

**District School Board of Indian River County, Florida
6500 - 57th Street, Vero Beach, FL 32967**

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he will need to ensure that a verbatim record is made which includes the testimony and evidence upon which the appeal is to be made.

INVOCATION: Shortly before the opening gavel that officially begins a School Board meeting, the Chairman will introduce the Invocation Speaker. No person in attendance is or shall be required to participate in this observance and the personal decision of each person regarding participation will have no impact on his or her right to actively participate in the School Board's business meeting.

Date: February 26, 2019

Time: 6:00 p.m.

Room: Joe N. Idlette, Jr. Teacher Education Center (TEC)

Business Meeting Agenda

- I. CALL MEETING TO ORDER
- II. PLEDGE OF ALLEGIANCE TO THE FLAG AND PRESENTATION OF COLORS by Vero Beach High School's Air Force Junior ROTC Detachment 043 under the Direction of Wade E. Dues, Chief Master Sergeant, (Retired), Aerospace USAF.
- III. ADOPTION OF ORDERS OF THE DAY
- IV. PRESENTATIONS
 - A. Musical Rendition by Sebastian Elementary School - Ms. Irwin**
 - B. Short Video on School Initiatives**
 - C. CTE Award – Kristen Burr, 2019 Florida Career Pathways Best Practices Award**
 - D. Proclamation for Student Services Month**
- V. CITIZEN INPUT
- VI. CONSENT AGENDA
 - A. Approval of Minutes – Dr. Rendell**
 - 1. 2019/01/29 Superintendent's Workshop Minutes
Superintendent recommends approval.
 - B. Approval of Personnel Recommendations – Dr. Rendell**

Attached is a list of personnel recommendations that includes personnel additions, terminations, and/or changes. Superintendent recommends approval.

C. Approval of The Education Foundation of Indian River County Donations to Support the 2019 STEP into Kindergarten Summer Program – Mrs. Dampier

The Education Foundation of Indian River County has been awarded a grant of \$161,355.00 from Indian River County (Children Services Advisory Committee) to support the 2019 SDIRC STEP into Kindergarten program. The Education Foundation of Indian River County will reimburse SDIRC for actual expenses related to this program up to the amount of \$161,355.00. In addition, The Education Foundation of Indian River County has been awarded a grant of \$35,000.00 from the United Way of Indian River County to support the 2019 SDIRC STEP into Kindergarten program. Collaborative efforts between the SDIRC Title I Department and Education Foundation will enable the STEP into Kindergarten summer program to serve up to 225 students who will be entering Kindergarten in August 2019. To date, donations from the Education Foundation of Indian River County to support this program totals \$196,355.00.

Superintendent recommends approval.

D. Approval of Donations – Dr. Rendell

1. Sebastian River High School received a donation in the amount of \$1,000 from the Navy League of the US TC Council 334. The funds will be used to benefit the NJROTC Program at Sebastian River High School.

Superintendent recommends approval.

E. Approval of 2019-2022 School District of Indian River County English Language Learner (ELL) Plan – Mrs. Dampier

Pursuant to 6A-6.0905 F.A.C. Requirements for the District English Language Learners Plan, each school district is required to submit a District English Language Learner (ELL) Plan to the Florida Department of Education. The District ELL Plan describes the district's procedures and methodologies for serving students in the English for Speakers of Other Languages (ESOL) program. The school district ELL plan is updated and resubmitted every three (3) years to the Florida Department of Education. Superintendent recommends approval.

F. Approval of Renewal – Exceptional Student Education Policies and Procedures (SP&P) for the 2019-2020 school year – Mrs. Dampier

Attached is a copy of the ESE State Policies and Procedures (SP&P) effective for the 2018-2019 through 2020-2021 school year. ESE Policies and Procedures (SP&P) - Section 1003.57(1)(b)4., Florida Statutes (F.S.), requires that district school boards submit to the Florida Department of Education (FDOE) proposed procedures for the provision of special instruction and services for exceptional students once every three years. This document serves as the basis for the identification, evaluation, eligibility determination, and placement of students to receive exceptional education services, and is a component of the School District of Indian River County (SDIRC) application for funds available under the Individuals with Disabilities Education Act (IDEA). Superintendent Recommends Approval.

VII. ACTION AGENDA

A. Approval of Innovation Florida Contract – Mrs. Dampier

Indian River Schools will choose 24 students to participate in this Innovation Florida/Wyncode Program. This program will take place June 3rd through July 31st at the Mueller Center in Vero Beach, Florida. Code Skools seeks to teach students the skills necessary to become a professional in the digital revolution in the area of web development. In conjunction with the county public school systems, Code Skools immerses students into a rigorous coding program where students are given the knowledge and skills to build dynamic end-to-end web applications. The program covers both the theory and application of web development. Additionally, it provides the opportunity to become a junior full-stack web developer before finishing high school. Students will receive a certificate at the end of the course which outlines the languages in which they have demonstrated sufficient skills. The cost of the contract is \$48,575.00. Superintendent recommends approval.

B. Approval of Renew Agreement for SDIRC #03-0-2018JC RFQ for Civil Engineering Services – Mr. Teske

Pursuant to the terms and conditions of ITB #03-0-2018JC, the Purchasing Department is requesting approval to renew this Agreement for a period of one year with Carter Associates, Inc., CWT Engineering, LLC, Masteller & Moler, Inc., MBV Engineering, Inc. and Schulke, Bittle & Stoddard, LLC. The estimated annual expenditure is \$275,000. The new contract period is February 27, 2019 through February 26, 2020. All prices, terms and conditions shall remain the same. Please see attached backup. Superintendent recommends approval.

C. Approval to Renew with Multiple Contractors RFQ #07-0-2017JC Pre-Qualify Multiple Contractors for Participation in Hard Bid Construction Projects Expected to Exceed \$300,000 - Mr. Teske

Pursuant to the terms and conditions of RFQ #07-0-2017JC, the Purchasing Department is requesting approval to renew this RFQ for one additional year. The purpose of this RFQ was to pre-qualify multiple contractors in accordance with the requirements of SREF who have appropriate licenses, bonding capacity, surety rating, insurance and experience to participate in the hard bid projects expected to exceed \$300,000. Renewal packages were sent to fourteen (14) contractors that the Board approved on February 27, 2018. Thirteen (13) contractors responded. The new contract period will be February 28, 2019 through February 27, 2020. Please see attached backup listing contractors being requested for renewal. Superintendent recommends approval.

D. Approval to Renew Agreement for SDIRC #14-0-2018JC RFP for Roof Repair and Maintenance – Mr. Teske

Pursuant to the terms and conditions of ITB #14-0-2018JC, the Purchasing Department is requesting approval to renew this Agreement for a period of one year with Advanced Roofing Inc. as the primary award and Crowther Roofing and Sheet Metal of Florida and Hi-Tech Roofing & Sheet Metal, Inc. as the two alternate awards. The estimated annual expenditure is \$200,000.00. The new contract period is February 27, 2019 through February 26, 2020. All prices, terms and conditions shall remain the same. Please see attached backup. Superintendent recommends approval.

VIII. SUPERINTENDENT'S REPORT

IX. DISCUSSION

No discussion items

X. SCHOOL BOARD MEMBER MATTERS

XI. INFORMATION AGENDA

No information items

XII. SUPERINTENDENT'S CLOSING

XIII. ADJOURNMENT

Any invocation that may be offered before the official start of the School Board business meeting is and shall be the voluntary offering of a private citizen to and for the benefit of the School Board pursuant to Resolution #2015-08. The views and beliefs expressed by the Invocation Speaker have not been previously reviewed or approved by the School Board and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to express allegiance to or preference for any particular religion, denomination, faith, creed, or belief by the School Board. No person in attendance at this meeting is or shall be required to participate in any invocation and such decision whether or not to participate will have no impact on his or her right to actively participate in the public meeting.

Anyone who needs a special accommodation to participate in these meetings may contact the School District's American Disabilities Act Coordinator at 564-3175 (TTY 564-2792) at least 48-hours in before the meeting. NOTE: Changes and amendments to the agenda can occur 72-hours prior to the meeting. All business meetings will be held in the Joe N. Idlette, Jr. Teacher Education Center (TEC) located in the J.A. Thompson Administrative Center at 6500 – 57th Street, Vero Beach, FL 32967, unless otherwise specified. Meetings may broadcast live on Comcast/Xfinity Ch. 28, AT&T Uverse Ch. 99, and the School District's website stream; and may be replayed on Tuesdays and Thursdays at the time of the original meeting. For a schedule, please visit the District's website at www.indianriverschools.org/iretv. The agenda can be accessed by Internet at <http://www.indianriverschools.org>.

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PROCLAMATION

Whereas: the Student Services Program in Florida’s public schools includes guidance and counseling services, school social work services, employment specialist services, school health services, and psychological services; and

Whereas: Student Services Week helps to focus citizen attention on the Student Services Program as an integral part of the total public education program; and

Whereas: a specifically designated week provides the opportunity for student services personnel to more fully define and present their services to students, faculty, parents, and communities.

NOW THEREFORE, BE IT RESOLVED that the School Board of Indian River County, Florida, hereby designates February 25 – March 1, 2019 as

STUDENT SERVICES WEEK

and encourages all citizens to become more fully acquainted with the support this program provides to students in Florida’s public schools.

Passed and adopted in regular session on February 26, 2019

Laura Zorc, Chairman

Tiffany M. Justice, Vice Chairman

Teri Barenborg

Jacqueline Rosario

Dr. Mara Schiff

Mark J. Rendell, Ed.D.
Superintendent

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If a Person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he will need to ensure that a verbatim record is made which includes the testimony and evidence upon which the appeal is to be made.

Date: January 29, 2019

Time: 12:00 p.m.

Room: Joe N. Idlette, Jr. Teacher Education Center (TEC)

Superintendent's Workshop Agenda

I. CALL WORKSHOP TO ORDER at 12:00 p.m. by Chairman Zorc.

II. PURPOSE OF THE WORKSHOP

Chairman Zorc recognized Dr. Rendell to explain the Purpose of the Meeting. Dr. Rendell explained the reason for change of time and the workshop date change. In addition, he explained that Ms. McGarrity and Mr. Carbone, from CFO Strategic Partners, would be participating in the workshop to show where the District is with the Fund Balance.

III. PRESENTATIONS

1) 2018-2019 Budget Update – Dr. Rendell

Dr. Rendell introduced Mr. Nicholas Carbone and Ms. Peggy McGarrity, from CFO Strategic Partners. Mr. Carbone is the COO of CFO Strategic Partners. He spoke briefly to the Board on his background and the history of the company. He then turned it over to Ms. McGarrity. She then gave a brief bio of herself to the Board Members and the audience.

Ms. McGarrity started off with a PowerPoint presentation. She reviewed the General Fund and the things that were moved around as of January 28th. This was all to share with the Board and the public where the Fund Balance was as of this date. These items that were moved, would be presented to the Board at their February 12th Business Meeting for final approval. The plan for Transportation was also reviewed and discussed.

There was further discussion on the Millage and Categorical Funds. Dr. Rendell advised the Board that he would provide a written report next week. It was also discussed about the positions the Millage covers. Ms. McGarrity also shared some observations from within the operations of the Finance Department. Two of the items were: a) Staff – Lack of cross training; b) The new system and the power in the Focus reports. It was mentioned on how IT and the Finance Departments worked together with the transition of the software change.

Chairman Zorc called for a break at 1:17 p.m. She reconvened the meeting 1:25 p.m. Dr. Rendell shared additional PowerPoint slides on Impacts to the General Fund. He reviewed all of the changes over the past four years. The Board had a brief discussion. Chairman Zorc thanked Mr. Carbone and Ms. McGarrity for their participation and all of Ms. McGarrity's hard work.

V. ADJOURNMENT was at 1:51 p.m. by Chairman Zorc

Anyone who needs a special accommodation to participate in these meetings may contact the School District's American Disabilities Act Coordinator at 564-3175 (TTY 564-2792) at least 48-hours in before the meeting. NOTE: Changes and amendments to the agenda can occur 72-hours prior to the meeting. All business meetings will be held in the Joe N. Idlette, Jr. Teacher Education Center (TEC) located in the J.A. Thompson Administrative Center at 6500 – 57th Street, Vero Beach, FL 32967, unless otherwise specified. Meetings may broadcast live on Comcast/Xfinity Ch. 28, AT&T Uverse Ch. 99, and the School District's website stream; and may be replayed on Tuesdays and Thursdays at the time of the original meeting. For a schedule, please visit the District's website at www.indianriverschools.org/iretv. The agenda can be accessed by Internet at <http://www.indianriverschools.org>.

CONSENT AGENDA 2/26/19

Personnel Recommendations

1. Instructional Leaves
Isom, Ilona – Treasure Coast Elementary, 1/22/19 – 2/22/19
Lathero, Casey - Treasure Coast Elementary, 2/11/19 – 4/29/19
Spagnuolo, Bethany – Sebastian River Middle, 11/16/19 – 3/25/19
Washington-Davis, Belinda – Fellsmere Elementary, 1/7/19 – 4/9/19
2. Instructional Separations
Baird, Teresa – Indian River Academy, entering DROP 7/1/19
Goodin, Michelle – Fellsmere Elementary, resignation 2/22/19
3. Instructional Employment
Carpenter, Tobey – Pelican Island, Title I Resource Science Teacher (Sunset Position)
2/26/19
Eisinger, John – VBHS, Head Boys Lacrosse Coach 1/28/19
Shuman, Amy – Gifford Middle, Social Studies Teacher 2/20/19
Vulpis, Jeanine – Sebastian Elementary, Physical Education Teacher 2/20/19
4. Support Staff Leaves
Carabajal, Susana – Wabasso, 2/6/19 – 5/24/19
5. Support Staff Separations
Brown, Seth – Indian River Academy, resignation 2/28/19
Deaton, Amanda – Technology Services, resignation 2/22/19
Frazier, Ruby – Transportation, entering DROP 4/1/19
Phillips, Barbara – Transportation, resignation 2/19/19
Thomas, Margaret – Sebastian Elementary, retirement 2/22/19
6. Support Staff Employment
Alderman, Donna – Purchasing, Secretary II 2/27/19
Fernandez, Francheska – Student Services, Health Assistant II 2/13/19
McNeal, Joyreah – VBHS, Head Custodian 2/6/19
Mejia, Alejandro – Storm Grove Middle, Custodian 2/19/19
7. Administrative Employment
**Olk, Michelle – Human Resources, Director of Employee and Labor Relations,
pending background clearance**
8. Approval of Placement in Instructional Substitute Pool
Jaworski, Nilda – Human Resources, Substitute Teacher 2/12/19
Knightes, Carol – Human Resources, Substitute Teacher 2/12/19
9. Approval of Placement in Support Staff Substitute Pool
Kazery, Destiny – Student Services, Substitute Health Assistant 2/8/19
McCarthy, Maryjo – Transportation, Substitute Bus Driver 2/8/19

Rev 2/22/19

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Indian River County Grant Contract

This Grant Contract ("Contract") entered into effective this 1st day of October 2018 by and between Indian River County, a political subdivision of the State of Florida, 1800 27th Street, Vero Beach FL, 32960 ("County") and ("Recipient") Education Foundation, P.O. Box 7046, Vero Beach, FL 32961.

For Step Into Kindergarten

Background Recitals

- A. The County has determined that it is in the public interest to promote healthy children in a healthy community.
- B. The County adopted Ordinance 99-1 on January 19, 1999 ("Ordinance") and established the Children's Services Advisory Committee to promote healthy children in a healthy community and to provide a unified system of planning and delivery within which children's needs can be identified, targeted, evaluated and addressed.
- C. The Children's Services Advisory Committee has issued a request for proposals from individuals and entities that will assist the Children's Services Advisory Committee in fulfilling its purpose.
- D. The proposals submitted to the Children's Services Advisory Committee and the recommendation of the Children's Services Advisory Committee have been reviewed by the County.
- E. The Recipient, by submitting a proposal to the Children's Services Advisory Committee, has applied for a grant of money ("Grant") for the Grant Period (as such term is hereinafter defined) on the terms and conditions set forth herein.
- F. The County has agreed to provide such Grant funds to the Recipient for the Grant Period (as such term is hereinafter defined) on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants and promises herein contained, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Background Recitals The background recitals are true and correct and form a material part of this Contract.
2. Purpose of Grant The Grant shall be used only for the purposes set forth in the complete proposal submitted by the Recipient attached hereto as Exhibit "A" and incorporated herein by this reference (such purposes hereinafter referenced as "Grant Purposes").
3. Term the Recipient acknowledges and agrees that the Grant is limited to the fiscal year 2018/19 ("Grant Period"). The Grant Period commences on October 1, 2018 and ends on September 30, 2019.

4. Grant Funds and Payment The approved Grant for the Grant Period is One hundred sixty-one thousand three hundred fifty-five dollars - \$161,355. The County agrees to reimburse the Recipient from such Grant funds for actual documented costs incurred for Grant Purposes provided in accordance with this Contract. Reimbursement requests may be made no more frequently than monthly. Each reimbursement request shall contain the information, at a minimum, that is set forth in Exhibit "B" attached hereto and incorporated herein by this reference. All reimbursement requests are subject to audit by the County. In addition, the County may require additional documentation of expenditures, as it deems appropriate.

5. Additional Obligations of Recipient

5.1 Records. The Recipient shall maintain adequate internal controls in order to safeguard the Grant. In addition, the Recipient shall maintain adequate records fully to document the use of the Grant funds for at least three (3) years after the expiration of the Grant Period. The County shall have access to all books, records, and documents as required in this Section for the purpose of inspection or audit during normal business hours at the County's expense, upon five (5) days prior written notice.

5.2 Compliance with Laws. The Recipient shall comply at all times with all applicable federal, state, and local laws, rules, and regulations.

5.3 Quarterly Performance Reports. The Recipient shall submit quarterly, cumulative, Performance Reports to the Human Services Department of the County within fifteen (15) business days following: December 31, March 31, June 30, and September 30. These reports should include but not limited to the number of unduplicated children served during the quarter, and the progress the agency has made toward meeting their goals and objectives as they stated in their RFP response.

5.4 Audit Requirements. If Recipient receives \$100,000 or more in the aggregate from all Indian River County government funding sources, the Recipient is required to have an audit completed by an independent certified public accountant at the end of the Recipient's fiscal year. Within 120 days of the end of the Recipient's fiscal year, the Recipient shall submit the audit to the Indian River County Office of Management and Budget. The fiscal year will be as reported on the application for funding, and the Recipient agrees to notify the County prior to any change in the fiscal period of Recipient. The Recipient acknowledges that the County may deny funding to any Recipient if an audit required by this Contract for a prior fiscal year is past due and has not been submitted by May 1.

5.4.1 The Recipient further acknowledges that, promptly upon receipt of a qualified opinion from their independent auditor, such qualified opinion shall immediately be provided to the Indian River County Office of Management and Budget. The qualified opinion shall thereupon be reported to the Board of County Commissioners and funding under this Contract will cease immediately. The foregoing termination right is in addition to any other right of the County to terminate this Contract.

5.4.2 The Indian River County Office of Management and Budget reserves the right at any time to send a letter to the Recipient requesting clarification if there are any questions regarding a part of the financial statements, audit comments, or notes.

5.5 Insurance Requirements. Recipient shall, no later than October 1, 2018, provide to the Indian River County Risk Management Division a certificate or certificates issued by an insurer or insurers authorized to conduct business in Florida that is rated

not less than category A-: VII by A.M. Best, subject to approval by Indian River County's risk manager, of the following types and amounts of insurance:

(i) Commercial General Liability Insurance in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage, including coverage for premises/operations, products/completed operations, contractual liability, and independent contractors;

(ii) Business Auto Liability Insurance in an amount not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage, including coverage for owned autos and other vehicles, hired autos and other vehicles, non-owned autos and other vehicles; and

(iii) Workers' Compensation and Employer's Liability (current Florida statutory limit)

(iv) In the event that children are supervised, Sexual Molestation Liability Insurance in an amount not less than \$1,000,000 each occurrence/claim.

5.6 Insurance Administration. The insurance certificates, evidencing all required insurance coverages shall be fully acceptable to County in both form and content, and shall provide and specify that the related insurance coverage shall not be cancelled without at least thirty (30) calendar days prior written notice having been given to the County. In addition, the County may request such other proofs and assurances as it may reasonably require that the insurance is and at all times remains in full force and effect. Recipient agrees that it is the Recipient's sole responsibility to coordinate activities among itself, the County, and the Recipient's insurer(s) so that the insurance certificates are acceptable to and accepted by County within the time limits set forth in this Contract. The County shall be listed as an additional insured on all insurance coverage required by this Contract, except Workers' Compensation insurance. The Recipient shall, upon ten (10) days' prior written request from the County, deliver copies to the County, or make copies available for the County's inspection at Recipient's place of business, of any and all insurance policies that are required in this Contract. If the Recipient fails to deliver or make copies of the policies available to the County; fails to obtain replacement insurance or have previous insurance policies reinstated or renewed upon termination or cancellation of existing required coverages; or fails in any other regard to obtain coverages sufficient to meet the terms and conditions of this Contract, then the County may, at its sole option, terminate this Contract.

5.7 Indemnification. The Recipient shall indemnify and save harmless the County, its agents, officials, and employees from and against any and all claims, liabilities, losses, damage, or causes of action which may arise from any misconduct, negligent act, or omissions of the Recipient, its agents, officers, or employees in connection with the performance of this Contract.

5.8 Public Records. The Recipient agrees to comply with the provisions of Chapter 119, Florida Statutes (Public Records Law). The Recipient shall comply with Florida's Public Records Law. Specifically, the Recipient shall:

- (1) Keep and maintain public records that ordinarily and necessarily would be required by the County in order to perform the service.
- (2) Provide the public with access to public records on the same terms and conditions that the County would provide the records and at a cost that does not exceed the cost provided in chapter 119 or as otherwise provided by law.

(3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

(4) Meet all requirements for retaining public records and transfer, at no cost, to the County all public records in possession of the Recipient upon termination of the Agreement and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements.

All records stored electronically must be provided to the County in a format that is compatible with the information technology systems of the County.

Failure of the Recipient to comply with these requirements shall be a material breach of this Agreement.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

(772)226-1424

PUBLICRECORDS@IRCGOV.COM

Indian River County of the County Attorney

1801 27th Street

Vero Beach, FL 32960

6. Termination. This Contract may be terminated by either party, without cause, upon thirty (30) days prior written notice to the other party. In addition, the County may terminate this Contract for convenience upon ten (10) days prior written notice to the Recipient if the County determines that such termination is in the public interest.
7. Availability of Funds. The obligations of the County under this Contract are subject to the availability of funds lawfully appropriated for its purpose by the Board of County Commissioners of Indian River County.
8. Standard Terms. This Contract is subject to the standard terms attached hereto as Exhibit C and incorporated herein in its entirety by this reference.
9. Sovereign Immunity. Nothing herein shall constitute a waiver of the County's sovereign immunity.

