen, Executive Vice Deputy Chancellor for Curriculum, Instruction, and Student Services

6A-6.0331 General Education Intervention Procedures, Evaluation, Determination of Eligibility, Reevaluation and the Provision of Exceptional Student Education Services.

The state's goal is to provide full educational opportunity and a free appropriate public education (FAPE) to all students with disabilities ages three (3) through twenty-one (21) and to students who are gifted in grades kindergarten through 12. School districts have the responsibility to ensure that students suspected of having a disability are subject to general education intervention procedures. They must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) as defined in paragraph (1)(n) of Rule 6A-6.03411, F.A.C., are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria specified in Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03019, 6A-6.03019, 6A-6.03018, 6A-6.03019, 6A-6.03020, 6A-6.03022, 6A-6.03023, 6A-6.03026(1)(b) and 6A-6.03027, F.A.C. ESE includes specially designed instruction as defined in paragraph (1)(jj) of Rule 6A-6.03411, F.A.C.; special education as defined in paragraph (1)(kk) of Rule 6A-6.03411, F.A.C.; and related services as defined in paragraph (1)(dd) of Rule 6A-6.03411, F.A.C. These requirements apply to all students, including those who are homeless or are wards of the state or who attend private schools, regardless of the severity of their disability. Additionally, school districts may elect to serve children with disabilities below the age of three (3) years in collaboration with the Part C Early Steps Program. The procedures and criteria for general education interventions, identification, evaluation, and determination of eligibility of students with disabilities and gifted students by school districts shall be set forth in the school district's ESE Policies and Procedures document consistent with the following requirements.

(1) through (2) No change.

(3) Initial evaluation. Each school district must conduct a full and individual initial evaluation before the initial provision of ESE. Either a parent of a kindergarten through grade 12 student or child age three (3) to kindergarten entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted.

(a) The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through grade 12 student, or a child age three (3) to kindergarten entry age, is a student with a disability and needs special education and related services. Circumstances which would indicate that a student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When <u>a school-based team determines that</u> the kindergarten through grade 12 student's response to intervention data indicate that intensive interventions implemented in accordance with subsection (1) of this rule are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources; or

2. When <u>a school-based team determines that</u> the kindergarten through grade 12 student's response to interventions implemented in accordance with subsection (1) of this rule indicates that the student does not make adequate growth given effective core instruction and intensive, individualized, evidence-based interventions; or

3. When a child age three (3) to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resource Center and based on the results of the screening it is suspected that the child may be a child with a disability in need of special education and related services; or

<u>4</u>. 3. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through grade 12 student or child age three (3) to kindergarten entry age <u>who is enrolled in a school district operated</u> <u>preschool program</u> may be a student with a disability and needs special education and related services.

(b) Within <u>thirty</u> (30) twenty (20) school days of a school based team's determination that a circumstance described in subparagraphs (3)(a)1., σ (3)(a) 2., or (3)(a)3., of this rule exists for a student in grades kindergarten through grade 12, or a child age three (3) to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

(c) As described in subparagraph (3)(a)<u>4.3.</u> of this rule, if a parent requests that the school conduct an evaluation to determine whether their child the kindergarten through grade 12 student's or child's age three (3) to kindergarten entry age is a child with a disability in need of special education and related services, eligibility for special education and related services as a student with a disability, the school district must within thirty (30) twenty (20) school days, unless the parent and the school agree otherwise in writing:

1. through (d)2. No change.

3. The nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

(e) No change.

(f) For a signed consent for evaluation received by a school district on or before June 30, 2015, the school district shall ensure that initial evaluations of students suspected of having a disability are completed within sixty (60) school days (cumulative) as defined in paragraph 6A-6.03411(1)(h), F.A.C., that the student is in attendance after the school district's receipt of parental consent for the evaluation. For prekindergarten children, initial evaluations must be completed within sixty (60) school days after the school district's receipt of parental consent for the evaluation.

(g) Beginning July 1, 2015, the school district shall ensure that initial evaluations of students and preschool age children age three (3) through kindergarten entry age suspected of having a disability are completed within sixty (60) calendar days after the school district's receipt of parent consent for evaluation. For the purposes of this rule, the following calendar days shall not be counted toward the sixty (60) calendar day requirement:

<u>1. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as</u> required by Rule 6A-10.019, F.A.C.;

2. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and,

3. In the circumstance when a student is absent for more than eight (8) school days in the sixty (60) calendar day period, the student's absences shall not be counted toward the sixty (60) calendar day requirement.