IN WITNESS WHEREOF, County and Recipient have entered into this Contract on the date first above written. INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS

By: Peter D O'Bryan
Commissioner Peter D O'Bryan, Chairman

BCC Approved: November 6, 2018

Attest: Jeffrey R Smith, Clerk of Courts & Comptroller
By: [Signature]
Deputy Clerk



Approved: [Signature]
Jason Brown, County Administrator

Approved as to form and legal sufficiency:

[Signature]
Dylan Reingold, County Attorney

RECIPIENT:

By: [Signature]
CYNTHIA C. FARARDEAU

Agency Name: Education Foundation
OF INDIAN RIVER COUNTY

PROGRAM COVER PAGE

Organization Name: Education Foundation of Indian River County
Executive Director: Cynthia Falardeau E-mail: director@edfoundationirc.org
Address: P.O. Box 7046 - mailing address Telephone: 772-564-0034
Vero Beach, FL 32961 Fax: 772-564-0761
Program Director: Mary Miner E-mail: mary@edfoundationirc.org
Address: P.O. Box 7046 Telephone: 772-564-0034
Vero Beach, FL 32961 Fax: 772-564-0761

Program Title:
STEP into Kindergarten

Priority Need Area Addressed:
Early Childhood Development

Brief Description of the Program:
The Education Foundation, in partnership with the School District of Indian River County (SDIRC), seeks to increase Kindergarten readiness rates of 4 and 5 year old children by extending the school year an extra 29 instructional days. This proposal seeks to replicate and continue the success of the STEP into Kindergarten program. This evidence based curriculum extends the school year for children who have completed a Voluntary Pre-K Program, and benefit from this "bridge" program that extends the school year through June and July. Priority is given to students identified as homeless, migrant and students residing in school zones with the highest poverty percentages.

The Education Foundation collaborates with the SDIRC to leverage the community's investment in our schools with the goal of achieving excellence for students and educators. We work together to fund-raise, administer and implement programs like STEP into K to prepare 4 and 5 year old children to arrive at Kindergarten prepared to begin their academic careers.

EXHIBIT B

[From policy adopted by Indian River County Board Of County Commissioners on February 19, 2002]

"D. Nonprofit Agency Responsibilities After Award of Funding

1. Indian River County provides funding to all nonprofit agencies on a reimbursement basis only.
2. All reimbursable expenses must be documented by an invoice and/or a copy of the canceled check. Any expense not documented properly to the satisfaction of the Office of Management & Budget and/or the County Administrator may not be reimbursed.
3. If an agency repeatedly fails to provide adequate documentation, this may be reported to the Board of Commissioners. In the event an agency provides inadequate documentation on a consistent basis, funding may be discontinued immediately. Additionally, this may adversely affect future funding requests.
4. Expenditures may only be reimbursed from the fiscal year for which funding was awarded. For example, no expenditures prior to October 1st may be reimbursed with funds from the following year. Additionally, if any funds are unexpended at the end of a fiscal year, these funds are not carried over to the next year unless expressly authorized by the Board of Commissioners.
5. All requests for reimbursement at fiscal year end (September 30th) must be submitted on a timely basis. Each year, the Office of Management & Budget will send a letter to all nonprofit agencies advising of the deadline for reimbursement requests for the fiscal year. This deadline is typically early to mid October, since the Finance Department does not process checks for the prior fiscal year beyond that point.
6. Each reimbursement request must include a summary of expenses by type. These summaries should be broken down into salaries, benefits, supplies, contractual services, etc. If Indian River County is reimbursing an agency for only a portion of an expense (e.g. salary of an employee), then the method for this portion should be disclosed on the summary. The Office of Management & Budget has summary forms available.
7. Indian River County will not reimburse certain types of expenditures. These expenditure types are listed below.
 - a. Travel expenses for travel outside the County including but not limited to; mileage reimbursement, hotel rooms, meals, meal allowances, per Diem, and tolls. Mileage reimbursement for local travel (within Indian River County) is allowable.
 - b. Sick or Vacation payments for employees. Since agencies may have various sick and vacation pay policies, these must be provided from other sources.
 - c. Any expenses not associated with the provision of the program for which the County has awarded funding.
 - d. Any expense not outlined in the agency's funding application.
8. The County reserves the right to decline reimbursement for any expense as deemed necessary."

**EXHIBIT C
STANDARD TERMS FOR GRANT CONTRACT**

1. Notices: Any notice, request, demand, consent, approval or other communication required or permitted by this Contract shall be given or made in writing, by any of the following methods: facsimile transmission; hand delivery to the other party; delivery by commercial overnight courier service; or mailed by registered or certified mail (postage prepaid), return receipt requested at the addresses of the parties shown below:

County: Leigh Anne Uribe, Director
Indian River County Human Services
1900 27TH Street
Vero Beach, Florida 32960-3365

Recipient: *CYNTHIA FARARDEAU, Executive Director
EDUCATION FOUNDATION OF IRC,
P.O. Box 7046, Vero Beach, FL 32961*

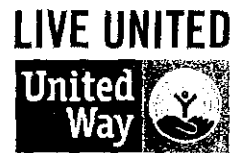
2. Venue; Choice of Law: The validity, interpretation, construction, and effect of this Contract shall be in accordance with and governed by the laws of the State of Florida, only. The location for settlement of any and all claims, controversies, or disputes, arising out of or relating to any part of this Contract, or any breach hereof, as well as any litigation between the parties, shall be Indian River County, Florida for claims brought in state court, and the Southern District of Florida for those claims justifiable in federal court.
3. Entirety of Agreement: This Contract incorporates and includes all prior and contemporaneous negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Contract that are not contained herein. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written. It is further agreed that no modification, amendment or alteration in the terms and conditions contained herein shall be effective unless contained in a written document signed by both parties.
4. Severability: In the event any provision of this Contract is determined to be unenforceable or invalid, such unenforceability or invalidity shall not affect the remaining provisions of this Contract, and every other term and provision of this Contract shall be deemed valid and enforceable to the extent permitted by law. To that extent, this Contract is deemed severable.
5. Captions and Interpretations: Captions in this Contract are included for convenience only and are not to be considered in any construction or interpretation of this Contract or any of its provisions. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.
6. Independent Contractor: The Recipient is and shall be an independent contractor for all purposes under this Contract. The Recipient is not an agent or employee of the County, and any and all persons engaged in any of the services or activities funded in whole or in part performed pursuant to this Contract shall at all times and in all places be subject to the Recipient's sole direction, supervision, and control.
7. Assignment: This Contract may not be assigned by the Recipient without the prior written consent of the County.

May 25, 2017

Ms. Cathy Filusch
Board President
Education Foundation of Indian River County, Inc.
P.O. Box 7046
Vero Beach, FL 32961-7046

P.O. Box 1960
Vero Beach, FL 32961-1960
tel: 772-567-8900
UnitedWayIRC.org
VolunteerIndianRiverCounty.org

United Way Center
1836 14th Avenue
Vero Beach, FL 32960



United Way of
Indian River County

Dear Ms. Filusch,

On behalf of the Board of Directors of United Way IRC and our citizens review volunteers I want to thank you for your participation in this year's community investment process. I'd also like to thank your staff and volunteers; the insight they provide to the review panels is crucial to the decision-making process.

This letter serves as official notification that Education Foundation of Indian River County, Inc. will receive funds for the 2017/18 and 2018/19 fiscal years beginning July 15, 2017 as detailed below:

STEP into Kindergarten \$ 35,000

Funding decisions were based on your agency's application, measurable outcomes, the site visit and/or agency presentation, the demonstrated strengths, growth opportunities and effectiveness of your organization and program(s) and, of course, available dollars. One-twelfth of your annual allocation will be forwarded via electronic transfer on July 15 and the remainder will be paid in equal monthly installments.

Enclosed is an evaluation sheet which captured key comments made by volunteers throughout the grant review process. Please make sure you review the document carefully. Also, please sign and return the Memorandum of Agreement together with the Counterterrorism Compliance Certificate no later than June 30, 2017.

We are proud of our partnership with Education Foundation of Indian River County, Inc. and believe that together we are making a difference in our community. Congratulations and thank you for the important work that you do.

Sincerely yours,

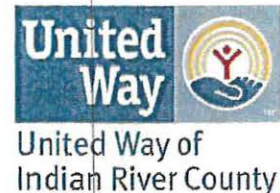
A handwritten signature in black ink, appearing to read "Nate Bruckner", written over a white background.

Nate Bruckner
Director of Community Impact

Encl. (1) MOA, (2) Evaluation Sheet, (3) Counterterrorism Compliance Certificate

cc: Ms. Cynthia Falardeau, Executive Director

**FY2017-19 Memorandum of Agreement
Between United Way of Indian River Co. and
Education Foundation of Indian River County, Inc.**



**Both United Way of Indian River County [UWIRC] and the funded partner
Education Foundation of Indian River County, Inc., agree to:**

Honor this agreement for a two year period, the term of funding, unless either party requests in writing, the termination or modification of this agreement.

United Way of Indian River County reserves the right at any time during this agreement to reduce or withhold funding, require the funded partner to reimburse funding, place the funded partner on probationary status or terminate the agreement if any of the following conditions occur:

- Failure on the part of the funded partner to adhere to the standards or policies set forth and covered in this agreement.
- Failure on the part of the program to deliver the agreed upon services and outcome measures.
- Significant changes in conditions that result in the inability of the funded partner to effectively operate the program.
- Projected Campaign revenue is not met.

During the course of this agreement, it is the responsibility of both UWIRC and the funded partner to communicate any topics of concern and to consult in a timely matter when significant changes, issues, or misunderstandings arise.

2017-2019 Funding Stipulations: No Stipulations

In the event of unforeseen circumstances related to the availability of funds, UWIRC reserves the right to adjust funding.

United Way of Indian River County agrees to:

1. Represent the communities we serve in an exemplary fashion, with a diverse and representative Board of Directors.
2. Practice nondiscrimination in the employment and promotion of staff, recruitment and utilization of program volunteers and in the delivery of services to clients.
3. Respect the funded partner's autonomy and right to determine its own policies, procedures and programs in meeting its mission and vision statements.

4. Implement the UWIRC Community Impact Agenda, incorporating community input and involvement in the process.
5. Continually assess and seek solutions to community needs, including serving as a community facilitator when appropriate. Conduct public relations program to promote the understanding of community issues, support of funded partners and understanding of UWIRC's role in addressing community needs.
6. Conduct an annual county-wide fundraising campaign to meet the needs of the county as determined by the UWIRC Board of Directors.
7. Be a responsible steward of funds contributed to UWIRC by:
 - a. Allocating financial resources based upon community needs and assets available and a community/volunteer based review process.
 - b. Following the accepted accounting principles and have an annual independent audit.
 - c. Monitoring the performance of funded programs against the outcomes stated in the original funding proposal.
8. Provide funded partners support through volunteer referrals, in-kind donations as available, group project opportunities, technical assistance, opportunities to network and other appropriate information. UWIRC staff will avoid any involvement with a current or potential UWIRC grantee which conflicts or appears to conflict with the best interest of UWIRC and is not deemed to be appropriate by the UWIRC Board of Directors.

The funded partner, Education Foundation of Indian River County, Inc., agrees to:

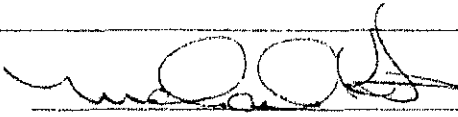
1. Accept the allocation of funds to operate programs and deliver services to support the purposes of the grant during the funding period. Any grant funds not expended for the purposes of the grant within the funding period will be returned to UWIRC.
2. Immediately notify UWIRC regarding any legal, financial, organizational issues, primary staff changes, or program changes within the funding period which may impact the funded partner's ability to operate and /or deliver stated services.
3. Submit all required documentation within UWIRC's guidelines and required timelines. Required documentation includes but is not limited to: Memorandum of Agreement, Anti-Terrorism Compliance Measures, 6-month Progress Report on outcomes and financials, and Year End Reports.
4. Support UWIRC by:
 - a. Participating in UWIRC workplace campaigns by serving in the role of Agency Speaker, when available.
 - b. Give consideration to running a workplace campaign.

- c. Publicize UWIRC partnership at every opportunity.
 - d. To inform UWIRC of scheduled capital fundraising events.
 - e. NOT to solicit financial support from employee groups at the workplace.
 - f. Attending UWIRC Quarterly Agency Executives meetings.
 - g. Assisting in identifying service recipients to participate in community planning where appropriate.
5. Promote the partnership with UWIRC and the funding to the funded partner by:
- a. Including the most up to date UWIRC logo and a link to www.unitedwayirc.org on your website.
 - b. Use the UWIRC logo on agency stationery, brochures and other printed materials. Include UWIRC affiliation in copy in all press releases distributed to media (e.g., newspaper, radio, TV, periodicals); it is not sufficient to include logo only on letterhead.
 - c. Recognizing UWIRC funding in your annual report.
 - d. Updating organizational and program information (including taxonomic links in the database) with 2-1-1 Palm Beach/Treasure Coast every six (6) months beginning July 2017 and ending at the expiration of the contract funding term.
 - e. Actively maintaining current information on all organizational and program volunteer opportunities on www.volunteerindianrivercounty.org
6. Submit financial documentation, based on their annual gross revenue, at the time of submission of the Year End Report or within four months following the completion of the funded partner's fiscal year:
- a. Funded partners with operating budgets in excess of \$100,000 must be audited annually by an independent CPA. Agencies with operating budgets of \$100,000 or less may submit a financial review in lieu of an annual audit.

Mandatory Agency Requirements:

1. Funded partner provides services for Indian River County residents.
2. Funded partner has a volunteer Board of Directors representative of the service delivery area. The Board maintains rotation procedures and regularly scheduled meetings. The duties and responsibilities of the Board are defined in writing.
3. Funded partner has an effective fiscal management system including complete and accurate financial records of all income and expenses by funded programs. UWIRC has the right to review and request this information as needed, with appropriate notice to the funded partner.

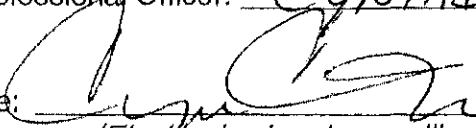
4. Funded partner maintains written personnel policies, guidelines and job descriptions for program staff and volunteers.
5. Funded partner practices nondiscrimination in the employment and promotion of staff, recruitment and utilization of program volunteers and in the delivery of services to clients. Funded partner has a written and enforced affirmative action plan, grievance procedure, non-discrimination policy and sexual harassment policy.
6. Funded partner is determined by the Internal Revenue Service to be an organization described in section 501(c) 3 of the Internal Revenue Code of 1986. If the determination is revoked or modified, please notify UWIRC immediately. UWIRC will not be required to make any payment hereunder if funded partner loses its federal tax-exempt status.

Reviewed and approved by: 
Michael Kint, CEO, UWIRC June 1, 2017

Please read carefully, sign and return by June 30, 2017.

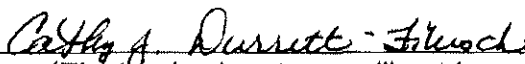
The contents of the Memorandum of Agreement have been reviewed and approved by:

Chief Professional Officer: CYNTHIA FARROW
Print Name

Signature: 
(Electronic signatures will not be accepted)

Date: 6/8/17

Chief Volunteer Officer: CATHY FILVICH
Print Name

Signature: 
(Electronic signatures will not be accepted)

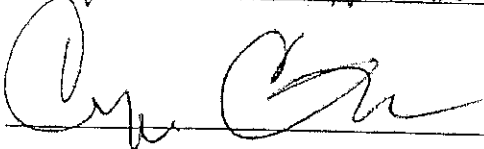
Date: 6/8/17

ANTI-TERRORISM COMPLIANCE MEASURES

In compliance with the USA PATRIOT Act and other counterterrorism laws, the **United Way of Indian River County** requires that each funded partner certify the following:

"I hereby certify on behalf of The Education Foundation of IREC that all United Way funds and donations will be used in compliance with all applicable anti-terrorist financing and asset control laws, statutes and executive orders."

Print Name: CYNTHIA FARRINGTON Title: Executive Director

Signature:  Date: 6/8/2017

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SEBASTIAN RIVER HIGH SCHOOL

9001 Shark Boulevard • Sebastian, Florida 32958

Telephone: (772) 564-4170 • Fax: (772) 564-4182

Date: February 4, 2019

To: Dr. Mark J. Rendell, Superintendent
School Board Members
Indian River County School District

From: Dariyall Brown, Principal
Sebastian River High School

Subject: Request for approval of donation

Sebastian River High School would like to request the approval of a \$1,000.00 donation from the Navy League of the US TC Council 334.

These funds will be used to benefit our NJROTC program and were deposited into the Sebastian River High School internal funds account NJROTC-Donations.

Sincerely,


Dariyall Brown
Principal



"You Can't Hide That Shark Pride"

Dariyall Brown
Principal

Michele Holmes
Assistant Principal

Kevin Van Brimmer
Assistant Principal

Kelly Ward
Assistant Principal

William Wilson III
Assistant Principal

Madison Cama
Guidance Counselor

Kim O'Keefe
Guidance Counselor

Wendy Palmer
Guidance Counselor

Lynn Phillips
Guidance Counselor

Enrique Valencia
Guidance Counselor



School District of Indian River County

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District English Language Learners (ELL) Plan

Contact Person: Karen Malits

LEA: Indian River

Email: Karen.malits@indianriverschools.org

Phone: (772) 564-3096

**Rule 6A-6.0905
Form ESOL 100
(May 2017)**

Original signatures on Signature Pages are to be submitted to:

Bureau of Student Achievement through Language Acquisition
 Florida Department of Education
 325 West Gaines Street
 444 Turlington Building
 Tallahassee, Florida 32399-0400

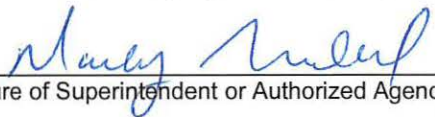
FDOE INTERNAL USE ONLY

(1) NAME OF THE DISTRICT:	(2) CONTACT NAME/TITLE:	(3) CONTACT PHONE NO (EXT.): EMAIL ADDRESS:
Indian River County School District	Karen Malits Director of Federal Programs	(772)564-3096 Karen.malits@indianriverschools.org
(4) MAILING ADDRESS: 6500 57 th Street Vero Beach, FL 32967		(5) PREPARED BY: (If different from contact person) First Name: Last Name: Mailing Address: Phone No:

(6) CERTIFICATION BY SCHOOL DISTRICT

The filing of this application has been authorized by the School Board and the undersigned representative has been duly authorized to submit this plan and act as the authorized representative of the district in connection with this plan.

I, Mark J. Rendell, do hereby certify that all facts, figures, and representations made in this plan are true and correct. Furthermore, all applicable statutes, rules, regulations, and procedures for program and fiscal control and for records maintenance will be implemented to ensure proper accountability.


 Signature of Superintendent or Authorized Agency Head

2/8/19
 Date Signed

 Date of Governing Board Approval

(7) Chairperson representing the District ELL Parent Leadership Council (PLC)

Name of Chairperson representing the District ELL PLC:

Contact Information for District PLC Chairperson: Orlando Martinez

Mailing address:

E-mail Address: Phone Number: 786-597-7980

Date final plan was discussed with PLC: January 16, 2019


 Signature of the Chairperson of the District PLC

01/16/2019
 Date Signed by PLC Chairperson

**DISTRICT ENGLISH LANGUAGE LEARNERS PLAN
ASSURANCES AND CERTIFICATION**

School districts are required to abide by a set of assurances when developing and implementing programs and services to students classified as English Language Learners (ELLs), and are required to ensure school- and district-level personnel comply with all the requirements and provisions set forth in the laws, rules, regulations, and federal court orders listed below:

- The requirements set forth in Section 1003.56, Florida Statutes;
- The requirements set forth in Rules 6A-6.0902;6A-6.09022; 6A-6.09091; 6A-6.0903; 6A-6.0907; 6A-1.0503, Florida Administrative Code (F.A.C.), and other applicable State Board of Education Rules;
- The requirements of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015;
- The requirements of the Consent Decree in the League of United Latin American Citizens et al. v. the State Board of Education, 1990;
- The requirements of the Florida Educational Equity Act, 1984;
- The requirements based on the Fifth Circuit Court decision in *Castañeda v. Pickard*, 1981;
- The requirements based on the Supreme Court decision in *Plyler v. DOE*, 1982;
- The requirements based on the Supreme Court decision in *Lau v. Nichols*, 1974;
- The requirements of the Equal Educational Opportunities Act of 1974;
- The Requirements of Section 504 Rehabilitation Act of 1973;
- The requirements of the Office for Civil Rights Memorandum of May 25, 1970;
- The requirements of the Title VI and VII Civil Rights Act of 1964; and
- The requirements of the Office for Civil Rights Standards for the Title VI Compliance.

By signature below, I, Mark J. Rendell, do hereby certify that procedures, processes and services that are described herein shall be implemented in a manner consistent with the requirements and provisions of the requirements set forth above.



Superintendent's Signature

2/8/19

Date Signed

Section 1: Identification (Rule 6A-6.0902, F.A.C.)

Enrollment Procedures and Administration of the Home Language Survey (HLS).

Describe the Local Education Agency (LEA) registration procedures to register English Language Learners (ELLs).

The parent/guardian who is registering the student completes the Home Language Survey (HLS), which is embedded as part of the district school enrollment form and is part of the registration process for all students at the school site or Office of Student Assignment. For those students and parents for whom English is not the primary language, bilingual personnel are available at the District Student Services/ Office of Student Assignment and at each school site, where feasible, to provide assistance to families as needed. Web-based translation technology is available for registrars and front office staff to facilitate communication if needed. Home Language Surveys are available in the dominant languages spoken by ELLs in the District: English, Spanish, Haitian Creole, and French.

Note regarding foreign exchange students: According to the Code of Federal Regulations, Part 62.10 (a) (2), student sponsors ensure that "the exchange visitor possesses sufficient proficiency in the English language to participate in his or her program." When foreign exchange students enroll in the District, it will be indicated in the District's Student Information System, FOCUS SIS, that the student is coded as PK12 foreign exchange student. This practice will ensure that foreign exchange students who enroll in the District are not flagged with the TT code (pending English for Speakers of Other Languages (ESOL) program eligibility testing). As per Foreign Exchange Program requirements, foreign exchange students must provide evidence of sufficient English language proficiency, including reading, writing, listening and speaking, that will enable the student to successfully function at the academic level in which he/she is enrolled. It is not the District's responsibility to provide any form of English language acquisition supports; therefore, foreign exchange students are not eligible for ESOL services.

How do LEA procedures compare to those followed for non-ELLs?

The School District of Indian River County follows the same registration procedures for ELL students as to those followed for non-ELLs in traditional public schools, Indian River Virtual School, and public charter schools.

At the time of registration, all parents/guardians complete an enrollment registration form which contains the following Home Language Survey:

- Is a language other than English used in the home?
- Did the student have a first language other than English?
- Does the student most frequently speak a language other than English?

All elementary and secondary students register at their home school site according to school attendance zones. Public school choice options and magnet school registration is coordinated for all students, ELL and non-ELL, by the Office of Student Assignment. Registration for the full-time virtual school operated by the district, Indian River Virtual School, is completed by the Director of Career and Technical Education. Students who will attend one of the charter schools in Indian River County enroll at the charter school site.

Into what languages are the HLS translated?

Home Language Surveys are available in the dominant languages spoken by ELLs in the District: English, Spanish, Haitian Creole, and French.

How does the LEA assist parents and students who do not speak English in the registration process?

The parent/guardian who is enrolling the student completes the Home Language Survey, which is embedded within our District's enrollment form, as part of the registration process at the school site and Office of Student Assignment. For those students and parents for whom English is not the primary language, bilingual personnel are available at school sites, where feasible, and at the District Student Services/ Office of Student Assignment to provide assistance when needed. Web-based translation technology is also available for registrars and front office staff to facilitate communication. District enrollment forms are available in English, Spanish, Haitian Creole, and French.

How do you identify immigrant students?

The ESOL Department, The Office of Student Assignment, and the Information Systems (IS) department coordinate to review the procedures for identification of Immigrant students with school registrars. If the student meets the criteria as an Immigrant Student, he/she is then coded under the Federal/State tab as "Y-Yes" on the Immigrant Data Field on the District's Student Information System (FOCUS).

FOCUS Code Definition/Examples:

- N-No, the student is not an immigrant student.
- Y-Yes, the student is an immigrant student.
- Z-Not applicable

The term 'immigrant children and youth' refers to individuals who:

(A) are ages 3 through 21; and

(B) were not born in any State, the District of Columbia or Puerto Rico; and

(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

Note: The children of U.S. military personnel born overseas are to be included in any count of immigrant children or youth.

Based on this definition, the student's immigrant code is Y and data element number is 131785.

How is Date Entered US School (DEUSS) obtained in the registration process?

At the time of registration, parents complete the enrollment form which includes demographic data and the Date Entered US School (DEUSS) date. DEUSS is the month, day and year the student entered school in the United States (any of the 50 states and the District of Columbia, excluding US territories and possessions). DEUSS is reported by all parents/ guardians regardless of responses to the HLS questions and is a required field on the District's Student Information System (SIS), FOCUS SIS. The schools' registrars and/or Office of Student Assignment personnel will assist the parent/guardian in determining the DEUSS date if needed. In addition, ESOL personnel will assist the school district personnel responsible for student registration and parents/guardians to determine the DEUSS. Research using the District's student information databases, the student's cumulative folder, previous school records, including contact with the previous school/district, and parent/student interviews are methods utilized to accurately report this data field. The original DEUSS date is entered into our student information system, FOCUS - data element 197237.

Please include a link to your HLS.

<https://www.indianriverschools.org/enrollment>

Section 2: English Language Proficiency Assessment (Rule 6A-6.0902, F.A.C.)

1. English Language Proficiency (ELP) Assessment

What is the title of the person(s) responsible for administering the ELP assessment of potential ELLs in the LEA? (Check all that apply.)

- Registrar
- ESOL Coordinator/Administrator
- Other (Specify) ESOL Resource Teachers, ESOL Paraprofessionals

2. Listening and Speaking Proficiency Assessment

List the Listening and Speaking (Aural/Oral) assessment(s) used in the LEA and procedures followed to determine if a K-12 student is an ELL.

- PreLAS 2000, Form C for Kindergarten/1st grade students up to 7 years old
- LAS Links (Language Assessment Scale) grades K-1, 2-3, 4-5, 6-8, 9-12 Form A
- IPT (Individualized Developmental English Activities [IDEA] Proficiency Test)
- WIDA Screener

Describe the procedures to ensure that the Listening and Speaking assessment(s) are administered within 20 school days of the student's initial enrollment.

Upon completion of the student enrollment form, if an affirmative or "yes" response is indicated for any of the three HLS questions, the student's record automatically triggers an ELL Enrollment Alert in the District's Student Information System, FOCUS SIS. The ESOL Resource Teacher reviews the student's demographic information, including the Primary Home Language, Student Native Language and Secondary Student Language. After review, the ESOL Resource Teacher then changes the English Language Learner status to a "TT" (to be tested) code in FOCUS SIS. Students designated with languages other than English (i.e. affirmative responses to any of the HLS questions) are scheduled for an English language proficiency assessment at their school site as soon as possible, but no later than twenty (20) school days from the student's initial date of enrollment. All students who are not proficient on the Listening and Speaking (L/S) assessment qualify for ESOL services and are coded as "LY" in FOCUS SIS. Please note all students who have pending initial eligibility testing for the ESOL program, "TT" coded students, will receive the benefit of ESOL supports until ESOL program eligibility is determined. The basis of entry is indicated as "A," Aural/ Oral in FOCUS.

Reading and Writing Proficiency Assessment

List the Reading and Writing assessment(s) used in the LEA and procedures followed to determine if a student is an ELL in grades 3-12.

- LAS Links grades 2-3, 4-5, 6-8, 9-12 Form A
- IPT – Reading/ Writing
- WIDA Screener

Pursuant to 6A-6.0902 F.A.C. - Requirements for Identification, Eligibility, and Programmatic Assessments of English Language Learners, the reading and writing test is administered to students in grades 3-12. The reading and writing test is administered at the same time as the aural/oral test portion is administered. For students in grades 3-12, assessment for language proficiency will be completed within thirty (30) days of the student's initial enrollment date. Please note all students who have pending initial eligibility testing for the ESOL program, "TT" coded students, will receive the benefit of ESOL supports until ESOL program eligibility is determined. The basis of entry is indicated as "R," Reading/ Writing in FOCUS.

3. ELL Committee

Describe the procedures used when the ELL Committee makes an entry (placement) decision. What type of documentation is used to support these decisions?

Pursuant to 6A-6.0902 F.A.C., upon request of a parent or teacher, a student who is determined not to be an English Language Learner or any student determined to be an English Language Learner based solely on one reading or writing assessment may be

referred to an ELL Committee. The parents' preference as to whether a student is determined to be an ELL or not to be an ELL shall be considered in the final decision. The ELL Committee will review the student's academic record holistically. The ELL Committee may determine a student to be an English Language Learner (ELL) or not to be an ELL considering at least two of the criteria listed below, in addition to the entry assessment results. The following criteria is reviewed to determine whether the student is English language proficient:

- Extent and nature of prior educational or academic experience, social experience, and a student interview;
- Written recommendation and observation by current and previous instructional and supportive services staff;
- Level of mastery of basic competencies or skills in English and heritage language according to local, state or national criterion-referenced standards;
- Grades from the current or previous years; or
- Test results from tests other than the ELL eligibility assessment

The ELL committee meeting documentation will be maintained in the FOCUS Student Services System and in the student's ESOL folder within the cumulative records folder. The basis of entry is indicated as "L," ELL Committee in FOCUS.

Section 3: Programmatic Assessment (Rule 6A-6.0902, F.A.C.)

Academic/Programmatic Assessment

Describe the procedures that have been implemented for determining prior academic experience of ELLs. Also, address the placement of ELLs with limited or no prior school experience(s) or whose prior school records are incomplete or unobtainable. Specify actions taken to obtain prior school records. Include the procedures to determine appropriate grade level placement for ELLs.

The school registrars and/or guidance counselors send a request for student records via fax, scan, email, and/or U.S. mail upon all students' initial enrollment. If student records are not received in a timely manner, follow-up requests to the prior school are made. School records, including but not limited to transcripts, report cards, standardized testing information, ELL Student Plans, Gifted Educational Plans (EP), Individual Education Plans (IEP) and Section 504 Plans, are reviewed for appropriate grade level/ programmatic placement. Placement is reviewed again upon receipt of prior school records. When a student who is potentially eligible for the ESOL program enters a school in Indian River County and it is determined that the student's prior schooling records are incomplete or unobtainable, the student's age is an important consideration in appropriate grade/ course placement. School-based teams, in coordination with the ESOL program staff, conduct interviews with the parent and/or student to assist in the determination of the most appropriate grade and course placement. Pursuant to 6A-6.0902 F.A.C., for foreign-born students, the same age appropriate placement shall be followed as are followed for students born in the United States. The student is tested in a timely manner to assess English language proficiency. Every effort shall be made by

school administration to place the ELL student in a classroom taught by an ESOL endorsed/ certified teacher. All ELL students must have equitable access to all district programs and services for which they meet eligibility criteria. A programmatic assessment form is completed for all ELL students and is maintained in the FOCUS Student Services System and the cumulative folder.

Grade Level and Course Placement Procedures – Grades 9-12

Describe the procedures that have been implemented to determine appropriate grade and course placement. Descriptions must include the process used for awarding credit to ELLs entering high school in 9th-12th grades that have completed credits in countries outside of the United States, specifically addressing those students for which there is no documentation.

Registrars, school guidance counselors, and other instructional and administrative personnel, in conjunction with ESOL personnel, review the educational background of the student. Prior coursework, grades, credits, parent and/or student interviews, and other pertinent data are used to determine appropriate grade and course/ program placement. Records are requested from the previous school, including from countries outside the United States. Pursuant to 6A-6.0902 F.A.C., for foreign-born students, the same age appropriate placement shall be followed as are followed for students born in the United States. As described in the District's Student Progression Plan (SPP) the requirements outlined in the State Uniform Transfer of Students in Middle Grades and High School (6A-1.09941 F.A.C.) regarding grade level placement and acceptance of credits for transfer students, to include students from out of state and from foreign countries, are followed.

The purpose of 6A-1.09941 F.A.C. is to establish uniform procedures relating to the acceptance of transfer work and credit for students entering Florida's public schools.

(1) The procedures relating to the acceptance of transfer work and courses for students in middle grades 6, 7, and 8 from out of state or out of country shall be as follows:

(a) Grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value subject to validation if required by the receiving school's accreditation. If validation of the official transcript is deemed necessary, or if the student does not possess an official transcript or is a home education student, successful completion of courses shall be validated through performance during the first grading period as outlined in paragraph (1)(b) of this rule.

(b) Validation of courses shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should be passing each required course at the end of the first grading period. Students who do not meet this requirement shall have courses validated using the Alternative Validation Procedure, as outlined in paragraph (1)(c) of this rule.

(c) Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives identified in the district student progression plan shall be used for validation purposes as determined by the teacher, principal and parent:

1. Portfolio evaluation by the superintendent or designee,
2. Demonstrated performance in courses taken at other public or private accredited schools,
3. Demonstrated proficiencies on nationally normed standardized subject area assessments,
4. Demonstrated proficiencies on a statewide, standardized assessment, or
5. Written review of the criteria utilized for a given subject provided by the former school.

(2) The procedures relating to the acceptance of transfer work and credits for students in high school from out of state or out of country shall be as follows:

(a) Credits and grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value subject to validation if required by the receiving school's accreditation. If validation of the official transcript is deemed necessary, or if the student does not possess an official transcript or is a home education student, credits shall be validated through performance during the first grading period as outlined in paragraph (2)(b) of this rule. Assessment requirements for transfer students under section 1003.4282, F.S., must be satisfied.

(b) Validation of credits shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should have a minimum grade point average of 2.0 at the end of the first grading period. Students who do not meet this requirement shall have credits validated using the Alternative Validation Procedure, as outlined in paragraph (2)(c) of this rule.

(c) Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives shall be used for validation purposes as determined by the teacher, principal and parent:

1. Portfolio evaluation by the superintendent or designee,
2. Written recommendation by a Florida certified teacher selected by the parent and approved by the principal,
3. Satisfactory performance in courses taken through dual enrollment or at other public or private accredited schools,
4. Satisfactory performance on nationally normed standardized subject area assessments,
5. Satisfactory performance on a statewide, standardized assessment, or
6. Written review of the criteria utilized for a given subject provided by the former school.

Pursuant to School District of Indian River County (SDIRC) Board Policy 5463 – Credit from Other Schools, work and credits transferred from other states shall be evaluated in terms of the requirements of the state where such credit was earned, and District graduation requirements are not retroactive. Students who enter a Florida public high school at the eleventh or twelfth grade from out-of-state or from a foreign country shall not be required to spend additional time in a Florida public school in order to meet the high school requirements if they would have met graduation requirements from the school district, state, or country from which s/he is transferring (SDIRC Board Policy 5460.01 – Graduation Requirements for Out-of-State or Out-of-Country Transfer Students). Such students who are not proficient in English should receive immediate

and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must earn a 2.0 grade point average and pass the required assessments under F.S. 1008.22, or the alternate assessment(s) as specified in F.S. 1008.22(9).

Explain the process for awarding credit to students transferring from other countries for language arts classes taken in the student's native language and for foreign languages the student may have taken (this may include English).

Pursuant to 6A-6.0902 F.A.C., the school district shall seek to document the prior schooling experience of ELLs by means of school records, transcripts and other evidence of educational experiences, and take such experiences into account in planning and providing appropriate instruction to such students. The school district shall award equal credit for courses taken in another country or a language other than English as they would the same courses taken in the United States or taken in English. Language arts courses completed in languages other than English which include literature, composition and technical text are used to document completion of required courses in English. For example, credit should be given for each course in English (based on the home language course, as the course content would be similar to that of a language arts course taught in English) and credit for electives for the English, as this would be the same as a foreign language credit. Per School District of Indian River (SDIRC) Board Policy 5463 - Credits from Other Schools, students who enter a Florida public high school at the eleventh or twelfth grade from out-of-state or from a foreign country shall not be required to spend additional time in a Florida public school in order to meet the high school requirements if they would have met graduation requirements from the school district, state, or country from which s/he is transferring.

What is the title of person(s) responsible for evaluating foreign transcripts? How are they trained? How is documentation maintained?

School guidance counselors, registrars/records specialists, and school administrators are responsible for evaluating foreign transcripts. The Executive Director of Student Services and the Executive Director of Secondary Education provide professional development around statutory requirements throughout the school year, and these personnel regularly collaborate to ensure a common understanding of awarding credit and high school graduation cohort requirements. The process for awarding credit is documented in the SDIRC Board-approved Student Progression Plan (SPP).

Re-evaluation of ELLs that Previously Withdrew from the LEA

Describe the procedures used for re-evaluating ELLs who withdraw from the LEA and re-enroll. Specify the length of time between the ELLs' withdrawal and re-enrollment after which a new English language proficiency assessment is to be administered. Include data reporting procedures.

To ensure the District identifies potential ELL students that re-enroll after having been in

another Local Education Agency (LEA), state, or country, the Student Information System database, FOCUS, automatically generates an ELL enrollment alert that identifies a student as having a language other than English on their demographic page (i.e. HLS survey). If the time period between the ELL's withdrawal and reenrollment exceeds one calendar year, the student will be reassessed with a new English Language Proficiency assessment to determine ESOL program eligibility, extension of services or exit from the program. ELLs who withdraw from the district and re-enroll after having been either in another district, state, or out of the country within the same school year are not administered a new English Language Proficiency assessment. The school's principal, assistant principal, and/or guidance counselor, in coordination with an ESOL Resource teacher, review the educational background and history of the student, conduct parent and/or student interviews and use all pertinent data in determining the appropriate grade level and/or subject area placement for the student. The original HLS, entry, classification and DEUSS dates shall remain the same and are not changed in the Student Information System. For students who are new to the country, DEUSS is the date of enrollment, and the appropriate HLS, classification and entry dates must be reported accordingly. The DEUSS date must supersede the classification and entry dates.

Moving from one Florida LEA to another:

If the registration form indicates that the student is entering SDIRC from another Florida county, and responses to the HLS indicate a "yes" to any of the three HLS questions, school personnel will make every attempt to receive the ESOL school records from the previous county. ESOL school records include: DEUSS, HLS date, assessment data, entry date, ELL plan date, and ELL classification date. The information is updated on FOCUS in accordance with the ESOL school records provided by the previous Florida school district. All assessment data is also maintained in the student's cumulative folder. The School District of Indian River County will recognize the student's ESOL designation as determined by the student's former LEA.

Moving from another state to Florida LEA:

If the time period between the ELL's withdrawal and reenrollment exceeds one calendar year, the student will be reassessed with a new English Language Proficiency assessment to determine ESOL program eligibility. The information must be updated in FOCUS in accordance with the documentation provided from the previous school district.

Moving from another country to Florida LEA:

If the time period between the ELL's withdrawal and reenrollment exceeds one calendar year, the student will be reassessed with a new English Language Proficiency assessment to determine ESOL program eligibility. The information must be updated in FOCUS in accordance with the documentation provided from the previous school.

ELL Student Plan Development

Describe the procedures for developing the Student ELL Plan. Include the title(s) of the person(s) responsible for developing the plan and updating the ELL data reporting

elements. Also, include a description of when and how the plan is updated to reflect the student's current services.

The ELL Student Plan is developed annually at the beginning of the school year and updated throughout the school year if educational programming changes for the student. The ELL Plan is developed within the FOCUS Student Services System and is maintained as a part of the student's cumulative folder. ESOL Resource Teachers, in coordination with school administration and faculty, are responsible for ensuring the ELL Student Plan is developed. ESOL Resource Teachers, in coordination with school administration and faculty, review student records to reflect current services and/or additional program changes (schedule of classes; related services) throughout the school year. The ELL Student Plan is developed after the initial eligibility language proficiency testing is conducted and the student qualifies as an ELL (LY). The ELL Student Plan includes basic student demographic information, eligibility testing data, current state-wide language proficiency assessment data, specific accommodations for state and classroom assessments, Date Entered US School (DEUSS), instructional programming and the instructional model, and additional student programs or services. Extension of services information, exit information, and reclassification data are also included when applicable. Home-school communications, such as parent notification of ESOL eligibility, is sent to parents annually in their native language, whenever feasible. The ELL Student Plan is a running record of participation in the ESOL program.

Describe the elements of the plan (e.g., home-school communication, student schedules and classes, progress monitoring, interventions, assessments and other evaluations). What is the teacher's role in development of the plan?

Pursuant to 6A-6.0901 F.A.C., the School District of Indian River (SDIRC) ELL Student Plan is a written document or an electronic file, which contains the student's name, the date the plan was completed, instruction by program, including programs other than ESOL, amount of instructional time or the instructional schedule that will reflect the student's full-time equivalency (FTE) in the instructional program 130, the date the student's limited English proficiency is identified, and state-wide language proficiency assessment data (ACCESS for ELLs) used to classify or reclassify the student as an English Language Learner, date of exit and assessment data used to exit students from the ESOL program. In addition, the SDIRC ELL Student Plan includes the Home Language Survey (HLS) date, the Date Entered US School (DEUSS), next evaluation date, and additional comments pertinent to the student's instructional programming/supports. Annually, each completed plan is maintained as a separate record (not replaced or over-written by subsequent data entries) in the FOCUS Student Services System and in the student's cumulative folder. School administrators, guidance counselors, general education teachers, and other instructional staff that provide support to an ELL student are responsible to annually review all contents of the student's cumulative folder or the FOCUS Student Services System that includes the ELL Plan. These reviews facilitate the annual development of the ELL Plan and provide the teacher(s) of an ELL student pertinent information for the ELL student's instructional programming.

Please include a link to the ELL Student Plan.
<https://sdirc.focusschoolsoftware.com/focus/>

Section 4: Comprehensive Program Requirements and Student Instruction

Instructional Models

In addition to using required English for Speakers of Other Languages (ESOL) strategies by teachers who teach ELLs, what instructional model(s) or approach(es) are used to ensure comprehensible instruction? Descriptions of each model can be found in the current Florida Department of Education (FDOE) database manuals on the FDOE website. (Check all that apply)

- Sheltered English Language Arts
- Sheltered Core/Basic Subject Areas
- Mainstream-Inclusion English Language Arts
- Mainstream-Inclusion Core/Basic Subject Areas
- Maintenance and Developmental Bilingual Education
- Dual Language (two-way) Developmental Bilingual Education

Describe how the instructional models are used in the LEA. Address how the LEA will monitor schools to ensure that instructional models are implemented with fidelity.

School site administrators are responsible for monitoring the utilization of language acquisition strategies and accommodations within all instructional models. Evidence is documented during classroom observations, including but not limited to informal and formal observations as required by the School District of Indian River County (SDIRC) teacher evaluation system (Marzano model), through lesson plan citations, and within the curriculum, materials, and district curriculum/pacing guides that are utilized.

- At the elementary level, all ELLs are enrolled in Mainstream- Inclusion English Language Arts and Mainstream- Inclusion Core/Basic Subject Areas.
- At the secondary level, ELLs may be enrolled in Mainstream- Inclusion English Language Arts, Mainstream- Inclusion Core/Basic Subject Areas, and/or Sheltered English Language Arts such as: Developmental Language Arts Through ESOL
 - Florida Department of Education
<http://www.fldoe.org/policy/articulation/ccd/2018-2019-course-directory.stml>

Pursuant to 6A-6.0904 F.A.C., regardless of the instructional delivery model implemented, the instructional services delivered to ELL students are equal in scope, sequence, and quality to those provided to non-ELL students. The school level administration is responsible to plan for and monitor the fidelity of the implementation for

each instructional model at each school site. Teachers of ELL students in all instructional models are also required to complete the ESOL training as specified in the Meta Consent Decree and deliver comprehensible instruction to students by using ESOL strategies as detailed in the five courses identified in the Meta Consent Decree and/or the state-approved SDIRC ESOL Add-On Endorsement/ Certification Plan. The SDIRC Human Resources Department's Certification Analyst monitors teachers' progress toward fulfilling the ESOL certification/endorsement requirements.

Describe the process to verify that instruction provided to ELLs is equal in amount, sequence, quality, and scope to that provided to non-ELLs.

Pursuant to School District of Indian River County (SDIRC) Board Policy 5780- Student and Parent Rights, all students are provided the opportunity for an education to which they are entitled. In addition, the District shall attempt to offer nurturing, counseling, and custodial care appropriate to their age and maturity, and the District shall, at the same time, guarantee that no student is deprived of the basic right to equal treatment and equal access to the educational program. All ELL students, as all non-ELL students, shall have equal access to all course offerings, programs and services. This includes the core subjects defined as English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. This also includes MTSS (Multi-tiered Systems of Support) supports and additional programming including Exceptional Student Education (ESE) services and Gifted services. Appropriate instructional strategies shall be provided that support comprehensible instruction. A student's lack of English language proficiency cannot be used as a reason for course failure or to denial of access to equal programming. Students cannot be retained based solely upon his/her lack of English language proficiency. No promotion or retention decision may be made for any ELL student based solely on any single assessment, where such assessment instrument is part of the statewide assessment program or of a particular district's formal assessment process. A formal retention recommendation regarding an ELL student may be made through the action of an ELL committee meeting (6A-1.09432 F.A.C.).

School site administrators are responsible for monitoring the utilization of appropriate instructional strategies and accommodations. Regardless of the delivery model implemented, ELLs must receive instruction that is aligned to state standards, and is comprehensible, equal and comparable in amount, sequence, quality and scope as their non-ELL peers. ESOL teacher assistants are available to assist basic subject area teachers with the delivery of comprehensible instruction to ELL students if 15 or more students speak the same native language and are enrolled at the school. Per the SDIRC and Indian River County Education Association (IRCEA) collective bargaining agreement, teachers of ELL students will formulate and implement lesson plans that are reflective of the utilization of applicable ESOL strategies. Core and supplemental materials incorporate features and structures that support comprehensible instruction.

How does the LEA determine if the instructional models are positively affecting student performance?

Pursuant to SDIRC Board Policy 5410 – Student Progression, the School District of Indian River County is committed to the implementation of an evidence-based framework of instruction, supports, and interventions, referred to as a Multi-Tiered System of Supports (MTSS), aimed at maximizing educational outcomes by supporting the academic, behavioral, social, and psychological needs of all students, ELL and non-ELL, within a school community. Additionally, MTSS provides a framework for a single system of continuous school improvement and increased student achievement for all students. SDIRC MTSS school-based teams engage in ongoing problem solving for all students with regard to core curriculum and instruction (Tier 1), supplemental supports (Tier 2), and intensive supports (Tier 3) provided through a multi-tiered framework.

Through the implementation and ongoing improvement of a comprehensive MTSS framework, the District provides all students with levels of instruction and associated supports that are matched in direct proportion to the levels of intensity of the students' needs. The MTSS framework involves on-going problem solving and data-driven decision making at all levels of instruction to systematically guide instructional improvements and to identify the specific nature of general education or exceptional student education resources that are needed to optimize student progress.

The comprehensive MTSS framework includes the following essential components:

1. high quality instruction;
2. intervention matched to student needs;
3. learning rate and level of performance measured over time;
4. multiple tiers of evidence-based instruction service delivery;
5. problem-solving process to guide decisions about instruction and interventions needed to improve learning and/or behavior;
6. a data based system to inform decisions at each tier of service delivery.