(h) (g) The sixty (60)-day timeframe for evaluation does not apply to a school district if:

1. The parent of the student repeatedly fails or refuses to produce the student for the evaluation; or

2. A student enrolls in a school served by the school district after the timeframe has begun, and prior to a determination by the student's previous school district as to whether the student is a student with a disability. This exception applies only if the subsequent school district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent school district agree to a specific time when the evaluation will be completed. Assessments of students with disabilities who transfer from one school district to another school district in the same school year must be coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

(i) (h) The school district shall ensure that students suspected of being gifted are evaluated within a reasonable period of time as specified in the district's ESE Policies and Procedures Document as defined in subsection 6A-6.03411(2), F.A.C., but no more than ninety (90) school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

(4) through (10)(a) No change.

(b) The district shall obtain written parental consent for the actions described above on the Parental Consent Form – Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration, Form 313181, (<u>http://www.flrules.org/Gateway/reference.asp?No=Ref-03383</u>) (<u>effective December</u> <u>2014</u>) English, Arabic, Chinese, French, Haitian Creole, Portuguese, Russian, Spanish, Tagalog, and Vietnamese, and Parental Consent Form – Student Placement in an Exceptional Education Center, Form 313182, (<u>http://www.flrules.org/Gateway/reference.asp?No=Ref-03384</u>) (<u>effective March 2014</u>) English, Arabic, Chinese, French, Haitian Creole, Portuguese, Russian, Spanish, Tagalog, and Vietnamese, adopted by the Department of Education and incorporated by reference to become effective March 2014-and available at http://www.fldoe.org/ese/ or may be obtained from the Department of Education, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Room 614, Tallahassee, FL 32399. Both forms were translated into Arabic, Chinese, French, Haitian Creole, Portuguese, Russian, Spanish, Tagalog, and Vietnamese.

(c) through (d) No change.

Rulemaking Authority 1001.02(1), (2)(n), <u>1003.4282</u>, 1003.57, 1003.571, 1003.5715 FS. Law Implemented 1003.01(3)(a), (b), <u>1003.4282</u>, 1003.57, 1003.571, 1003.5715FS. History New 6-17-74, Promulgated 12-5-74, Amended 7-1-77, 3-28-78, 7-12-78, 8-31-78, 11-29-78, 10-7-81, 7-13-83, 6-2-85, Formerly 6A 6.331, Amended 7-13-93, 1-2-95, 9-20-04, 12-22-08, 12-15-09, 3-25-14.



Florida Department of Education Parental Consent Form Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration

Student:	Date:
Student D.O.B.:	Parent(s) Name:
District:	School:

I understand that, as a participant of the individual educational plan (IEP) team, I have the right to consent or refuse consent for my child (or myself, if I am an adult student) to be provided instruction in the state standards access points curriculum and to be administered the Florida Alternate Assessment (FAA) (if applicable, based on my child's grade level).

Based on Section 1003.5715, Florida Statutes, I understand that the ______ County School District may not provide instruction in the state standards access points curriculum and administer the FAA unless I have provided written consent on this form; or the school district made documented and reasonable efforts to obtain my consent, and I have failed to respond; or the school district obtains approval through a due process hearing and/or appeals process. I understand that, during the pendency of a due process hearing or appellate proceeding regarding a due process complaint, my child will remain in his or her current educational assignment while awaiting the decision of the due process hearing or court proceeding, unless the school district and I otherwise agree.

My consent is being sought because the IEP team has determined that the proposed actions are necessary in order for my child to receive a free appropriate public education. If I refuse to consent to the proposed actions, my child may not receive all the services and supports that the IEP team has determined are needed, which may impact my child's educational progress. I understand that, if I give consent, my child may receive instruction within the general education setting based on his or her IEP but the instruction received may not prepare my child for some postsecondary opportunities such as enrollment in a degree-seeking college program or enlistment in the military. I understand that, if my child entered grade 9 prior to the 2014-2015 school year, instruction in access points and participation in the FAA may result in the attainment of a special diploma which may impact access to future opportunities such as enrollment in a degree-seeking college program or enlistment in the military. This consent will remain in effect until the next annual review of the IEP, or until the next IEP meeting if instruction in state standards access points curriculum and administration of the FAA are addressed, whichever event occurs first.

I consent for the provision of instruction in the state standards access points curriculum and administration of the FAA (if applicable, based on my child's grade level).

Parent signature	Date	Parent signature	Date
I do not consent for the pr applicable, based on my c		state standards access poin	ts curriculum and administration of the FAA (if
Parent signature	Date	Parent signature	Date
If you sign " <i>I do not consent</i> , assessment procedures in acc	•		lop and implement new instruction and hearing.
You have specific rights and <i>Disabilities</i> . To receive a cop	-	•	ral Safeguards for Parents of Students with
	at	OR	at
(District designee)	(Telephone/email)	(Alternate contact)	(Telephone/email)
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