The District has established a framework represented by a three-tiered model and specially designed instruction (i.e., exceptional student education supports and services) to address student needs identified by school-based teams. The organization of the framework for intervention into three tiers of increasingly intensive supports enables school personnel to effectively organize and allocate support resources, provide appropriate levels of intervention and support, and systematically evaluate school, grade level, and student performance data including data disaggregated by subgroups to meaningfully address the continuum of student needs.

How are ELLs assured equal access to all programs, services and facilities that are available to non-ELLs?

Pursuant to School District Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity, the School Board recognizes that any form of discrimination or harassment can be devastating to an individual's academic progress, social

relationships, and/or personal sense of self-worth. Therefore, all ELL students, as all non-ELL students, shall have access to all facilities, course offerings, programs and services for which they meet eligibility criteria. School administrators conduct classroom observations and review lesson plans to document the use of ELL strategies and accommodations on an ongoing basis to ensure that instruction is equal in amount, sequence, quality, and scope to that provided to non-ELLs. A student's lack of English language proficiency, lack of previous education, including limited and/or interrupted formal education, and length of time attending a US school, must not be used as a reason to delay a student's access to necessary programming and/or appropriate support services, including MTSS reviews and additional programming, such as ESE and Gifted services.

Describe the method(s) used in the LEA to document the use of ESOL instructional strategies and how this is monitored.

Per the SDIRC-IRCEA collective bargaining agreement, teachers of ELL students will formulate and implement lesson plans that are reflective of the utilization of applicable ESOL strategies. ELL strategies are documented in accordance with the SDIRC-IRCEA collective bargaining agreement. School site administrators are responsible for monitoring the utilization of language acquisition/ ESOL strategies and accommodations. The teacher, in coordination with the school administrator(s), guidance counselor(s), ESOL staff, and other instructional personnel, assist in the provision of a comprehensible instructional program for all ELL students. This effort is maintained as a continual, ongoing process with the implementation of an evidence-based framework of instruction, supports, and interventions, referred to as a Multi-Tiered System of Supports (MTSS).

How does the LEA and school(s) verify the delivery of comprehensible instruction to ELLs?

SDIRC teachers are evaluated by school administration using the Marzano teacher evaluation system. The Marzano Teacher Evaluation Learning Map includes providing evidence of planning and preparing for the needs of English Language Learners (Domain 2, Element 47). During classroom observations and walkthroughs, the school administrators observe and monitor the utilization of ELL strategies and the provision of comprehensible instruction. Administrative and instructional personnel are encouraged to participate in professional development for differentiated instructional methodologies throughout the school year and are responsible to ensure that all ELLs are being provided equal access to programs and receiving comprehensible instruction. Throughout the school year, professional development may be delivered in multiple modalities, including but not limited to face-to face sessions facilitated by district staff or contracted consultants, webinars, CANVAS, conference calls, iCPALMS, professional learning communities, and/or blended models. Summer professional development opportunities may also be available. In addition, ESOL Resource Teachers, District Professional Development Specialists, curriculum specialists, ESE program specialists, ESE resource specialists, resource teachers, District/ school-based literacy coaches,

graduation coaches, guidance counselors, administrators, math and science coaches, interventionists, and/or other pertinent personnel provide on-going support and training to teachers and teacher assistants to utilize appropriate instructional strategies designed to meet the needs of ELLs.

What safeguards are in place to ensure that all ELLs are being provided equal access to programs and receiving comprehensible instruction? Include the school and LEA personnel responsible for ensuring comprehensible instruction.

During classroom observations and walkthroughs, the school administrators observe and monitor the utilization of ELL strategies and the provision of comprehensible instruction. The instructional needs of ELLs is specifically addressed within the Marzano teacher evaluation framework utilized by the District (Domain 2, Element 47). The school-based MTSS Teams engage in school wide data reviews, problem solving, and action planning to support student needs. School administrators will ensure equal access and comprehensible instruction is provided to ELL students by providing feedback, engaging teachers and staff in professional development, sharing best practices and requirements for ELLs, conducting classroom observations and teacher/staff/student/parent conferences. At the LEA level, ESOL Resource Teachers, District Professional Development Specialists, curriculum specialists, ESE program specialists, ESE resource specialists, literacy, math and science coaches, and administrators provide on-going support and training to instructional and administrative staff regarding instructional strategies designed to meet the needs of all students, including ELLs. Resources, such as WIDA Can Do Descriptors, SDIRC Making Connections for ELLs Guide, and on-line supports, are shared with administrators and teachers to support comprehensible instruction. Professional development may be delivered in multiple modalities, including but not limited to face-to face sessions facilitated by district staff or contracted consultants, webinars, CANVAS, conference calls, iCPALMS, professional learning communities, and/or blended models.

What progress monitoring tools are being used to ensure all ELLs are mastering grade level academic content standards, and benchmarks and the English Language Development (ELD) standards? (Check all that apply)

- Student Portfolios
- Other Criterion Referenced Test (Specify)
- Native Language Assessment (Specify) _____
- LEA/school-wide assessments (Specify) District Unit Assessments in ELA, Math, and Science; AIMSWEB ORF and MAZE, easyCBM, Achieve 3000, i-Ready; Teacher- created assessments
- Other (Specify) Florida Statewide Assessments: ACCESS for ELLs, FSA ELA; FSA Math, EOCs, FSSA Science

Student Progression

Have the LEA's standards and procedures for promotion, placement, and retention of ELLs been incorporated into the LEA's Student Progression Plan (SPP)? If no, where can this information be found?

Yes Please provide a link to the LEA's SPP with specifics to ELLs highlighted.

<https://www.indianriverschools.org/parents-students>

No (Specify) _____

Describe how the Good Cause Policy is implemented in your LEA when ELLs who have been enrolled for less than two years (based on DEUSS) are exempted from mandatory third grade retention. Include how parents or guardians are notified of LEA good cause decisions.

Per the SDIRC Student Progression Plan, for students in grade three who have not met the requirements for promotion and are awaiting ELA FSA (English Language Arts Florida Standards Assessment) scores to meet grade 3 promotion requirements, a letter will be sent home notifying the parents of such. The letter will include the requirement to earn a passing ELA FSA score or a good cause exemption and the pending ELA FSA results as well as an expected date of arrival. No grade placement decision will be made until ELA FSA scores are received. The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following (1008.25 (5) F.S.):

- That his or her child has been identified as having a substantial deficiency in reading, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading.
- A description of the current services that are provided to the child.
- A description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.
- That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.
- Strategies, including multisensory strategies, through a read-at-home plan the parent can use in helping his or her child succeed in reading.

Good cause exemptions are limited to the following:

1. Limited English proficient students who have had less than two (2) years of instruction in an English for Speakers of Other Languages program based on the initial date of entry into a school in the United States.
2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of 1008.212 F.S.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.
4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.
5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than two (2) years but still demonstrates a deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3.
6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of two (2) years. A student may not be retained more than once in grade 3.
7. Students who have received intensive remediation in reading or English Language Arts for two (2) or more years but still demonstrate a deficiency and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of two (2) years. Intensive instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student.

Parents of third grade students enrolled in the SDIRC receive a letter at the beginning of the year, outlining third grade promotion criteria. Promotion decisions regarding third grade students are made only after ELA FSA scores are received from the State. Per guidance from the Florida Department of Education (FLDOE) Student Achievement through Language Acquisition (SALA) Bureau, the Superintendent may exempt students in grade 3 from mandatory retention for good cause if ELLs have received less than two (2) years of instruction (based on DEUSS) in an ESOL program. Decisions must be made by an ELL committee recommendation, including input from parents, administration, teachers, and ESOL program staff.

Describe what role the ELL Committee has in the decision to recommend the retention or promotion of any ELL and what documentation is used to support these decisions.

For ELL students not meeting promotion criteria, an ELL Committee meeting must be convened to determine whether a student will be retained or promoted to the next grade level. The ELL Committee, including a parent/ guardian, an administrator and an ESOL program designee, functioning in accordance with ESOL state rules and the META Consent Decree, together shall make the decisions regarding proper grade placement. Parents are invited to attend all ELL Committee meetings, and parents of ELL students must be notified in the native language, when feasible.

During the ELL Committee meeting, evidence of the strategies and accommodations made to the curriculum, materials, and assessments throughout the year to ensure comprehensible instruction shall be reviewed. Per 6A-1.09432 F.A.C., Assessment of English Language Learners, no promotion or retention decision may be made for any

ELL student based solely on any single assessment, where such assessment instrument is part of the statewide assessment program or of a particular district's formal assessment process. A formal retention recommendation regarding an ELL student may be made through the action of an ELL committee meeting. It is best practice for the ELL Committee to consider exempting an ELL student from retention who has been in a US school for two (2) years or less based upon his or her Date Entered US School (DEUSS). An ELL student shall not be retained solely based upon the lack of language proficiency in English.

In accordance with 6A-6.0902 F.A.C., the ELL Committee makes recommendations regarding the placement and progress of ELL students. The ELL Committee takes into consideration the following factors:

- Extent and nature of prior educational or academic experience, social experience, and a student interview;
- Written recommendation and observation by current and previous instructional and supportive services staff;
- Level of mastery of basic competencies or skills in English and heritage language according to local, state or national criterion-referenced standards;
- Grades from the current or previous years; or
- Test results from tests other than the ELL eligibility assessment

Section 5: Statewide Assessment (Rule 6A-6.09091, F.A.C.)

Statewide Assessment

Describe the process to ensure that all ELLs participate in Florida statewide assessment programs. Include how responsible staff is trained to administer assessments and maintain documentation of the following:

What is/are the title(s) of the school-level person responsible for ensuring and documenting that ELLs are provided appropriate testing accommodations (per test administration requirements)?

All schools have an assigned assessment coordinator who is designated by the school principal. The school assessment coordinator may be the school's Assistant Principal, the guidance counselor, and/or designee. The District's Assessment and Accountability Director, in coordination with each school's assessment coordinator, generate digital rosters of all ELLs who will be assessed at the school sites. The District's Assessment and Accountability Director provides training (i.e. train-the-trainer workshops), guidelines and test administration materials that the school-based assessment coordinator uses to ensure that all ELLs are appropriately assessed. The school-based assessment coordinators train all school-based personnel who will administer assessments to ELLs with a specific emphasis on testing accommodations. ELL students who are receiving services in an ELL program operating in accordance with an

approved ELL plan, and who take the state mandated tests may be offered the accommodations. However, the exact combination of accommodations to be offered to any ELL student shall be individually determined, considering the needs of the student and recommendations of the student's teachers. Accommodations for ELLs in the administration of Florida Standard Assessment (FSA), End of Course (EOC) assessments and ACCESS for ELLs must follow the guidelines as specified in the respective assessment manuals. The Office of Assessment and Accountability implements procedures to record and document ELL testing accommodations.

Statewide content-area assessments:

Per 6A-1.09432 F.A.C., all ELL students must participate in the statewide assessment program. All state-mandated assessments, such as Kindergarten ACCESS for ELLs, ACCESS for ELLs for Grades 1-12, Alternate ACCESS for ELLs, FSA, and End-Of-Course (EOC), are administered in accordance with state assessment guidelines. ELL accommodations approved by the State Board of Education are specified in each state testing manual, explained to all school site test coordinators and administrators during assessment trainings provided by the Director of Assessment and Accountability, the District's testing coordinator. Per assessment specifications, individual ELL accommodations that are utilized on the state assessment are documented on the ELL student's individual test booklet as required. The principal, teacher and school assessment coordinator are responsible for ensuring ELL students have access to the appropriate classroom and assessment accommodations. The teacher assures that the accommodations for statewide assessment which are indicated in the test administration manual are provided. Parents of ELL students are notified of testing accommodations (includes flexible setting, flexible scheduling, flexible timing, assistance in the Heritage Language, and the use of the English-to-Heritage language dictionaries/glossaries) in the ELL/ESOL Program Placement and Services notification letter that is sent home annually. Note: Florida's Every Student Succeeds Act (ESSA) state plan, approved September 26, 2018, indicates that all ELLs will be tested on the FSA ELA in each year they are enrolled in the tested grade levels. Districts no longer have flexibility to exempt first-year ELLs from FSA ELA testing.

ACCESS for ELLs assessment programs:

In accordance with 6A-6.09021 F.A.C., all English Language Learners (ELL) K-12 classified as ELLs on the first day of test administration will be assessed annually using a statewide language proficiency assessment. The statewide annual English Language Proficiency assessment measures the areas of language acquisition: listening, speaking, reading, and writing. The statewide English Language Proficiency Assessment, Assessing Comprehension and Communication to English State-to-State for English Language Learners (Kindergarten ACCESS for ELLs, ACCESS for ELLs) assessment is administered by designated school-based personnel. In addition to Kindergarten ACCESS for ELLs and ACCESS for ELLs, the Alternate ACCESS for ELLs assessment will be available for eligible ELLs with significant cognitive disabilities. All ELLs must participate in the annual statewide English Language Proficiency test as there is no categorical exemption from participation. Assessment trainings are provided by the Director of Assessment and Accountability, the LEA's testing coordinator. Every

school has an assigned testing coordinator who oversees all state-mandated assessments, including ACCESS for ELLs assessment programs.

Describe how parents of ELLs are notified of assessments and testing accommodations. How does the LEA ensure that parents understand Florida's statewide assessments policies, mandates and student outcomes? Please provide links to communications in parents' languages.

<https://sdirc.focusschoolsoftware.com/focus/>

<http://www.fldoe.org/accountability/assessments/k-12-student-assessment/access-for-ells.shtml>

<https://wida.wisc.edu/assess/access>

<https://www.indianriverschools.org/cms/One.aspx?portalId=1549525&pageId=9325266>

The Florida Department of Education provides schools with a letter template to notify parents of upcoming statewide assessments. The letter, available in multiple languages, is sent home with any student who is administered a statewide assessment. The letter includes statements on statewide policies and mandates including, but not limited to, the use of electric devices, acknowledgement of testing rules, and leaving campus. The letter also notifies families that accommodations are available to students who may qualify. In addition, parents of ELL students are notified of testing accommodations (includes flexible setting, flexible scheduling, flexible timing, assistance in the Heritage Language, and the use of the English-to-Heritage language dictionaries/glossaries) in the ELL/ESOL Program Placement and Services notification letter that is sent home annually. Teachers and the designated school-based testing coordinator will utilize and document ESOL testing accommodations as indicated in the state testing administration manuals for ELL students. Test accommodations are provided in accordance with the state test administration manuals and are based upon what the students are utilizing in the classroom settings throughout the school year. A uniform statewide assessment calendar is available on the SDIRC website. The SDIRC website has the capability to select a language other than English by selecting the 'Translate' drop-down menu option. Parents are notified of student assessment results through individualized student score reports as well as interpretive guides. These interpretive guides are available in multiple languages. These score reports may also be reviewed with parents during parent-teacher conferences, with bilingual assistance as needed and as feasible. State assessment results are also available on the student's FOCUS parent portal. After test results are released by the state, each school contacts families via School Messenger automated phone system to inform them that the results are available for pick-up in the school's front office. School Messenger allows for communication in multiple languages.

Section 6: English Language Proficiency Annual Assessment (Rule 6A-6.0903, F.A.C.)

Describe the procedures to determine if ELLs are ready to exit the LEA's ESOL program. Include exiting procedures for all language domains (listening, speaking,

reading and writing), grade-specific academic criteria and data reporting of status change.

Exit criteria is based on assessment scores per 6A-6.0903 F.A.C. and in accordance with the District's Student Progression Plan.

For students in grades K-2 taking any administration of Kindergarten ACCESS for ELLs (ELL Kindergarten students) and ACCESS for ELLs (ELLs in grades 1-2), the English language proficiency level shall be a 4.0 composite score or greater and at least 4.0 in the domain of reading. The exit code is H.

For students in grades 3-9 taking any administration of the ACCESS for ELLs, the English language proficiency level shall be a 4.0 composite score or greater and at least 4.0 in the domain of reading and an achievement level of at least 3 or higher on the FSA ELA assessment. The exit code is I.

For students in grades 10-12 taking any administration of the ACCESS for ELLs, the English language proficiency level shall be a 4.0 composite score or greater and at least 4.0 in the domain of reading and a score on the FSA ELA of 3 or higher or an equivalent concordant score pursuant to 1008.22 F.S. The exit code is J.

For students with significant cognitive disabilities taking any administration of the Alternate ACCESS for ELLs assessment, the proficiency level shall be a P1 composite score or greater and will be exited by an ELL/IEP committee. The exit code is L.

In grades K-12, the ELL Committee may also convene to discuss ESOL program exit when the annual statewide English Language Proficiency Assessment and/or Florida Standards Assessment (FSA) test scores do not meet state exit criteria. The ELL committee must document 2 of the 5 criteria:

- Extent and nature of prior educational or academic experience, social experience, and a student interview;
- Written recommendation and observation by current and previous instructional and supportive services staff;
- Level of mastery of basic competencies or skills in English and heritage language according to local, state or national criterion-referenced standards;
- Grades from the current or previous years; or
- Test results from tests other than the ELL eligibility assessment

The exit code is L.

An exit letter, in the home language when feasible, will be sent to the parents. Former ELL students will be monitored for two years after exit from the ESOL program. The two-year monitoring phase reviews student progress after the first report card, at the end of the first semester, at the end of the first year, and then again at the end of the second year.

What is the title of person(s) responsible for conducting the exit assessments described above? (Check all that apply.)

- School/LEA based testing administrator
- ESOL Teacher/Coordinator
- Other (Specify) ESOL Paraprofessionals; Classroom Teachers; Guidance Counselors

When is an ELL Committee involved in making exit decisions? What criteria are used by the Committee to determine language and academic proficiency?

If ELLs do not meet exit criteria as mandated in 6A-6.0903 F.A.C., the ELL Committee may be convened. The ELL Committee shall review the student's academic record holistically and shall consider the assessment results from the assessment administered under subparagraph (2)(b)2 of 6A-6.0903 F.A.C. and the criteria listed below to determine whether the student is English language proficient and the ELL Committee must document two (2) of the five (5) criteria:

- Extent and nature of prior educational or academic experience, social experience, and a student interview;
- Written recommendation and observation by current and previous instructional and supportive services staff;
- Level of mastery of basic competencies or skills in English and heritage language according to local, state or national criterion-referenced standards;
- Grades from the current or previous years; or
- Test results from tests other than the ELL eligibility assessment

Parents of the ELL students are invited to all ELL Committee meetings. The ESOL Resource Teachers ensure that the exit data is recorded both on the Student ELL Plan form and in the district database (FOCUS - Code: L).

Describe the procedures if an ELL meets exit qualifications in the middle of a grading period.

Exit decisions made in the middle of a grading period or school year require an ELL committee decision based on current data analysis and student evaluations. A listening, speaking, reading, and writing English proficiency assessment will be administered. Based upon student data, including but not limited to the English language proficiency assessments, state assessments, support from other possible program designations (ex: IB, AP, ESE, and GEP), report card grades, unit assessments, and teacher/ parent/ student input, the ELL Committee will determine if the student meets exit requirements. If exit criteria are met, the FOCUS exit code will be L, and the student code will change from LY to LF. An exit letter, in the home language when feasible, will be sent to the parents. Former ELL students will be monitored for two years after exit from the ESOL program. The two-year monitoring phase reviews student progress after the first report card, at the end of the first semester, at the end of the first year, and then again at the end of the second year.

Section 7: Monitoring Procedures (Rule 6A-6.0903, F.A.C.)

During the required two-year monitoring period, what is the title of person(s) responsible for:

Conducting the follow-up performance of former ELLs? School Administration, Guidance Counselors, Teachers, ESOL Resource Teachers, and other support staff, including but not limited to Speech and Language Pathologists, School Psychologists, Behavior Intervention Specialists and the school based MTSS problem solving team.

Updating the student ELL plan? ESOL Resource Teachers

Reclassification of ELL status in data reporting systems? ESOL Resource Teachers

What documentation is used to monitor the student's progress? (Check all that apply)

- Report Cards
- Test Scores
- Classroom Performance
- Teacher Input
- Other (Specify) Educational Plans or Programming, such IEP, Gifted EP, 504 Plan, and Student Portfolios

What are the procedure(s), including possible reclassification, that are implemented when the academic performance of former ELLs is not on grade level?

The District has established a Multi-Tiered System of Supports (MTSS) framework represented by a three-tiered model and specially designed instruction to address student needs identified by school-based teams. SDIRC MTSS school-based teams engage in ongoing problem solving for all students with regard to core curriculum and instruction (Tier 1), supplemental supports (Tier 2), and intensive supports (Tier 3) provided through a multi-tiered framework. The MTSS focus is aimed at maximizing educational outcomes by supporting the academic, behavioral, social, and psychological needs of all students, ELL and non-ELL, within a school community. If the academic performance of former ELLs is not on grade level, the teacher(s) and school administrators of the former ELL student, in coordination with the ESOL Resource Teacher and parents/ guardians, will identify patterns impacting academic performance (e.g. below average or failing grades, poor attendance, behavioral concerns, low test scores, and/or lack of credit) and engage in problem-solving to develop and implement appropriate tiered interventions.

Per 6A-6.09031 Post Reclassification of English Language Learners (ELLs):

(1) The performance of former ELLs shall be reviewed periodically to ensure parity of participation once they have been classified as English proficient. These reviews shall take place automatically at the student's first report card and semi-annually during the first year after exiting, and at the end of the second year after exiting. Any consistent pattern of either under-performance on appropriate tests or failing grades shall result in

the convening of an ELL Committee, after notice to the student's parents of the opportunity to participate. The ELL Committee shall assess the student's need for additional appropriate services, such as ESOL. Special consideration shall be given to any decline in grades and decline in test performance and to parent preference.

(2) The ELL Committee shall recommend an appropriate ELL Student Plan for students reclassified as ELLs. The basis and nature of such recommendations shall be documented and maintained in the student's file. Any such plan shall be reevaluated for continued appropriateness after one year, and each year thereafter as necessary.

(3) Any student who is reclassified as an ELL shall be provided appropriate instruction on the basis of an annual extension pursuant to a documented determination of the student's needs.

(4) A student who exits the program and is later reclassified as an ELL, may be reported in the ESOL program, as specified in Sections 1003.56 and 1011.62, F.S. Lack of a student's ESOL funding eligibility does not relieve a school district of any obligation it may have under state or federal law to continue to provide appropriate services to ELLs beyond the state ESOL program funding limits.

If the ELL Committee determines that the student shall be reclassified as ELL, the student will be coded LY and re-entered into the ESOL program. The ESOL Resource Teacher is responsible for initiating a new Student ELL Plan and updating the student data (student plan date, next evaluation date, and reclassification date) in FOCUS. Original student data (ELL entry, basis of entry code, classification date, DEUSS, HLS) remains the same in FOCUS. The student may be reported in the ELL program based on an annual evaluation of the student's status.

Compliance of ELL Plan and Student Performance

Describe LEA internal procedures for monitoring the ESOL program for compliance and student academic performance.

On an annual basis, the District completes the Florida Department of Education (FLDOE), Bureau of Student Achievement through Language Acquisition (SALA), monitoring process to document the ESOL program's compliance with local, state, and federal regulations. Throughout the school year, District ESOL personnel facilitate ongoing communication with a variety of stakeholders that are integral to ESOL program compliance, including but not limited to district curriculum and instruction personnel, student services personnel, registrars, ESOL teacher assistants, district attendance and student assignment personnel, guidance counselors, school administrators, and classroom teachers. District personnel specifically assigned to support ELLs and district curriculum and instruction personnel provide technical assistance and professional development to instructional and non-instructional personnel to support academic achievement for ELLs and non-ELLs. This technical assistance is guided by monthly FLDOE conference calls, professional development opportunities, conferences specific to ELLs, and state and federal legislation. The SDIRC ESOL department maintains technical assistance guides for ESOL program compliance. Administrative and instructional personnel have access to ELL student data

via FOCUS and Performance Matters databases. MTSS serves as a framework to monitor all students' academic performance and provide for appropriate tiered supports at all school sites throughout the district. The Marzano teacher evaluation system also supports the academic performance of ELL students by specifically addressing the planning and preparation needed to support ELLs in a classroom setting. School based administration monitors for the fidelity of implementation of this specific Marzano element as evidenced by classroom observations and other measures. As described in the SDIRC-IRCEA collective bargaining agreement, professional development opportunities and support through digital learning platforms, face-to-face workshops, and/or third-party professional development opportunities are provided to ensure that instructional staff have the required ESOL certification/endorsement. The Human Resource Department monitors the ESOL certification/endorsement of instructional and administrative staff and reports to the School Board those that are out-of-field after Survey Two (2) and Survey Three (3) periods.

How do school sites, parents and stakeholders have access to the approved District ELL Plan?

The state approved District ELL Plan is available on the School District website for all parents and stakeholders. If requested, hard copies can be provided to parents and other stakeholders. The ELL Plan will be available in English and translated as feasible into the District's dominant languages. The SDIRC website has the ability to toggle between multiple languages. Parent Leadership Council meetings are conducted, on at least an annual basis, to review/ explain components of the District ELL Plan. In addition, ESOL personnel facilitate informal and formal trainings for district and school site staff throughout the year.

How does the LEA ensure that schools are implementing the District ELL Plan?

The District's administrative staff in coordination with school-based and district-based ESOL personnel ensure that schools are implementing the District ELL Plan on an on-going basis throughout the school year. School administrators and staff are informed that the District ELL Plan is available on the School District website, and a hard copy is provided to each school principal and integral staff responsible for monitoring compliance of the District ELL Plan. In addition, ELL staff have on-going communications, in-person and via email, and facilitate consultations for district and school site staff throughout the year. District ESOL staff are available to support school administrators in maintaining implementation fidelity of the District ELL Plan. The district plan is discussed during Parent Leadership Council (PLC) meetings with translators available, as feasible. Principal Supervisors conduct classroom walk-throughs and observations and review student achievement data of all students, ELL and non-ELL.

Section 8: Parent, Guardian, Student Notification and Rights

Describe the procedures used and provide a link to the notice to parents of an ELL identified for participation in a language instruction educational program.

<https://sdirc.focusschoolsoftware.com/focus/>

Per the Every Student Succeeds Act (ESSA) and per state board rule, this notice delineates:

- 1. the reasons for the identification of their child as an ELL and the need for the child's placement in a language instruction educational program;*
- 2. the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;*
- 3. the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;*
- 4. how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;*
- 5. how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;*
- 6. the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for ELLs, and the expected rate of graduation from high school (for students in high schools);*
- 7. in the case of a student with a disability, how such program meets the objectives of the individualized education program of the student; and*
- 8. information pertaining to parental rights that includes written guidance—*
 - a. detailing the right that parents have to have their child immediately removed from such program upon their request;*
 - b. detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and*
 - c. assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.*

In accordance with ESSA, School District of Indian River County (SDIRC) schools will notify parents of an ELL identified for participation in the program no later than 30 days after the beginning of the school year. For those children identified as ELLs during the school year, the district shall notify the parents during the first two (2) weeks of the child being placed in ESOL. Parents will be notified by the District's ESOL/ ELL Program Placement and Service letter, in the parent's native language as feasible; copies of these letters will be maintained in student ESOL folder within the cumulative folder and in the FOCUS Student Services System.

Describe the procedures used by school personnel to provide assistance to parents or guardians of ELLs in their home language.

For those students and parents for whom English is not the primary language, bilingual personnel are available at each school site, where feasible, to provide assistance when needed. A bilingual paraprofessional or teacher is required at schools having 15 or more ELLs who speak the same language. Bilingual personnel are also available at the District Student Services/ Office of Student Assignment Office. Personnel in the District ESOL department will also support the schools with bilingual assistance. Web-based translation technology is available at all school sites and the SDIRC website allows users to select the district's dominant language(s) to translate information. The district's automated phone message system allows for administrators to select student groups by home language in order to send translated messages to parents/guardians. All pertinent verbal and written notification is provided to parents/ guardians in the home language when feasible.

Describe parent outreach activities that inform parents of how they can be involved in their children's education and how they can assist their children to learn English and meet state academic standards.

Pursuant to School Board Policy 5780- Student/ Parent Rights, all education programs, activities, and opportunities offered by the District are available without discrimination on the basis of race, ethnicity, national origin, gender, disability, marital status, sexual orientation, or transgender identity. The mission of the School District of Indian River County is "to serve all students with excellence." To support that mission and the District's Strategic Plan, Family/ Parent Engagement is consistently encouraged throughout the school year utilizing a variety of strategies. The school administrators invite all parents to participate in all parent meetings, Open Houses, Parent-Teacher conferences, climate surveys and various parent committees at their child's school, serving as liaisons with other parents and the community and providing essential input and support for issues. Parents/ families are also encouraged to volunteer in a variety of different capacities at all schools and participate in all family engagement events. Parents of ELL and Non-ELL students are invited to join and attend the School Advisory Council (SAC) meetings. The SAC is representative of teachers, parents, support service employees, students (if appropriate), and other community members, and the membership should reflect the school's ethnic, racial, and economic community. The school's student demographic statistics are used to determine representation of these constituencies, and at least 51% of the SAC membership must be non-district employees, such as parents, students, and community members/business partners. The School Advisory Council in each school serves in an advisory capacity to the school principal in the preparation and evaluation of the school improvement plan required pursuant to Section 1001.452, Florida Statutes. The role of a School Advisory Council is to develop, monitor, and evaluate the school improvement plan which is written or revised annually and submitted to the School Board. Parents have the opportunity to inquire, evaluate, inform, suggest, and make recommendations in order to ensure that a school's plan reflects the goals of the entire school community.

Along with the support all students and families receive at the school level, the District's website includes a variety of information and tools that serve as additional resources for

parents to assist their children in meeting State content and academic achievement standards. Informational fliers are available to parents of the ELL students to advertise courses offered through the district and community's adult education program, including courses to learn English. Membership in the districtwide ESOL Parent Leadership Council (PLC) is open to all parents of K-12 ELL students. Topics presented for discussion may include: District ELL Plan, ESOL program and services, health and social services, school programs and services, parent training programs, assessment information, etc. Efforts are made to assist parents in understanding all information described above by providing bilingual phone calls, bilingual staff and/or translated documents as feasible. Social media is also utilized at both the district and school level to encourage parent/family engagement.

Check the school-to-home communications that are sent by the LEA or school to parents or guardians of ELLs that are in a language the parents or guardians can understand. (Check all that apply. Please provide links to all boxes checked.):

<https://sdirc.focusschoolsoftware.com/focus/>

<http://www.fldoe.org/accountability/assessments/k-12-student-assessment/access-for-ells.stml>

<https://wida.wisc.edu/assess/access>

https://www.indianriverschools.org/students_families

- Results of language proficiency assessment
- Program placement
- Program delivery model option(s)
- Extension of ESOL instruction
- Exit from ESOL program
- Post-reclassification of former ELLs monitoring
- Reclassification of former ELLs
- State and/or LEA testing
- Accommodations for testing (flexible setting)
- Annual testing for language development
- Growth in language proficiency (Listening, Speaking, Reading, Writing)
- Exemption from FSA in ELA for ELLs with DEUSS less than one year
- Retention/Remediation/Good Cause
- Transition to regular classes or course change
- Invitation to participate in an ELL Committee Meeting
- Invitation to participate in the Parent Leadership Council (PLC)
- Special programs such as Gifted, ESE, Advanced Placement, Dual Enrollment, Pre-K, Career and Technical Education, charter schools, and student support activities

- Free/reduced price lunch
- Parental choice options, school improvement status, and teacher out-of-field notices
- Registration forms and requirements
- Disciplinary forms
- Information about the Florida Standards and the English Language Development (ELD) Standards
- Information about community services available to parents
- Information about opportunities for parental involvement (volunteering, PTA/PTO, SAC)
- Report Cards*
- Other (Specify) _____

**If report cards are not available in other languages, please describe how the academic progress of an ELL is communicated to parents/guardians. N/A*

Section 9: The Parent Leadership Council (Rule 6A-6.0904, F.A.C.)

What type(s) of Parent Leadership Council (PLCs) exist in the LEA? (Check all that apply. Please provide links to agenda membership and meetings.)

- LEA Level
- School Level

Please address the functions and composition of the PLC:

The PLC is "composed in the majority of parents of limited English proficient students." If the PLCs in the LEA do not meet this condition, explain why and when compliance with the rule is expected.

Not applicable; the PLC is composed in the majority of parents of limited English proficient students (i.e. parents of ELLs).

How does the LEA involve the PLC in other LEA committees?

Membership in the Parent Leadership Council (PLC) is open to all parents of ELL students. Participation in the PLC is district wide (K-12). ELL parents are invited to attend all district/school committees, such as Parents/Teacher Association, SAC, textbook adoption committees, school-based committees, etc. Informational fliers are delivered, information is available on the website, and bilingual phone messages are sent to parents.

The PLC develops an environment that encourages two-way communication between the home and the school and meets on an annual basis, or as needed;

bilingual personnel are also available to discuss issues that promote school/ district engagement.

How is the LEA PLC involved in the development of the District ELL Plan?

The District ELL Plan is presented at the PLC meetings. Requirements of the ESOL program are explained in an understandable manner for parents/ families. Parents/ families of ELLs are asked during the PLC meetings to make comments or suggestions as to its content, and a parent survey, available in the parents' native languages, when feasible, may also be used to elicit additional feedback from parents. Translators are available to provide language assistance whenever feasible. The District ELL Plan is available on the school district website and will be available in hard copy if requested. Upon completion of the review by the members of the PLC, the PLC Chairperson signs and approves the District ELL Plan.

Does the LEA PLC approve of the District ELL Plan? Yes No

If no, please provide explanation for PLC's non-approval. N/A

Section 10: Personnel Training (Rules 6A-6.0907 and 6A-1.0503, F.A.C.)

Describe how Category I teachers responsible for the English Language Arts and intensive reading instruction of ELLs who are required to obtain the ESOL endorsement/certification are notified of training requirements and opportunities. Include title of person(s) responsible for issuing the notifications and how the process is documented.

ESOL training requirements are mandated by the League of United Latin American Citizens (LULAC) Consent Decree, Florida Statute, and State Board Rule. All certified personnel must complete a specific level of ESOL training according to category classification. This classification can change if the employee's teaching/job assignment changes. Per the SDIRC-IRCEA Collective Bargaining Agreement: XIII.7 ESOL Training - The School Board will continue to provide professional development opportunities and support through digital learning platforms, face-to-face workshops, and/or third-party professional development opportunities. The Professional Development Office and the Human Resources Department (District Certification Analyst) work together to monitor the training status of each teacher, administrator, and guidance counselor. The District Certification Analyst provides the ESOL Training Timelines to administrators and teachers. School-based administrators and the District Certification Analyst notify teachers when they are out-of-field for ESOL.

New hires are informed about the ESOL Training Requirements in writing during the initial orientation session and at the time of hire. ESOL training requirements/ timelines are also posted on the SDIRC website for Category I, II, and III teachers and Category IV staff. Out-of-field assignments are approved by the School Board based on data from the October and February FTE Survey dates. The Professional Development Office and

the District Certification Analyst conduct periodic reviews of the in-service requirements met by of out-of-field teachers. All Indian River County teachers are notified by the Professional Development Department of the ESOL in-service schedule of classes offered by the District. After completing a course(s), there is an In-service Credit Request form that is completed by the teacher and is then submitted along with a copy of the certificate of completion to the Professional Development office. A roster is used to track face-to-face sessions. In-service points are then recorded and processed. Instructional personnel are responsible to submit the required documentation to the Florida Department of Education needed to obtain ESOL certification or endorsement.

Describe how content area teachers of math, science, social studies and computer literacy are notified of ESOL training requirements (60 hours) and opportunities. Include title of person(s) responsible for issuing the notifications and how the process is documented.

Per the SDIRC-IRCEA Collective Bargaining Agreement: XIII.7 ESOL Training - The School Board will continue to provide professional development opportunities and support through digital learning platforms, face-to-face workshops, and/or third-party professional development opportunities. The Professional Development Office, District Certification Analyst, the Human Resources Department, along with the Information Services Department work together to monitor the training status of each teacher, administrator, and guidance counselor in Indian River County. The District Certification Analyst provides the ESOL Training Timelines to administrators and teachers. School-based administrators and the District Certification Analyst notify teachers at their site when they are out-of-field for ESOL. New hires are informed about the ESOL Training Requirements in writing during the initial orientation session and at the time of hire. ESOL training requirements/ timelines are also posted on the SDIRC website for Category I, II, and III teachers and Category IV staff. Out-of-field assignments are approved by the School Board based on data from the October and February FTE Survey dates. The Professional Development Office and the District Certification Analyst conduct periodic reviews of the in-service requirements met by of out-of-field teachers. All Indian River County teachers are notified of the ESOL in-service schedule of classes offered by the District. After completing a course(s), there is an In-service Credit Request form that is completed by the teacher and is then submitted along with a copy of the certificate of completion to the Professional Development office. A roster is used to track face-to-face sessions. In-service points are then recorded and processed. Instructional personnel are responsible to submit the required documentation to the Florida Department of Education needed to obtain ESOL certification or endorsement.

Describe how all other instructional staff are notified of ESOL training requirements (18 hours) and opportunities. Include title of person(s) responsible for issuing the notifications and how the process is documented.

Per the SDIRC-IRCEA Collective Bargaining Agreement: XIII.7 ESOL Training - The Board will continue to provide professional development opportunities and support through digital learning platforms, face-to-face workshops, and/or third-party

professional development opportunities. The Professional Development Office, District Certification Analyst, the Human Resources Department, along with the Information Services Department work together to monitor the training status of each teacher, administrator, and guidance counselor in Indian River County. The District Certification Analyst provides the ESOL Training Timelines to administrators and teachers. ESOL training requirements/ timelines are also posted on the SDIRC website for Category I, II, and III teachers and Category IV staff. School-based administrators and the District Certification Analyst notify teachers at their site when they are out-of-field for ESOL.

New hires are informed about the ESOL Training Requirements in writing during the initial orientation session and at the time of hire. Out-of-field assignments are approved by the School Board based on data from the October and February FTE Survey dates. The Professional Development Office and the District Certification Analyst conduct periodic reviews of the in-service requirements met by of out-of-field teachers. All Indian River County teachers are notified of the ESOL in-service schedule of classes offered by the District. After completing an online course(s), there is an In-service Credit Request form that is completed by the teacher and is then submitted along with a copy of the certificate of completion to the Professional Development office. A roster is used to track face-to-face sessions. In-service points are then recorded and processed. Instructional personnel are responsible to submit the required documentation to the Florida Department of Education needed to obtain ESOL certification or endorsement.

Describe the procedures used when Category I teachers are reported out of field. Include compliance procedures when claiming weighted FTE 130 for core courses.

Teachers who are currently out-of-field and/or out-of-compliance for ESOL training are identified by the District Human Resource Department and the Information Services Department. The District Certification Analyst leads this effort. These teachers are then notified of their status by the principal supervisor and encouraged to complete any remaining ESOL training. Based on data from the October and February FTE Survey, the School Board is notified of out-of-field assignments. All teachers needing ESOL in-service are also notified by the school site Principal and provided information through the Professional Development Department regarding the ESOL in-service schedule of classes. School newsletters, which include information regarding teachers who are currently out-of-field and/or out-of-compliance for ESOL, are disseminated to parents by the school sites after each FTE survey period.

Describe how the LEA provides the 60-hour ESOL training requirement for school-based administrators and the LEA's tracking system that will be implemented.

School-based and District administrators are required to take one of the following 60 hour courses offered by the Professional Development Office: Methods of Teaching ESOL, Curriculum and Materials Development, Testing and Evaluation, Applied Linguistics, Cross Cultural Communications. These courses are offered throughout the school year and/or during the summer. In addition, administrators may complete an online ESOL course specifically designed to satisfy the ESOL requirement for

administrators through CTechEd or Beacon Educator. Administrators are included in the electronic ESOL Compliance data file that is maintained to monitor and document ESOL training according to each individual's timeline. Prior ESOL training, ESOL endorsement, and/or certification for administrators is reviewed by the district's certification specialist to determine if ESOL requirements are met, and if needed, administrators must complete the 60-hour ESOL training within three years of assignment. Completion of training is included in the electronic certification record of each staff member.

Describe how the LEA provides the 60-hour ESOL training requirements for Guidance Counselors, and the LEA's tracking system.

Guidance counselors are encouraged to take one of the following 60 hour courses offered by the Professional Development Office; Methods of Teaching ESOL, Curriculum and Materials Development, Testing and Evaluation, Applied Linguistics, Cross Cultural Communications. These courses are offered throughout the school year and/or during the summer. In addition, guidance counselors may complete an online ESOL course specifically designed to satisfy the ESOL requirement for guidance counselors through CTechEd or Beacon Educator. Guidance counselors are included in the electronic ESOL Compliance data file that is maintained to monitor and document ESOL training according to the timeline. Prior ESOL training, ESOL endorsement, and/or certification for guidance counselors is reviewed by the District's Certification Analyst to determine if ESOL requirements are met, and if needed, guidance counselors must complete the 60 hour ESOL training within three years of assignment. Completion of training is included in the electronic certification record of each staff member.

Describe the supplemental professional development offered by the LEA to ensure that instructional staff are informed of English Language Development standards and best practices.

ELA and content area teachers, as well as school administrators and bilingual paraprofessionals are informed of supplemental ESOL training through the Professional Development Office, administrative newsletter announcements, email notifications and/or on the district's website. These supplemental workshops or activities are provided by district staff, trained ESOL staff, and/or consultants. Although these courses cannot be used towards the state-mandated ESOL trainings, teachers and staff can receive in-service credit when coursework for attending and completing required coursework.

If instruction is provided in a language other than English, describe the procedures that are used to assess teachers' proficiency in the other language and in English.

All instruction is provided in English. School District of Indian River County teachers that provide instruction to ELL students meet district job qualifications and have or are eligible for state teaching certification.

A bilingual paraprofessional or teacher is required at schools having 15 or more ELLs

who speak the same language. Specify the eligibility qualifications required by the LEA for bilingual paraprofessionals. Explain the bilingual paraprofessional's job description and primary assignment.

The primary assignment of the bilingual paraprofessional is to provide instructional assistance to meet the needs of ELL students, to assist with the delivery with comprehensible instruction to ELL students, while supporting the teachers of ELLs and to assist parents of ELLs at the school, when applicable. Bilingual paraprofessionals work under the direct supervision of certified teachers to implement ESOL strategies to support the individual needs of the ELL students. A bilingual paraprofessional or teacher will meet the requirements for the position as described by the federal, state, and district requirements.

Describe LEA procedures for training bilingual paraprofessionals in ESOL or home language strategies. Include how documentation of training is maintained.

Bilingual paraprofessionals are invited to participate in professional development opportunities offered at their school site and throughout the district. Documentation of training is maintained by the Professional Development office by an on-line workshop registration site and/or a hard copy roster that includes the paraprofessional's name, date of training, and a description of the training.

Describe the procedures to determine the bilingual paraprofessional's proficiency in English and in the heritage language of the students served.

One of the job requirements of the ESOL Paraprofessional position is that the applicant/paraprofessional is bilingual in a target language(s). Bilingual ESOL program staff and/or school district personnel are members of the interview committee to ensure that the applicant is proficient in the target language. Interview questions are addressed in English and/or the target language during the interview. Applicants are expected to verbally respond to the question(s) in both English and the target language. A written performance assessment may be required as part of the interview process. The applicant must show evidence of proficiency of written language in both English and the target language.

Section 11: Extension of Services (Rule 6A-6.09022, F.A.C.)

Describe LEA procedures used to determine extension of services, including appropriate timeline based on DEUSS. Explain the role of the ELL Committee and what supporting documentation is used in determining if continued ESOL services are necessary.

Three (3) years after the date of an ELL's initial enrollment in a school in the United States (DEUSS), an ELL Committee shall be convened annually to re-evaluate the student's progress towards English language proficiency, and then accordingly

determine if extension of ESOL services are needed. The ELL Committee shall be convened no earlier than thirty (30) school days prior to the third anniversary of the student's initial enrollment date in a school in the United States, (DEUSS) and no later than the anniversary date, unless the student's anniversary date falls within the first two (2) weeks of any school year. Then, the ELL committee may convene no later than October 1. This process shall be completed annually thereafter. Any student being considered for extension of services shall be assessed on at least one (1) District approved language proficiency assessment instrument. The assessment shall be administered no earlier than thirty (30) school days prior to the student's DEUSS anniversary date and covers all four domains of listening, speaking, reading, and writing. If the student's anniversary date falls between the release of the statewide English Language Proficiency assessment and applicable statewide standardized assessment scores in a given school year and October 1 of the following school year, the student's statewide English Language Proficiency assessment and applicable statewide standardized assessment scores will suffice, and a more recent assessment is not required.

The following procedures are followed during an Extension of Services ELL Committee meeting:

- ELL Committee convenes to holistically review the student's recent language proficiency assessment, report cards, performance on district/state assessments, parent/teacher input, number of years the student has been enrolled in the ESOL Program and any other social-emotional factors necessary.
- Possible ELL Committee outcomes:
 - The ELL Committee may determine that the student has not yet attained English proficiency and requires an extension of services in the ESOL program.
 - The ESOL Resource Teacher is responsible for initiating a new Student ELL Plan if Extension of Services is recommended.
 - The ELL Committee may also recommend that the student be referred to MTSS for further interventions and support.
 - The ELL Committee may determine that the student is English proficient and exit the student from the ESOL Program.
 - The student will be monitored for appropriate progress for 2 years as a former ELL (LF).
 - The ELL Committee may also recommend that the student be referred to MTSS for further support and interventions.

Listening and Speaking Proficiency Assessment

List the Listening and Speaking assessment(s) used in the LEA to determine if a student is English proficient for extension of services.

- LAS Links, Form A, Grade clusters K-1, 2-3, 4-5, 6-8, 9-12
- ACCESS for ELLs Kindergarten

- ACCESS for ELLs (Grades 1-12)
- Alternate ACCESS for ELLs
- IPT Listening/Speaking
- WIDA screener

Reading and Writing Proficiency Assessment

List the Reading and Writing assessment(s) used in the LEA to determine if a student is English proficient for extension of services.

- LAS Links, Form A, Grade clusters K-1, 2-3, 4-5, 6-8, 9-12
- ACCESS for ELLs Kindergarten
- ACCESS for ELLs (Grades 1-12)
- Alternate ACCESS for ELLs
- Florida Standards Assessment
- IPT Reading/Writing
- WIDA Screener

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FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Indian River

**EXCEPTIONAL STUDENT EDUCATION
POLICIES AND PROCEDURES (SP&P)**

EFFECTIVE DATE:

2018-2019 through 2020-2021

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
 Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
 Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Section A.2: Legal Requirement Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
 - Names of personnel trained
 - Description of training received
 - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards**Schools shall:**

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
 - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.
 - Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
 - Obtaining the parent's signed acknowledgement of receipt of the notification.
 - Maintaining the documentation of the parent's signed acknowledgement of notice.
- Follow procedures for written incident reporting, including, but not limited to:
 - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
 - Obtaining the parent's signed acknowledgement of receipt of the incident report.
 - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

- The district has made no changes to their policies and procedures regarding the use of restraint and seclusion.
- The district has made changes to their policies and procedures regarding the use of restraint and seclusion.
- This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

- In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.
- This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

- In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.
- This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Section A.3: Requirements Related To Documenting and Reporting Incidents of Restraint and Seclusion**Documentation and Incident Reporting**

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
 - a. The name of the student restrained or secluded
 - b. The age, grade, ethnicity, and disability of the student restrained or secluded
 - c. The date and time of the event, and the duration of the restraint or seclusion
 - d. The location at which the restraint or seclusion occurred
 - e. A description of the type of restraint used in terms established by the FDOE
 - f. The name of the person(s) using or assisting in the restraint or seclusion of the student
 - g. The name of any nonstudent who was present to witness the restraint or seclusion

h. A description of the incident, including the following:

- i. The context in which the restraint or seclusion occurred
- ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
- iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
- iv. What occurred with the student immediately after the termination of the restraint or seclusion
- v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
- vi. Evidence of steps taken to notify the student's parent or guardian

6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Section A.4: District Procedures Related To Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. (*Charter schools, DJJ facilities, and contracted residential facilities must be included.*)

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

A school-based Behavior Intervention Specialist (BIS) is assigned to each school in Indian River County. School staff involved in a student restraint are required to immediately notify the BIS whenever a restraint occurs on campus. BIS most frequently are radioed as a crisis situation is occurring and assists or monitors any necessary emergency procedures. If the BIS is not present, staff complete a restraint information form and notify BIS at the earliest opportunity. The BIS in each school is responsible for completing all necessary reporting requirements and ensuring the parent is notified. The BIS makes every effort to complete the DOE report on the day of the incident. If the BIS cannot complete the DOE report before the end of the school day, the BIS prepares the district notification letter to send home in lieu of the DOE report. This notification letter is given directly to the parent, sent home in the student's agenda or mailed home. The BIS maintains a file of all documentation regarding the restraint, including copies of notification letters, letters of receipt of DOE report signed by parent, and log of any parent contact or attempts to contact (in writing, by phone or face-to-face) regarding the restraint. BIS retains this information for the length of the current school year. Parent signatures confirming notification may be obtained at a conference, at pick up or drop off, or via the student.

b. Specify personnel (by role or title) responsible for preparing the written notice.

The Behavior Intervention Specialist (BIS) is responsible for inputting and monitoring restraint procedures in the school to which they are assigned, and as such is responsible for preparing the written notice, as well as the DOE online report. The BIS is a school-based employee who is school based and responsible for behavioral programming at the school to which he or she is assigned. All BIS receive formalized training in restraint and restraint procedures. In the event that the school-based BIS is off campus the day of the restraint, the staff person who led the restraint would inform the building principal or assistant principal, who would provide staff with the notification report and assist as needed with completion.

c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

The Behavior Intervention Specialist (BIS), in collaboration with the teacher of record, attempts to contact the parent by phone immediately following the restraint. The parent is asked to come in to discuss the incident, review the documentation and sign the acknowledgement page. If the parent cannot be reached by phone or e-mail, the notification letter or DOE report is sent home with the student.

d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

A copy of the signed acknowledgement is retained by the school-based BIS, with a copy of the signed acknowledgement also being forwarded to the District ESE Program Specialist who oversees restraint incidents and reporting. The District ESE Program Specialist maintains an electronic copy of the parent acknowledgement. If signed acknowledgement is not received the school day following a restraint incident, another phone call and/or e-mail to the parent is made. The BIS logs all contacts and attempts to contact parents regarding a restraint incident, and what form of attempt (phone call, e-mail, letter, etc....) was made.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

a. Specify personnel (by role or title) responsible for preparing the incident report.

Each school's Behavior Intervention Specialist (BIS) is responsible for preparing the DOE incident report, as well as maintaining documentation of all phone calls, e-mails, written correspondence and conferences pertaining to any restraint at that school.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

In most cases the DOE incident report is provided to the parent (either in person at the school or via the student) on the day of the restraint. If the parent does not receive the incident report in person at the school, it is mailed within three school days. If signed acknowledgement is not received the next school day after a report is sent home, the BIS will make a follow-up phone call, to ensure parent has received report and to remind them to sign and return acknowledgement. If the parent reports they received the report but forgot to return the acknowledgement, the BIS will log this information and offer another copy of the report, if needed. If the parent reports they have not seen the report, BIS arrange with parent their preferred method of receiving the report (through student, by mail or in person). If the BIS cannot reach parent by phone or e-mail, the report will be sent by certified mail. All attempts to provide parent with the DOE incident report are logged in the BIS's emergency procedures log.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

Most signed acknowledgement forms are received directly from the parent (at pick-up, drop-off or in conference), or via the student when the incident report is sent home in their agenda. The Behavior Intervention Specialist (BIS) collects and maintains all acknowledgement forms, along with copies of all reports, correspondence, and contacts relating to all restraint incidents in his or her school. For each restraint incident, this file includes: - Student's name - Date and time of incident - Duration of restraint - Name of person notifying parent - Date and time of verbal notification - Date written notification paperwork sent home - Date DOE incident report sent home - Method of delivery of DOE incident report - Date of receipt of signed acknowledgement Multiple copies of the report will be mailed to parent or sent home via the student if a signature is not easily obtained or captured at a conference. The school social worker or attendance officer may be involved to conduct a home visit and secure a signature. In the unlikely event that a parent refuses to sign the written notice, the BIS will ask the parent to write a statement and sign that they are refusing to sign. If the parent refuses to provide such a statement, the District Program Specialist or designee may contact the parent.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in charter schools, DJJ facilities, and contracted residential facilities?

There are currently no DJJ facilities or contracted residential facilities within or associated with the district. The same procedures related to restraints and reporting of restraints are utilized in the district's charter schools. Each district charter school designates the specific school-based staff responsible for overseeing restraint incidents and reporting restraint incidents per district procedures.

Section A.5: District Procedures Related To Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

The school-based Behavior Intervention Specialist is responsible for collecting data in the web-based reporting system within the school. At the school level, restraint incidents, are reported to administration. At the district level, restraint incidents are reported to the assigned Program Specialist. A monthly summary of restraint data is provided by the assigned Program Specialist to the Director of Exceptional Student Education.

Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

The assigned District ESE Program Specialist reviews the website within 24 hours to review documentation of incident. The assigned District ESE Program Specialist maintains a log of all incidents reviewed with school sites and/or with district personnel. The assigned District ESE Program Specialist reviews restraint data on a monthly basis or as needed with school-based reporters. The assigned District ESE Program Specialist reviews records at school site and completes a compliance checklist to ensure restraint reporting fidelity on a quarterly basis. The assigned District ESE Program Specialist shares data with school-based Behavior Intervention Specialists at monthly meetings. Compliance checklists and incident data will be shared with ESE and Student Services administrative team quarterly. The Director of ESE shares district data with the during Curriculum and Instruction Director's meetings on a quarterly basis.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. (*Charter schools, DJJ facilities, and contracted residential facilities must be included.*)

Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Site visits from district personnel with BIS occur every quarter and restraint documentation will be reviewed as well as their logs regarding parent's written acknowledgements.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

After the first time a student is restrained during a school year, the BIS will review restraint documentation with their school leadership team as well as the staff who were working with the student immediately before and during the restraint. Antecedent strategies (e.g., adjusting the student's schedule, where they sit, etc...) will be considered to minimize the need for restraint. If a student is restrained more than one time during a school year, a problem solving team, including a building administrator, BIS, teacher and others working with the student during the previous restraints, will be convened after each subsequent restraint. The problem solving team will complete an Emergency Procedures Incident Review developed by the district. This process involves the completion of a questionnaire to help identify possible setting events, antecedents and reinforcing consequences to the behaviors leading to the restraint, and to determine the appropriateness of the procedure used and safety factors involved. The ESE Program Specialist will be invited to attend all Emergency Procedure Incident Reviews held by school teams. The ESE Program Specialist may also request that the school-based SSS convene an Emergency Procedures Incident Review following an initial restraint, if upon review of the incident report, it is deemed appropriate. The ESE Program Specialist will request an Emergency Procedures Incident Review after every prone restraint. District data will be compiled by ESE Program Specialist and reviewed by the Exceptional Education Department every other month and a report will be provided to ESE Director to be reviewed with the district personnel in the Curriculum and Instruction department.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Information related to restraint data will be monitored and shared with school and classroom personnel by the school-based Behavior Intervention Specialist (BIS). When identified as needed through data, revisions to the student's Behavior Intervention Plan, including associated effective behavioral strategies and instructional practices will occur, and required Emergency Procedures Incident Reviews will be conducted.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings. (*Charter schools, DJJ facilities, and contracted residential facilities must be included.*)

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

Indian River County Schools is currently offering two selected crisis intervention training programs to selected groups working with students with disabilities. Guidelines for selecting a training program as outlined in the 2011 FLDOE Technical Assistance Paper regarding restraint and seclusion were used as a basis for selection. Professional Crisis Management (PCM) is a rigorous 22 hour crisis management training being used with our self-contained populations which data shows are most frequently restrained. PCM is a program with an emphasis on prevention, de-escalation, and has very strict guidelines on how and when to use physical restraint. The program includes escort and personal safety techniques, and guidelines for re-integrating a student into the classroom routine after a crisis. Our data indicates that most of our schools and populations have low rates of restraint. For those schools and populations, SDIRC has selected Crisis Prevention Institute Nonviolent Crisis Intervention (CPINCI) training. CPINCI, while less rigorous, also teaches de-escalation strategies, personal safety procedures, and the use of restraint for safety only.

Describe how the district implements professional development on the selected training program(s).

Professional development on the selected training programs are provided on an ongoing basis through flexible scheduling at the district level throughout the school year. Additionally, schools are encouraged to request individual training for their school-based crisis response team, with trainings coordinated and scheduled by district staff trainers in response to the requests.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

Currently, there is one district ESE staff person who is certified to train staff in Professional Crisis Management (PCM), and two district ESE staff persons who are credentialed to train staff in Crisis Prevention Institute Nonviolent Crisis Intervention (CPINCI) management techniques. The trainers for each training program maintain a log of those who have successfully completed either program, their date of initial program completion, and the date by which they must complete a recertification (in PCM) or refresher (in CPINCI) course. The district trainers provide copies of their logs, with periodic updates, to the district ESE Program Specialist. PCM and CPINCI initial and recertification/refresher courses are scheduled as needed to ensure that all targeted staff have the opportunity to gain and maintain their certification (PCM) or credential (CPINCI). To further increase training capacity, SDIRC is contracting with a community-based PCM instructor, and in December 2014 is sending an additional district staff person to be certified as a PCM instructor.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

For those who are certified PCM practitioners, a yearly 8-hour recertification course is required to maintain certification. As in the initial course, the practitioner must pass a written and practical exam to maintain certification. The district PCM instructor maintains a log of PCM-certified staff, and ensures that a re-certification course is offered before the end of the re-certification period. For staff who have completed CPINCI training, the district schedules 4-hour refresher courses at intervals throughout the school year to ensure that those who have completed the initial training have retained the skills and information from that training.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

Each school site with a self-contained program for students with autism spectrum disorder (ASD) or emotional and behavioral disorders (EBD) are required to have a team certified as Practitioners in Professional Crisis Management (PCM). Other self-contained programs that have a history of a high number of restraints or of lengthy restraints may also be targeted by the district to send a team to be certified in PCM. Team members are to include the school's Behavior Intervention Specialist (BIS), a classroom teacher and one instructional aide from each self-contained classroom. A building administrator is also encouraged to become certified. Selected staff at the Alternative Center for Education (ACE) and at any school where data indicates high levels of behavior issues are required to complete a Crisis Prevention Institute Nonviolent Crisis Intervention (CPINCI) training course. Building administrators of targeted schools are encouraged to participate. Additional personnel who are working with students with or without disabilities who are exhibiting behaviors that put them at risk of harming themselves or others may also be included in PCM or CPINCI trainings. This will be determined by school administrators and Behavior Intervention Specialists in conjunction with District ESE Program Specialist.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

Charter Schools in the district are offered training in Crisis Prevention Institute Nonviolent Crisis Intervention (CPINCI) management techniques. To date, none of the Charter Schools in the district have reported the use of restraint to the ESE Program Specialist.

If no, indicate by charter school the name of the crisis management program used?

n/a

Section A.6: District Plan Related to Reducing the Use of Restraint**Does the district prohibit the use of restraint?**

- Yes
 No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The School District of Indian River County established a restraint reduction goal of 10% for the 2018-19 school year for the overall student population.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:

- a. Additional training in positive behavioral support and crisis management
- b. Parental involvement
- c. Data review
- d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
- e. Additional student evaluations
- f. Debriefing with staff

g. Use of schoolwide positive behavior support

h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

92

Total number of incidents of restraints for the 2017-18 school year.

87

Indicate the percentage of increase or decrease in the 2017-18 rate.

5% decrease

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

The district has moved towards an emphasis on providing training on less restrictive restraint procedures (i.e., Crisis Prevention Institute Nonviolent Crisis Intervention), and has intentionally limited training to staff on more restrictive procedures (i.e., Professional Crisis Management) to those staff serving classrooms with students likely to demonstrate significant behavioral needs.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The School District of Indian River County established a restraint reduction goal of 10% for the 2017-18 school year for the overall student population. Given the observed 5% decrease in restraint incidents, the aforementioned goal was not attained. However, the previous year's goal was exceeded by more than double (23% reduction), and the district continues to observe a decline in the amount of restraints overall.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

There were two students in the district restrained 15 times or more during the 2017-18 school year. Both students attend the district's separate day school. Each classroom is served by a registered behavior technician whose primary responsibility is to provide behavioral intervention supports. The lead behavior specialist on the campus is a Board Certified Behavior Analyst and keeps staff members certification in Professional Crisis Management updated annually. Each classroom utilizes a level system and behavioral reinforcement identified based on individual student needs. In addition, the team conducts a restraint review per incident for every restraint conducted after the second restraint per student.

Does the district have a policy in place that prohibits the use of prone restraint?

- Yes
 No

If not, describe how and when prone restraint is being used.

Prone restraints are utilized when a student engages in continuous aggressive or continuous self-injurious behavior, and the safety of students and staff cannot be maintained by using less restrictive procedures. This may be due to the student's size, physical strength and agility, or the intensity of the behavior. Students with whom prone procedures are used generally have a history of causing injury to themselves or others, or are engaging in behavior that has a high probability of causing injury. This has included behaviors such as biting with force, hitting or kicking that has led to need for medical treatment of others.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

An emergency procedures incident review will be conducted after every prone restraint of a student with a disability or when a student has reached two or more restraint incidents. This process developed by the district involves the completion of a questionnaire by a problem solving team including the school's Behavior Intervention Specialist, one administrator, and staff who were working with the student before and during the prone restraint. The problem solving team must complete a questionnaire to help identify possible setting events, antecedents and reinforcing consequences to the behaviors leading to the restraint, and to determine the appropriateness of the procedure used and safety factors involved. A District Program Specialist or designee will be invited to attend all emergency procedures incident reviews. The District Program Specialist or designee will attend all emergency procedures reviews whenever a student has had two or more restraints.

Does the district have a policy in place that prohibits the use of mechanical restraint?

- Yes
 No

If not, describe what mechanical restraints are being used and how they are being used.

N/A

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

The following data was disaggregated in relation to restraint incidents for the 2017-2018 academic year: During the 2017-2018 academic year there was a total of 87 restraints district-wide, with a total of 29 students being involved in restraint incidents. Across the district, 10 schools reported at least one restraint incident of a student with a disability. 62% of the restraint incidents that occurred took place at the separate day school serving students with highly intensive cognitive and behavioral needs (54 restraint incidents, 10 students). When examining the data related to percentage of total students with specific primary exceptionalities involved in restraint incidents, the following percentages were observed: ASD - 24%; EBD - 34%, OHI - 17%, Section 504 - 17%, InD - 8%. When examining the data related to percentage of students with specific racial/ethnic backgrounds involved in restraint incidents, the following percentages were observed: White, non-Hispanic - 50%; Black, non-Hispanic - 38%; Hispanic - 8%, Asian/Pacific Islander - 4%. When restraint incidents were analyzed by restraint type, the following numbers were observed: Immobilization in Transport - 1, Mechanical - 2, Prone - 58, Seated - 18, Standing - 6, Supine - 2, . In addition, the specific restraints by type were examined as related to primary exceptionality and race/ethnicity. The percentage breakdown of specific types of restraints by primary exceptionality and race/ethnicity are as follows: Prone restraint by primary exceptionality: ASD - 12%, EBD - 34%, InD - 26%, OHI - 28% Prone restraint by race/ethnicity: Black - 79%, White (non-Hispanic) - 19%, Hispanic - 2% Seated restraint by primary exceptionality: ASD - 17%, EBD - 6%, InD - 22%, OHI - 22% 504 - 33% Seated restraint by race/ethnicity: White - 72%, Black - 11%, Hispanic - 17%, Standing restraint by primary exceptionality: EBD - 33%, InD - 17%, OHI - 17%, 504 - 33% Standing restraint by race/ethnicity: Black - 67%, White (non-Hispanic) - 17%, Hispanic - 17%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

From the data, it was observed that at our school serving students with highly intensive cognitive and behavioral disabilities, there were a small number of students who exhibited repetitive restraint incidents. As a result strategies related to individual problem solving for these students (i.e., district level case reviews, Emergency Procedures Incident Reviews) were implemented. Additionally, to reduce districtwide restraint rates, an emphasis on preventative strategies and less restrictive restraint procedures occurred.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

During the 2016-2017 academic year, a measurable annual goal of a 10% reduction in restraint incidents was established, with a 23% reduction in restraint incidents realized. Given the sharp reduction in restraint incidents during the 2016-2017 academic year and similar overall student population during the 2017-2018 year, it was determined that approximately half of the currently observed percentage decrease would be a reasonable goal for percentage reduction for the current academic year, with a 5% reduction realized. Based upon the sharp decrease two years ago, and the 5% decrease last year, the goal for restraint reduction was again set for a 10% reduction for the 2018-2019 academic year.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

The district utilizes the following strategies and activities to reduce the use of restraint: 1. Ongoing opportunities for staff and teacher training in verbal de-escalation strategies 2. Improvements in the Positive Behavioral Intervention and Supports frameworks across the district through district-supported professional development and targeted coaching supports. 3. District level case reviews with the Behavior Intervention Specialist Team in relation to students with high intensity behavioral needs or repeated restraint incidents. 4. School-based Emergency Procedures Incident Reviews for prone restraint incidents or students demonstrating a pattern of restraint incidents. 5. Use of individually developed student supervision/safety plans 6. District wide focus and emphasis on less restrictive restraint procedures (i.e., Crisis Prevention Institute Nonviolent Crisis Intervention)

Describe the resources that are a part of the district's plan to reduce the use of restraint.

The following resources, including personnel resources, are part of the district's plan to reduce the use of restraint: 1. Behavior Intervention Specialist personnel serving at each school, with emphasis on preventative behavioral supports 2. District-supported training for verbal de-escalation techniques and emergency incident management 3. Increased the number of CPI trainers supporting district-provided trainings 4. Professional development and coaching supports provided through the district and USF for the implementation of Positive Behavioral Interventions and Supports framework 5. District ESE Program Specialist assigned to provide mentoring and technical support for district wide and school behavioral programming.

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

- Yes
 No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing of the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:

- a. Additional training in positive behavioral support and crisis management
- b. Parental involvement
- c. Data review
- d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
- e. Additional student evaluations
- f. Debriefing with staff
- g. Use of schoolwide positive behavior support
- h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction of seclusion and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded).

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-19 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement

- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646

Chapters 468, 486, 490 and 491, F.S.

Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572,

1006.03, 1011.62, 1012.32 and 1012.321, F.S.

Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

- Provide services until the day the student turns twenty-two (22)
- Provide services until the end of the semester in which the student turns twenty-two (22)
- Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

- Yes
- No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

- Yes
 No

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected:

- I have read and understand the above information.
 This section is not applicable for the Department of Corrections.

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
 - a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
 - b. Speech-language pathologists licensed under s. 468.1185.
 - c. Occupational therapists licensed under part III of chapter 468.
 - d. Physical therapists licensed under chapter 486.
 - e. Psychologists licensed under chapter 490.
 - f. Clinical social workers licensed under chapter 491.

2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private

instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.

3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
 - a. The student's public instructional personnel and principal consent to the time and place.
 - b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

- Yes
 No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

St. Lucie County. Services provided: services for hearing impaired students who required a specialized hearing impaired program.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

- Yes
 No

If the answer to the above question is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

N/A

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

- Yes
 No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

The School District of Indian River County works collaboratively with the Indian River County Jail to provide educational programs for students with disabilities who are in jail. The school district maintains a collaborative relationship between a designated school social worker and a designated educational liaison at the county jail. The county jail educational liaison will notify the designated school social worker when an enrolled school-age student is incarcerated within the Indian River County jail. The designated educational liaison will provide the school social worker with student name, phone number and contact information, address of the facility, and information pertinent to the terms of incarceration. The designated school social worker will determine if the student is identified with a disability via the district student information system database. The social worker will contact the Coordinator of Home-Based Instruction Services to coordinate and develop a plan for service delivery based on individual student needs. The Coordinator of Home-Based Instruction Services will make contact with the educational liaison at the Indian River County Jail to establish a schedule to provide educational services within the Indian River County Jail. The Coordinator of Home-Based Instruction Services will notify and work with the student's school-based resource specialist at which the student is enrolled. The Coordinator of Home-Based Instructional Services or designee will make arrangements to obtain the student's assignments and materials to be completed/utilized while incarcerated. Educational services will be provided at the Indian River County Jail as scheduled during the incarceration period. The educational services provider will document the services delivered on a log as evidence of Free Appropriate Public Education (FAPE) during the period of incarceration.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending

school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.

3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.

Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
 - a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
 - b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
 - c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
 - d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
 - a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.

- b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
- c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.
- d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.
- e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.
- f. Has written procedures for admission, dismissal, and separation of students, if appropriate.
- g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.
- h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.
- i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).
- j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:
 - a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.
 - b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.
 - c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.
 - d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.
 - e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.
 - f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.
 - g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.
 - h. Identification of financial responsibility.

- i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.
- j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.
- k. Provision for terminating the contract.
- l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.

5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

- Yes
 No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

NA

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

NA

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Florida Department of Education, Bureau of Exceptional Education and Student Services.

NA

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
 - a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
 - a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
 - A response from the district for reasonable explanation and interpretation of the records
 - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
 - Have a representative of the parent inspect and review the records
 - b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
 - c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
 - d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
 - e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
 - f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
 - a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.

- b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
- c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
- d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
- e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.
- f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

- a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.
- b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.
- c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

- a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.
- b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.
- c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.
- d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

- a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.
- b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

- a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:
 - The right to review and inspect the student's education records, including the procedures to exercise this right
 - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
 - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent

- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536

Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.

Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

- o Upon initial referral or the parent's request for an evaluation
- o In accordance with the discipline procedures when a change of placement occurs
- o Upon receipt of the first state complaint in a school year
- o Upon the receipt of the first request for a due process hearing in a school year
- o Upon the parent's request to receive a copy

- o In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

One of the following must be selected:

- The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.
- The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

- o Upon initial referral for evaluation
- o Upon refusal of a parent's request to conduct an initial evaluation
- o Upon notification of each educational plan meeting
- o Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following must be selected:

- The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted , as posted on the Department's website to inform the parents as required.
- The district will use a different notice of procedural safeguards for parents of students who are gifted to inform the parents as required. A copy of this notice is located in Appendix A.2
- This requirement is not applicable for the Department of Corrections.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

The School District of Indian River County's procedure is to convene a resolution meeting with the parent and relevant members of the IEP team within 7-10 days of receipt of a request for a due process hearing, unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Section C.2: Parental Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.

5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320

Chapter 744, F.S.

Section 393.12, F.S.

Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A-6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
 - a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.

- b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519

Sections 39.0016 and 1002.22, F.S.

Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
 - a. Must be at least 18 years old.
 - b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
 - c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
 - This prohibition includes group home staff and *therapeutic* foster parents.
 - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
 - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
 - d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
 - a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
 - b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
 - c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.

- d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.
- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
 - The court must accept a surrogate parent duly appointed by a district school superintendent.
- e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.
- f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.
- g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.
- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
 - At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.
- h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:
- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
 - The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
 - The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
 - The appointed surrogate no longer wishes to represent the child or is unable to represent the child
 - The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
 - The child moves to a geographic location that is not reasonably accessible to the appointed surrogate
- i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

- a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs
- b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child
- c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.

6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected:

- I have read and understand the above information.
- This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

To locate and identify individual(s) who are serving in the legal parent/guardian capacity for a student, the district will work in collaboration with the Department of Children and Families (DCF) and group/foster home placements, if applicable. The school-based ESE Resource Specialist is responsible for making attempts to gather this information from DCF and/or group/foster home placements and documenting attempts in the student's cumulative folder. Additionally, any obtained or subsequent documentation related to guardianship will be placed in the student's cumulative folder. The potential need for a surrogate parent is identified in situations in which parent/guardian notification, consent, or participation is needed to address individual student needs and when, after reasonable efforts, no parent can be located, or when a court of competent jurisdiction over a child has determined that no person has the authority under the Individuals with Disabilities Education Act, including the parent or parents subject to the dependency action, or that no person has the authority, willingness, or ability to serve as the educational decision maker for the child without judicial action, the district identifies the need for assigning a surrogate parent. 1. The Superintendent first considers selecting the child's Guardian Ad Litem (GAL) as the surrogate parent, if a GAL has been appointed by the court as a surrogate parent for the child. 2. If a GAL has not been appointed, then the Superintendent considers the following to serve as an surrogate parent: a. The Superintendent recognizes any court appointed surrogate. b. The Superintendent identifies whether the child has a foster parent, non-relative caregiver, or relative caregiver with whom he/she is living. c. The Superintendent identifies whether the child has a Guardian Ad Litem who is certified as an educational surrogate. d. If a foster parent, court-appointed surrogate parent, qualified biological parent (meaning no termination of rights, no adverse finding by the dependency judge regarding the authority to make decisions), non-relative caregiver, relative caregiver, or GAL educational surrogate cannot be found for the student, the Superintendent appoints surrogate parent. *The term "Superintendent" denotes the district's superintendent or designee.

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

The School District of Indian River County recruits surrogate parents through the Indian River County Retired Educators Association. The president of the organization is contacted to arrange an opportunity to speak to the group. Information regarding the roles, responsibilities, and training of surrogate parents is shared. A list of surrogate parents is generated from organizational members who agree to become surrogate parents. Training of surrogate parents is facilitated by school district staff who are knowledgeable about elements of the ESE process such as evaluation, eligibility determination, and IEP development and revision. The facilitator is also familiar with informal and formal methods of conflict resolution and with district-specific ESE policies, procedures, and forms. Finally, the facilitator is also an advocate for the role of parents in the ESE process. Training available for surrogate parents, is as needed and depending on the needs of the particular students they represent, such as students who are gifted, students who are incarcerated in juvenile justice facilities, and students ages 14 and above. The training consists of the following topics: - Introduction to the surrogate parent program - Overview of exceptionalities - Exceptional Student Education in Florida - Exceptional education evaluation, identification, and eligibility and the provision of a free appropriate public education - Individual Educational Plan (IEP) process - Procedural Safeguards - Confidentiality of student records (including the provisions of the Federal Educational Rights and Privacy Act) - Information and assistance available to surrogate parents The School District of Indian River County uses the Department of Education Technical Assistance and Training handbook titled: Surrogate Parents for Exceptional Students Technical Assistance and Training Handbook for Florida School Districts.

Section E: Individual Educational Plans and Educational Plans for Transferring Exceptional Students**Statutory and Regulatory Citations**

34 CFR §§99.31 and 300.323

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

- a. Adopts the student's IEP or EP from the previous school district.
- b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program

If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

- a. Adopts the student's IEP or EP from the previous school or school district, or
- b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

- a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.
- b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears®, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154

Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
 - a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
 - b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
 - c. May not use a student's benefits under a public insurance program if that use would (any of the following):
 - Decrease available lifetime coverage or any other insured benefit.
 - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
 - Increase premiums or lead to the discontinuation of benefits or insurance.
 - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
 - d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
 - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
 - The purpose of the disclosure, such as the purpose of billing for services
 - The agency to which the disclosure may be made
 - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
 - e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
 - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
 - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
 - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.
 - A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain

parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310

Sections 1008.25 and 381.0056, F.S.

Rules 6A-6.03018, 6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

- a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

- b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an

evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions

- o The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
- o The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
- o Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
- o The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.

6. General education interventions are **not** required for the following:

- o Children younger than kindergarten-entry age who are not enrolled in kindergarten
- o Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
- o Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
- o Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

- Yes
 No

If yes, how can this document or website be accessed?

It is accessed through our District Intranet site for all users in SDIRC.

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

NA

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Tier 1 •(Academic Tools): iReady Diagnostic Assessment (K-8), iReady Growth Monitoring Assessments (K-8), District Unit Assessments (grades 3-10), School-Developed Formative Assessments with Unify or Standards Mastery, School-wide Writing Prompts, AimsWeb Benchmarks- high schools (FSA level 1&2), STAR (kindergarten), End-of-Course Exams •(Behavioral Tools): Early Warning Indicators (i.e., Office Discipline Referrals, Out-of-School Suspensions, In-School Suspensions, Tardy Rates, Attendance Rates, Course Failures), School Climate Surveys, PBIS reports Data is collected at intervals prescribed by the District Curriculum and Instruction Department and reviewed upon completion by a team from the District Curriculum and Instruction Department as well as each school-based team led by the principal. Tier 2 •(Academic Tools): iReady Growth Monitoring, Dynamic Indicators of Early Literacy Skills, AIMSweb, Mastery Assessments included in intervention protocols, LLI BAS screenings, •(Behavioral Tools): Early Warning Indicators (i.e., Office Discipline Referrals, Out-of-School Suspensions, In-School Suspensions, Tardy Rates, Attendance Rates, Course Failures), Tier 2 Behavior Intervention Plan Data Data is typically collected every other week and reviewed every 10-12 weeks by a school-based team of teachers and their instructional coaches and/or administrators. Students showing inadequate progress toward the predetermined goals at this level of intervention may receive additional or alternate Tier 2 intervention or be recommended to the school-based Tier 3 Problem-Solving Team for the development of more intensive interventions. Tier 3 •(Academic Tools): AIMSweb, EasyCBM, additional data as designated by the Tier 3 Problem Solving Team. •(Behavioral Tools): Individual student rates of: Office Discipline Referrals, Out-of-School Suspensions, In-School Suspensions, Tardy Rates, Attendance Rates, Course Failures; Individual Behavior Intervention Plan data Prior to initiation of intervention the goal for demonstrating effective intervention is established by the Team. Data is collected every 5 days and reviewed at intervals designated by the Tier 3 Problem Solving Team. Responsiveness to the intervention is determined by the level and rate of progress compared to the predetermined goal. Students whose rate of progress does not appear to be closing the gap in performance between his/her level of performance and that of grade-level peers may be referred for evaluation and possible eligibility under IDEA and/or Section 504. Also students who show adequate progress only with the implementation of sustained and substantial interventions may be referred for evaluation and possible eligibility under IDEA and/or Section 504. Progress monitoring data collected in conjunction with tiered instruction and supports are analyzed at intervals described above, with decisions related to the responses to instruction/intervention falling into the following three categories and associated considerations: Positive Response (i.e., continue current instructional supports, adjust goal upward, fade current instructional supports); Questionable Response (i.e., Was the intervention implemented as planned? Should the intervention intensity be increased?); Poor Response (i.e., Was the problem identified correctly? Was the intervention aligned with the hypothesis? Was the intervention implemented as planned?). Individual students are referred for evaluation if, following the implementation of evidence-based interventions and follow-up review of individual student response to intervention data by the Tier 3 Problem Solving Team, data demonstrates that evidence-based instruction/intervention is insufficient to close the achievement gap between the student and his/her peers or if intensive interventions are demonstrated to be effective, but require sustained and substantial effort to close the achievement gap in general education.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity

The district currently integrates and requires school-based individual problem solving teams to utilize forms which document the team's use of the 4-Step Problem Solving Process when addressing a student's identified needs. District staff providing school-based MTSS support periodically attend school-based individual problem solving meetings to coach and monitor the use of the 4-Step Problem Solving Process. Additionally, the district is currently developing an electronic MTSS data platform which will include documentation of 4-Step Problem Solving efforts, and will enable the district to utilize an additional method for monitoring the fidelity of the 4-Step Problem Solving Process used by individual problem solving teams. Fidelity of school-based teams' use of the 4-Step Problem Solving Process will occur through analysis of database documentation of the 4-Step Problem Solving worksheet used by school-based teams, as well as through direct observations conducted by District MTSS Team members of school teams' use of the 4-Step Problem Solving process.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation

The school district provides opportunities for parents to be involved in the problem-solving process to address the student's academic or behavioral areas of concern. In addition to school-based teams and staff, parents are encouraged to refer their student for the receipt of academic or behavioral interventions when they have identified concerns for their students that impacts their performance in the educational setting. Discussions are held with the parent regarding the student's responses to interventions, supporting data and potential adjustments to the interventions, and anticipated future action to address the student's learning or behavioral areas of concern. Student response to intervention data and additional supporting data related to student progress is shared with parents in an understandable format and parents are encouraged to ask for clarification about data that is discussed. Documentation of parental involvement and communication is kept on the conference summary sheets or other logs maintained by the student's teacher(s). Student data related to Tier 2 levels of support provided is reviewed every 10-12 weeks by the school-based Leadership Team and/or grade level/content area team and is subsequently shared with parents at parent conferences. Additionally, more frequent communication and involvement of parents in the problem-solving process occurs when students are receiving intensive, individualized interventions. Progress monitoring data is collected at every 5 days for academics and determined by the team for behavior. Communication about Tier 3 response to intervention data occurs as designated by the Tier 3 Individual Problem Solving Team. Data are shared in an understandable format, generally in graphic form. Parents are encouraged to be involved in an ongoing manner in the problem-solving process, such as participating as members of the problem-solving team or providing input to problem solving efforts.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
- a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
 - b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
 - c. Conduct additional screenings to assist in determining interventions as appropriate.

Section H.1: Initiating an Evaluation for Exceptional Student Education

Statutory and Regulatory Citations

34 CFR §§300.300–300.305

Chapter 490, F.S.

Sections 1003.57 and 1003.575, F.S.

Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three 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. The request for an evaluation is documented on the district's Consent for Evaluation form.

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 to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 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 a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented 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;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System 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
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school- district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three 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.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or
2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether 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.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

For children ages 3-5 years old, FDLRS and/or child find requests are received by designated district staff who schedule the child for the first available screening date. After screenings are conducted, those who are suspected of having a disability as a result of a FDLRS screening or school district child find process, parental consent and evaluation is requested and scheduled within 30 days of the FDLRS screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

Within one week of the receipt of a parental request for evaluation to determine a student's eligibility for special education and related services the school-based ESE Resource Specialist will schedule a meeting for a team consisting of at least one of the student's teachers, the school psychologist, and a school-based administrator. The team will gather existing information about the student and meet within two weeks of the receipt of parental request to review the information and determine whether to initiate a request for evaluation or recommend to the Executive Director of Exceptional Student Education that a refusal to take specific action be issued. If the decision is to evaluate, the school-based ESE Resource Specialist will initiate efforts to obtain written consent to evaluate. If the decision is no recommend refusal to take specific action, then the school-based ESE Resource Specialist will deliver a copy of the information considered in making this recommendation along with meeting summary notes of the rationale for recommending refusal to take specific action to the Executive Director of Exceptional Student Education within one week of the team meeting. The Executive Director of Exceptional Student Education will review the materials presented and make a decision, notifying the school-based Resource Specialist of the decision and sending out written notice to the parent/guardian or directing the school-based Resource Specialist to initiate efforts to obtain written consent to conduct an evaluation as requested by the parent.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

All students participate in the district's multi-tiered system of supports. Students receiving Tier 3 support and evidence-based interventions delivered with fidelity as designed, but show inadequate progress may be referred for Exceptional Student Education evaluation by the Tier 3 Problem-Solving Team. The team may also determine that the student is making adequate progress but that he/she can only do so with the implementation of sustained and substantial interventions. All documentation gathered/developed by the team will be presented to the school-based ESE Resource Specialist (RS) who will obtain parent consent for evaluation. Students may be suspected of being gifted by a teacher, administrator, or the District Gifted Coordinator who notify the school-based ESE RS. The ESE RS gathers academic data and other information from the student's teacher. This information is reviewed by the school-based Gifted Team. The team may request additional information by providing notice of screening to the student's parents, eliciting from them information about their student, and requesting screening of vision, hearing, and intellectual ability. Once screening information is available the team in collaboration with the student's teacher will consider whether or not the student demonstrates a need for gifted programming. If the Gifted Team determines that further evaluation is needed the ESE RS will obtain parent consent for evaluation.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

For any student suspected of being a student with a disability or of being gifted and who is attending kindergarten through twelfth grade in a nonpublic school or agency program, a referral for initial evaluation may be made by the student's parent/guardian or an administrator/designee from the nonpublic school or agency program. The referral will be received by the Student Services Secretary who will request from the parent/guardian and nonpublic school or agency (if appropriate): 1. the name of the person making a referral (and institutional affiliation if appropriate), 2. the date of the referral, 3. the name of the student being referred and the student's SDIRC student identification number (if the student is not registered with the SDIRC, instruction concerning how to obtain a student identification number will be provided at this time and documentation of the receipt of a student identification number must be provided by the parent/guardian), 4. the nature of the student's area of concern, 5. available documentation reflecting anecdotal, social, psychological, and/or medical information, 6. current levels of academic or pre-academic achievement (including classroom, district state, and national assessments and report cards), 7. information about attendance or participation in the non-public school or agency program, 8. information less than one year old from the Health Department or private health care providers indicating that the student has adequate vision and hearing (with correction as needed), and 9. (if the student is suspected of being gifted) information regarding the display of characteristics typically associated with children who are gifted. Upon receipt of all information the Student Services Secretary will notify the District Referral Team, consisting of the ESE Program Specialist for School Psychological Services, ESE Program Specialist for Speech-Language, and the District ESE Resource Specialist (or designees), who will review the information and contact the parent/guardian and person making the referral to determine the nature and severity of the student's areas of concern. They will work with personnel from the non-public school or agency (if appropriate) and/or the parent/guardian to gather any additional information needed to determine whether or not the student should be considered for eligibility for ESE or gifted services and: 1. provide notice to the parent/guardian that describes any evaluation procedures proposed, and 2. obtain parental consent for evaluation and have evaluation conducted, and 3. encourage, but not require the non-public school or agency to develop, monitor, and review the results of evidence-based interventions addressing the identified areas of concern put in place for a reasonable period of time and with a level of intensity that matches the student's needs; or 4. recommend to the Director of Exceptional Student Education that the parent be provided with a written notice of refusal to conduct an evaluation. Upon receipt of parental consent for initial disability evaluation, the District Referral Team will assign appropriate evaluative activities and ensure that the initial evaluation of the student is completed within 60 calendar days for the evaluation. The district makes every effort to ensure the completion of gifted evaluations within 60 calendar days following the receipt of written parental consent for evaluation and verification of adequate or corrected vision and hearing. For situations in which the completion of a gifted evaluation within the 60 day timeline is not feasible due to highly unusual or extenuating circumstances, an additional 30 calendar days will be considered a reasonable period of time for evaluation completion.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

For a student who is of age corresponding to those attending kindergarten through twelfth grade a referral for initial evaluation of a student suspected of being a student with a disability or of being gifted made by a parent/guardian will be received by the Student Services Secretary who will request from the parent/guardian: 1. the name of the person making a referral, 2. the date of the referral, 3. the name of the student being referred and the student's SDIRC student identification number (if the student is not registered with the SDIRC, instruction concerning how to obtain a student identification number will be provided at this time and documentation of the receipt of a student identification number must be provided by the parent/guardian), 4. the nature of the student's area of concern, 5. available documentation reflecting anecdotal, social, psychological, and/or medical information, 6. current or most recently obtained levels of academic or pre-academic achievement, 7. information about previous participation in any school experience, 8. information less than one year old from the Health Department or from private health care providers indicating that the student has adequate vision and hearing (with correction as needed), and 9. (if the student is suspected of being gifted) information regarding the display of characteristics typically associated with children who are gifted. Upon receipt of all information the Student Services Secretary will notify the District Referral Team, consisting of the ESE Program Specialist for School Psychological Services, ESE Program Specialist for Speech-Language, and the District ESE Resource Specialist (or designees), who will review the information and contact the parent/guardian to determine the nature and severity of the student's areas of concern. They will work with the parent/guardian and provide assistance, if needed, to gather any additional information that is needed to determine whether the student should be considered for eligibility for ESE or gifted services and: 1. provide notice to the parent/guardian that describes any evaluation procedures proposed, and 2. obtain parental consent for and have evaluation conducted; and 3. encourage, but not require the parent to develop, monitor, and review the results of evidence-based interventions addressing the identified areas of concern put in place for a reasonable period of time and with a level of intensity that matches the student's needs; or 4. recommend to the Director of Exceptional Student Education that the parent be provided with a written notice of refusal to conduct an evaluation. Upon receipt of parental consent for initial evaluation, the District Referral Team will assign appropriate evaluative activities and ensure that the initial evaluation of the student is completed within 60 calendar days after the school district's receipt of parental consent for evaluation. The district makes every effort to ensure the completion of gifted evaluations within 60 calendar days following the receipt of written parental consent for evaluation and verification of adequate or corrected vision and hearing. For situations in which the completion of a gifted evaluation within the 60 day timeline is not feasible due to highly unusual or extenuating circumstances, an additional 30 days that a student is in school attendance will be considered a reasonable period of time for evaluation completion.

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305

Chapter 490, F.S.

Sections 1003.57 and 1003.575, F.S.

Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
 - a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.

- b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
- c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
- d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
 - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
 - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
 - User qualifications recommended by the publisher in the test manual
 - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument

2. Evaluation timelines

- a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:
 - i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;
 - ii. 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
 - iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.
- b. The 60-day timeline for evaluation does not apply if:
 - The parent repeatedly fails or refuses to produce the student for the evaluation
 - A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

- c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

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

3. Parent consent

- a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

- b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.
- c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:
- The school district cannot discover the whereabouts of the parent,
 - The rights of the parent have been terminated, or
 - The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

- i. A biological or adoptive parent of a student
 - ii. A foster parent
 - iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)
 - iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare
 - v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures. A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.
- e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

- a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:
- i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
 - Current classroom-based, local, or State assessments and classroom-based observations, and
 - Observations by teachers and related services providers.
- ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:
- Whether the student is a student with a disability
 - The educational needs of the student
- iii. The group conducting this review may do so without a meeting.
- iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.
- v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:
- That determination and the reasons for the determination; and
 - The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.
- vi. In conducting an evaluation, the school district:
- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
 - Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
 - Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.
- b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:
- Are selected and administered so as not to discriminate on a racial or cultural basis
 - Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
 - Are used for purposes for which the measures are reliable and valid
 - Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments
- c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

- d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.
- e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A [Web-based Evaluation Resource](http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html) developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.
6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

To ensure that there is no unreasonable delay in the determination of a student's eligibility for ESE services following the completion of the student's evaluation, the following district procedures are utilized: 1. Evaluation activities are completed within 60 calendar days or receipt of parental consent and reports are submitted to the school-based ESE Resource Specialist. The ESE resource specialist schedules an eligibility determination meeting, to include the student's parents, within 7-10 days following receipt of all evaluation reports. 2. For evaluations completed prior to 60 calendar days following receipt of written parental consent for evaluation, evaluation reports are submitted to the school-based ESE Resource Specialist. Within 7-10 school days of receiving the final evaluation report, the school-based ESE Resource Specialist schedules an eligibility meeting.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
 - a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
 - b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
 - c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
 - d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
 - e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
 - f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
 - Nonprofit private schools located within the district
 - For-profit private schools and are residents in the district
 - Home education

2. Reevaluation procedures

As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:

- a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
- b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
 - Whether the student continues to have a disability;
 - The educational needs of the student;
 - The present levels of academic achievement and related developmental needs of the student;
 - Whether the student continues to need special education and related services; and
 - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
- c. The IEP team may conduct the review of existing evaluation data without a meeting.
- d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:
 - The determination and the reasons for that determination and
 - The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.
- e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
- f. The following rules require the administration of specific assessments as a part of a student's reevaluation:
 - Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
 - Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
 - Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

- a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.
- b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

- a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

- b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.
- c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

The school-based ESE Resource Specialist will be responsible for ensuring that a reevaluation is conducted at least every three years, including determination regarding whether the educational or related services needs of the student warrant additional assessment. On or before the fifteenth day of the students' school year the ESE Resource Specialist will be provided a list of all students eligible and receiving ESE services at that school including the date of the last evaluation/reevaluation. The ESE Resource Specialist will identify those students who have not had a reevaluation review in the past 23 months and will schedule a reevaluation review meeting for the purpose of determining whether additional assessment is needed for the student's reevaluation.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

The IEP Team is responsible for establishing a reasonable period of time for reevaluation which may also include a date before which the evaluation should not begin as well as the expected completion date. For situations in which the completion of a reevaluation within the established parameters is not feasible due to highly unusual or extenuating circumstances, an additional 30 days that a student is in school attendance will be considered a reasonable period of time for reevaluation completion. Once a reevaluation review identifies the need for additional assessment the ESE Resource Specialist assigned to each school will be responsible for ensuring that all participants assigned to provide assessment information to the IEP Team are notified of their responsibilities and will, in consultation with the evaluators, establish the date by which their information should be submitted. Any requests for extension of time agreed upon by the IEP Team for the submission of assessment information must be made to the ESE Resource Specialist who will communicate with the members of the IEP Team. If the IEP Team determines that no additional data are needed, the district notifies the parent(s) of the determination and rationale, and informs the parents of their right to request an assessment to determine whether the student continues to be a student with a disability and to identify the student's educational needs.

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

Within twenty days following the initial receipt of the parent request for re-evaluation, the IEP Team should meet to review existing data and to determine what additional data may be needed to determine the following: (a) whether the student continues to have a disability; (b) the educational needs of the student; (c) the present levels of academic achievement and related developmental needs of the student; (d) whether the student continues to need special education and related services; and (e) whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum. If the IEP Team determines that additional data is needed, the school-based ESE Resource Specialist will request written consent for re-evaluation, detailing the specific areas of functioning to be evaluated. If the parent is not present for the IEP meeting, the school-based Resource Specialist shall send home a Prior Written Notice of Consent for Reevaluation form for signature and contact the parent by phone or email to insure receipt of the form if the form is not returned with parental signature within one week of sending it home. If the IEP Team determines that no additional data are needed to determine (a) through (e) above, the school-based ESE Resource Specialist will notify the Director of Exceptional Student Education who will review the data and upon concurrence send the parent written notice of refusal along with the procedural safeguards. Any additional assessment/testing/intervention should occur quickly with a plan to review data within 60 days that the student is in attendance at school following the receipt of the consent for re-evaluation.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

Once a reevaluation review identifies the need for assistive technology assessment the ESE Resource Specialist assigned to each school will be responsible for ensuring that all participants assigned to complete assistive technology assessment are notified of their responsibilities and will provide documentation of completion of these assessments within the 60 school days. The Local Assistive Technology Specialists will be available to assist the IEP teams as needed.

5. Determination of continued need for special education and related services

- a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
- b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
- c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502

Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either** :
 - o Ensure that an IEE is provided at public expense.
 - o Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision

from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.

7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
 - o The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
 - o The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

Upon receipt of a parent's request for an IEE, the district: 1. Immediately forwards the request to the Director of Exceptional Student Education. 2. The Director sends written confirmation to the parent regarding the receipt of the parent's request for an IEE. 3. Upon the receipt of the IEE request the Director and district staff determines whether the request meets the criteria for an IEE request. Additionally, the disputed evaluation and previous student records are reviewed. 4. The Director or designee may request clarification regarding from the parent regarding his/her disagreement with the district's evaluation. A parent is not required to clarify his/her request for an IEE. The Executive Director or designee may offer to conduct additional assessment utilizing district staff. 5. The Director determines whether to provide approval for the IEE request or whether to proceed to a due process hearing to demonstrate that the district's evaluation is appropriate.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

If a parent provides results of an IEE obtained at private expense: 1. The IEE report should be forwarded to the school-based ESE Resource Specialist or school-based Gifted Committee Coordinator. 2. Upon receipt of the IEE report, the school-based ESE Resource Specialist or school-based Gifted Committee Coordinator requests a review of the report by the assigned school-based evaluator(s). 3. Upon satisfactory review by the school-based evaluator(s), the provided IEE results will be considered as part of an Exceptional Education eligibility determination, IEP meeting, or decisions made as part of the Multi-Tiered System of Supports process, as directed by the nature of the specific parental request made in conjunction with the provision of the IEE to the district.

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.03023, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.
2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113

Sections 1003.01, 1003.55, and 1003.57, F.S.

Rules 6A-6.03013, 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
 - a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
 - b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
 - c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
 - d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing

3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
 - a. Residual hearing
 - b. Speech reading
 - c. Manual communication systems
 - d. Speech
 - e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.
8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21

Sections 1003.01, 1003.21, and 1003.57, F.S.

Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

- a. The child is three through five years of age.
- b. There is documentation of **one** of the following:
 - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
 - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
 - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed
- c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

- a. The child is below the age of 36 months;
- b. There is documentation of **one** of the following:
 - i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

- ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or
 - iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.
- c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
- d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,
- e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
 - a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
 - b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
 - o Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
 - o Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
 - o Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
 - a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.

b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324

Chapters 458 and 463, F.S.

Sections 1003.55, 1003.57, and 1003.575, F.S.

Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:

- a. A visual acuity of 20/70 or less in the better eye after best correction;
- b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
- c. A diagnosis of visual impairment after best correction;
- d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
- e. Functional blindness;

and

2. One or more of the following hearing impairments:

- a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
- b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;

- c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
- d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
- e. Functional hearing loss;

and

- 3. The student demonstrates a need for special education.

OR

- 4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
- 5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

- 1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
- 2. An audiological evaluation;
- 3. A functional vision evaluation;
- 4. A functional hearing assessment;
- 5. An assessment of social development;
- 6. An evaluation of receptive and expressive communication by a speech and language pathologist;
- 7. A learning media assessment;
- 8. If appropriate, an orientation and mobility assessment and sign language assessment; and
- 9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

- 1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
 - a. A functional vision evaluation;
 - b. A functional hearing assessment;
 - c. An assessment of social development;
 - d. An evaluation of receptive and expressive communication by a speech and language pathologist;

- e. A learning media assessment;
- f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
- g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
 - a. Residual hearing
 - b. Speech reading
 - c. Manual communication systems
 - d. Speech
 - e. Appropriate amplification

6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.
10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
 - a. Internal factors characterized by:
 - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
 - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
 - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
 - b. External factors characterized by:
 - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
 - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.
5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
 - a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
 - b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
 - c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between

social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.

4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention. A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300

Sections 1003.01, 1003.21, and 1003.57, F.S.

Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

Statutory and Regulatory Citations

34 CFR §300.115

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020, 6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

1. A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
 - a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
 - b. That the student is confined to home or hospital; and
 - c. That the student will be able to participate in and benefit from an instructional program; and

- d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
 - e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the student meets criteria for eligibility under 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-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
 3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 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-3.03022, 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
 4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
 - a. A disabling condition or diagnosis with any medical implications for instruction;
 - b. A statement that the student is unable to attend school;
 - c. The plan of treatment;
 - d. Recommendations regarding school re-entry and other school-related activities; and
 - e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.

3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in speciality hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's speciality hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's speciality hospital.
7. Notification Agreement. A school district in which a children's speciality hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

- Yes
 No
 N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

- The school district has provided additional information for this section in Appendix B of this document.
 There is no additional information for this section.

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8

Chapter 490, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
 - a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
 - b. A standardized assessment of adaptive behavior to include parental or guardian input.
 - c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
 - d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
 - a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
 - b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.
 - c. The educationally relevant medical findings, if any.
 - d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.
 - e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
 - a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
 - b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
 - c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.12: Exceptional Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8

Section 1003.57, F.S.

Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

 - a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the

following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skills
- Reading fluency skills
- Reading comprehension
- Mathematics calculation
- Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

- The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.
 - The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual basis.
- b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:
- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.
- c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:
- A visual, hearing, or motor disability
 - Intellectual disability
 - Emotional or behavioral disability
 - Cultural factors
 - Irregular pattern of attendance or high mobility rate
 - Classroom behavior
 - Environmental or economic factors
 - Limited English proficiency
2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

a. The student does not make adequate progress when:

- Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
- Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

and

b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

- a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or
- b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

- Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
- Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

- a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;
- b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and
- c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

- a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
- b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning
- c. The educationally relevant medical findings, if any
- d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:
 - Performance discrepancy
The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups
 - Rate of progress
When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and
 - Educational need
The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.
- e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency
- f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:
 - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
 - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation
- g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

School-based Problem-Solving Team gather and review student progress monitoring data related to the interventions provided. This data is systematically gathered and documented to assess student intervention response, and guide instructional changes and programming. For academics progress monitoring data is gathered on a bi-weekly basis for student receiving tier 2 interventions and involves the use of curriculum-based measures or general outcome tools (e.g., iReady, EasyCBM, DIBELS Next). Data gathered at the tier 2 level of support is reviewed by grade level teams/departments every 10-12 weeks to assist in identifying the continued provision of academic supports. When making decisions regarding student progress in response to tier 2, the problem-solving team first determines if the majority of the students in each targeted intervention group is making progress through a review of graphical data displaying peer comparison, projected goals, and gap analysis. The peer comparison is deciphered in many ways including comparisons made to proficiency in the district, school, class, and peers in the targeted intervention group. If the majority of students in a targeted intervention group are not making progress, then the Tier 2 Problem-Solving Team engages in problem-solving activities to identify why the majority of the targeted intervention group is not making progress and factors impacting progress, such as intervention fidelity, misaligned instruction, or incorrect problem identification. If a review of targeted intervention group progress monitoring data demonstrates that the majority of students in a targeted group are making progress, then the team identifies those individual students that may need more focused tier 2 problem-solving or a referral to the Tier 3 Individual Problem-Solving Team, as indicated by levels of performance below peers, including peers from the student's identified subgroups. Progress monitoring for students receiving tier 3 levels of academic support is gathered every 5 instructional days and may include both general outcome measures and specific sub-skill measures. Tier 3 progress monitoring data is reviewed at individual problem-solving meetings, which are scheduled as identified by the Tier 3 Problem-Solving Team. Progress monitoring graphs and associated trend lines and goals are reviewed to determine if the student's response to intervention is considered: positive, questionable, or poor. For students who demonstrate a positive response to intervention, the team then determines whether to continue the instructional supports, adjust the student's goal upward, or fade the instructional supports. When students demonstrate a questionable response to intervention, the team will determine if the intervention was implemented as planned or whether the intensity of the intervention should be increased. For those students who demonstrate a poor response to intervention, the team reviews whether the problem was identified correctly, whether the intervention was aligned to the hypothesis, and whether the intervention was implemented as planned. · If it is determined through data review and corresponding considerations that a student is suspected to have a disability, then response to intervention data is provided to the student's Exceptional Student Education eligibility team for review to determine eligibility as a student with a specific learning disability. · The eligibility team will review data: o That demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and; o Documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction. · The eligibility team will determine: o If the student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups; o If the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and o If the student continues to need interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

Parents are kept informed of planned intervention efforts by participating in the 4 step problem solving process. They are active participants in their child's progress throughout the entire Problem Solving Team (PST) process. The frequency of the ongoing progress monitoring varies (from weekly to monthly). Parents are provided current student performance data at each follow up SST/PST meeting on the date/s determined by the SST/PST team. During the scheduled SST/PST meetings, parents are provided explanations demonstrating the student's progress on such measures as curriculum based assessments, district based assessments as compared to their aim line using graphic representations among other demonstrations of the student's performance. Parents are encouraged to participate throughout the problem-solving process and to engage as team members by providing information, helping to design interventions, and reviewing student progress during the intervention as they are being provided. Student progress monitoring data is presented to parents in an understandable and graphical format. The parents are provided letters indicating the level of tier that the student will participate during the RTI process. The teacher and or interventionist will provide parents feedback through parent-teacher conferences and individual problem-solving meetings. These will occur at least every 10-12 weeks or more often if deemed necessary by the Problem-Solving Team (PST). If the student is in tier 3 the parent will receive monthly invitations to meetings to review data with the tier 3 PST. The members on this team will make decisions regarding how the student is responding to the intervention and may determine if tier 3 instruction needs to continue, fade or increase. When enough data has been collected to warrant a response to intervention (varies depending on skill deficit, age of student, and gap that exists) the parent will be informed if the team determines it is necessary to move forward with potential eligibility for a disability. At this time, a comprehensive evaluation may be requested from the tier 3 PST team.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Data are used to determine if students are not making gains due to exclusionary factors such as intellectual disabilities, visual, motor or hearing disabilities, emotional / behavioral disabilities, classroom behavior, environmental or economic factors, student chronological age or gender, or lack of instruction. The Problem-Solving Team will review data such as student classroom observations, absenteeism, mobility, ESOL records, psychological evaluation reports, speech or language assessments, classroom and school records documenting referrals for behavior, comparisons of like subgroups (i.e., Socio-Economic, cultural, and/or minority status), time spent in core and supplemental intervention and teacher absenteeism rate. Early Warning System Indicators are utilized to gather important and relevant data to make these decisions. Data reflecting student academic and behavioral performance contains objective measures. Norm-referenced performance measures are used and student performance is compared to multiple subgroups including national, state, school, classroom, and samples of students with similar characteristics (ethnicity, level of language acquisition). When norm-referenced data does not exist, school teams gather local data to use in comparing the student's performance with that of other peers. Information gathered throughout the problem-solving process regarding the impact of the exclusionary factors outlined in Rule 6A-6.03018 F.A.C., lack of instruction in reading or math, or limited English proficiency will be reviewed by the team determining eligibility and team members must attest that none of these factors are a primary determinant of the student's unexpected underachievement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

- The school district has provided additional information for this section in Appendix B of this document.
 There is no additional information for this section.

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34

Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.

Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
 - a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
 - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
 - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
 - b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
 - c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder

A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:

- a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
- b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
- c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education
- d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder

A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

- a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.
- b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.
- c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder

A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

- a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.
- b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.
- c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.
- d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

- a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
- b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.
- c. An examination of the oral mechanism structure and function.
- d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

- a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
- b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.
- c. An examination of the oral mechanism structure and function.
- d. An assessment of all of the following areas:

- Motor aspects of the speech behaviors
- Student's attitude regarding the speech behaviors
- Social impact of the speech behaviors
- Educational impact of the speech behaviors

e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

- a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
- b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.
- c. An examination of the oral mechanism structure and function.
- d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

- a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.
- b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.
- c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
- d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in

Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to:

<http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf>.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- o The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- o The rationale for using this model
- o The manner in which the associate will be required to demonstrate competency
- o The process for monitoring the quality of services
- o The process for measuring student progress
- o The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34

Chapters 456 and 468, Part I, F.S.

Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.

Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 6A-6.03411, F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

- a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:
 - i. Listening comprehension
 - ii. Oral expression
 - iii. Social interaction
 - iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)
- b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.
- c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.
- d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.
- e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.
- f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

- a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:
 - i. Oral expression
 - ii. Listening comprehension
 - iii. Social interaction
 - iv. Written expression
 - v. Phonological processing
 - vi. Reading comprehension
- b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

- c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:
- i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.
 - ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.
 - iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.
 - iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.
- d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
 - a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
 - b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
 - c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.

5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
 - a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
 - b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

- a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
- b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.
- c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

- a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:
 - i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.
 - ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.
 - iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

- iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).
 - v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.
- b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
 - a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
 - b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
 - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
 - The rationale for using this model
 - The manner in which the associate will be required to demonstrate competency
 - The process for monitoring the quality of services
 - The process for measuring student progress

- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324

Sections 1003.55, 1003.57, and 1003.575, F.S.

Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

1. Students who are visually impaired include the following:
 - a. A student who is blind, has no vision, or has little potential for using vision.
 - b. A student who has low vision.
 - c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and
 - d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
 - a. A visual acuity of 20/70 or less in the better eye after best possible correction;
 - b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
 - c. A diagnosis of visual impairment after best correction, or
 - d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:

- a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
- b. A learning media assessment; and
- c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34

Chapters 456 and 468, Part III, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
 - a. The educational need for occupational therapy as a related service is being determined, and
 - b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
 - a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
 - b. The occupational therapy assistant is supervised by the licensed occupational therapist.
 - c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.
 - d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising

occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34

Chapters 456, 458, 459, 461, 466 and 486, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
 - a. The educational need for physical therapy as a related service is being determined, and
 - b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:

- a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
- b. Within the same geographic location as the assistant.
- c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.
- d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503

Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.

Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

The role of the parents in developing IEPs includes, but is not limited to:

- a. Providing critical information regarding the strengths of their student;
- b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;
- c. Participating in discussions about the student's need for special education and related services;
- d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;
- e. Participating in the determination of what services the district will provide to their student and in what setting;
- f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

- a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:
 - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
 - The meeting is scheduled at a mutually agreed upon time and place
- b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.
 - Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
 - Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
 - The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.
Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.
- c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.
- d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.
- e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.
- f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:
 - Detailed records of telephone calls made or attempted, and the results of those calls
 - Copies of correspondence sent to the parents and any responses received
 - Detailed records of visits made to the parents' home or place of employment, and the results of those visits
- g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.
- h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.
- i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

- a. The parents of the student
- b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:
 - Appropriate positive behavioral interventions and supports and other strategies for the student
 - Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student
- c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student
- d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements
- e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team
- f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting
- g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered
- h. Agency representatives— To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services
- i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services
- j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

- a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.
- b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.
- c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team

meeting.

Identify the individual(s), by name or position, who have been granted this authority.

ESE Resource Specialist, ESE Program Specialist, or Director of Exceptional Student Education

- d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

- a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.
- b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
- c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

Timelines for IEPs include the following:

- a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.
- b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.
- c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

The IEP team considers the following factors in the development, review, and revision of the IEP:

- a. Strengths of the student and concerns of the parents for enhancing the education of their child
- b. Results of the initial or most recent evaluation or reevaluation
- c. As appropriate, results of the student's performance on state or districtwide assessments
- d. Academic, developmental, and functional needs of the student
- e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior
- f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP
- g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student
- h. The communication needs of the student
- i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at <http://rules.org/gateway/reference.asp?no=ref-04776>) adopted by the State Board of Education during the development of the

IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

- j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE
- k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.
- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
 - ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
 - Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

The need for ESY in order to provide FAPE should be considered as part of the IEP process at any IEP meeting held during the year, but must be considered at least annually. The decision that ESY must be offered must be based on data indicating the inability to provide the student with FAPE in the absence of these services which exceed those offered during the regular school year and support the potential benefit of those services. The data could include classroom performance or standardized testing and be gathered prior to annual IEP meetings or prior to or following extended breaks. The district is responsible for documenting consideration and discussion of ESY services at IEP meetings and should ensure that parents have received information regarding the services suggested for the student, if it is determined that ESY services are necessary. Criteria that can be used to determine whether a student is eligible for ESY services include, but are not limited to:

- o Regression (referring to a decline in knowledge and skills that can result from an interruption in education)/recoupment (the amount of time it takes to regain the prior level of functioning) The issue for consideration becomes one that is related to the benefits that the student has gained from his/her IEP written for the school year, and whether those benefits (student progress) may be jeopardized if the student is not provided with ESY services during breaks in school sessions.
- o Critical point of instruction
- o Emerging skills
- o Nature or severity of disability
- o Interfering behaviors
- o Rate of progress
- o Special circumstances (e.g., transition from school to work)

Data used for the determination of the need for ESY during the summer, particularly when based upon regression/recoupment should include formal and/or informal measures of student achievement taken before and after breaks of one week or longer which indicate a loss of skills that cannot be recouped within eight weeks. Data used for the determination of the need for ESY should at the minimum be reviewed by IEP teams at scheduled IEP review meetings and again by the teacher and Resource Specialist and shared with the parent in the spring of each year if the IEP team determined that the student might benefit from ESY services over the summer.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

A statement defining ESY, indicating that varying amounts, service delivery models, and durations of ESY services are possible, noting how the delivery of ESY services is monitored and by whom, and stating that ESY can occur at any point throughout the calendar year and regardless of where the student is receiving services (at a district school site, in the home, in community-based instructional settings, etc.) is written in the ESE Department's Admissions and Placement Manual and reviewed with school-based Resource Specialists and non-school-based ESE staff as part of their annual reviews. School based Resource Specialists with the support of their district ESE liaison are responsible for sharing that information with the school-based staff at least annually with documentation of the provision of that information in the meeting/training notes. School-based Resource Specialists should also inform all IEP team members of district procedures when considering the need for ESY. Modes of service delivery may include academic instruction, behavioral programming and transition services outside of the school day throughout the year or during the school breaks. It is the responsibility of school based Resource Specialist and Coordinator of ESY to monitor the provision and implementation of ESY services.

- I. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect

8. Content of the IEP

Each IEP must include the following:

- a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.
- b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.
- c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.
- d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.
- e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)
- f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.
- g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the

student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

- h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.
- i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.
- j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

- a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:
 - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
 - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
 - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.
- b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:
 - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
 - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
 - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
 - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.
- c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.
- d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.
- e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

- f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

a. General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s. 1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

b. Definitions from Rule 6A-1.09963, F.A.C.

i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access

- United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
- ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.
 - iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.
 - iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.
- d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
- i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
 - ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.
 - iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.
- e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.
- f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.
- i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.
 - a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

- b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.
- c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

- ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

- a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.
- b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- o Parental Consent Form: [Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration](#)
- o Parental Consent Form: [Student Placement in an Exceptional Education Center](#)

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

- o To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

The district completed the BPIE.

Date completed (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

04/06/2017

The anticipated date for the triennial BPIE assessment, if known.

The anticipated date for the triennial BPIE assessment is on or before April 6, 2020.

- o Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- o A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another district to provide a placement option, please indicate this as well.

A full continuum of alternative placements is available for students with disabilities including teacher-to-teacher consultation for instruction in general education classes, support facilitation in general education classes, co-teach instruction, resource room pull out, full time ESE placement in a self-contained class, full-time ESE placement in a separate day school, and hospital-homebound instruction. In addition, the school district provides home-based instruction to students with disabilities who have been assigned out-of-school suspension or expulsion.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

The School District of Indian River County utilizes an on-going team-based process for provision of supplementary services with a Student, Environment, Task, and Tool (SETT) framework. Data collection including observations of the student in the classroom and school environment is critical to gaining information regarding how the student accesses the general education curriculum. This data is used to identify and incorporate necessary supplementary services within the IEP for implementation across settings including the general education setting.

- o In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:

- The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
 - The placement decision is made in accordance with the LRE provisions listed above.
 - The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
 - Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
 - In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
 - A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
- o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

- a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved
- b. Revises the IEP as appropriate to address:
 - Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
 - Results of any reevaluation conducted
 - Information about the student provided to or by the parents
 - The student's anticipated needs or other matters
 - Consideration of the factors described earlier in subsection 7
- c. Responds to a parent's right to ask for revision of the student's IEP
- d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

- a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools
- b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:
 - i. Including proportional distribution based on relative enrollment of students with disabilities
 - ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section D: Discipline

Statutory and Regulatory Citations

34 CFR §§300.530–300.537

Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.

Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

- a. The removal is for more than 10 consecutive school days.
- b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

Providing information and training regarding positive behavioral interventions and supports Indian River County utilizes positive behavioral interventions and supports at all schools. Most schools have a formal Tier 1 program that directly teaches, practices, and reinforces student compliance with school expectations and rules. Formal Positive Behavioral Interventions and Support (PBIS) training is offered to each school every summer along with refresher training for schools implementing PBIS training. Student Support specialists receive monthly training regarding Tier 1 behavioral programming and are available to assist their administrative teams. Teacher training and consultation regarding Tier I, II and III classroom programming is available upon request by district ESE staff throughout the year.

Describe how the district addresses behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

During the IEP development the team addresses behavior in the present level of performance, the effect of the disability statement, and the goals and objectives. Behavioral observations and data will be reviewed in order to develop appropriate behavioral objectives. Goals will be developed to remediate areas of deficiency and will include measurable objectives with clearly defined target behaviors. Baseline target behavior data must be utilized in the development of functional behavior assessments and behavior intervention plans. Target behaviors are chosen based on how the student's behavior impedes their learning and the learning of others across school settings.

2. Authority of school personnel

Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

- a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days
- b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement, as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District Behavior Intervention Specialists and District ESE Resource Specialists who are assigned to individual schools review office discipline data, suspension/expulsion data, and consult with the administrative team to monitor in-school and out-of-school suspensions to ensure adherence to Free and Appropriate Public Education (FAPE). Recommendations regarding alternatives to suspension and/or the need for proactive Tier 2 or Tier 3 programming are made at these team meetings. District office recommends monitoring at a minimum on a monthly basis. •School-based administrators in collaboration with the school-based resource specialist closely monitor in-school and out-of-school suspensions of students with disabilities.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

When a student with a disability has accumulated 5 days of suspension the IEP Team must reconvene to review the nature and/or pattern of suspensions. The administrator who suspended the student must attend the meeting to review the incident and participate as a member of the IEP Team. This will prompt the team to consider what behavior interventions are appropriate. Recommended behavior interventions will be documented by the behavior intervention specialist and intervention fidelity and behavior data collected. Subsequent suspensions may warrant an IEP Team review. The student is eligible for home-based instruction after accumulation of 10 days of suspension. •When a student with a disability has been suspended for 10 school days in a row the IEP Team must reconvene at the earliest opportunity to conduct a manifestation determination and IEP review as appropriate. The administrator who suspended the student must attend the meeting to review the incident and participate as a member of the IEP Team. The team must consider the need for a FBA and/or BIP to address the nature and/or pattern of suspensions. The student is eligible for home-based instruction during the 10-day suspension and subsequent suspensions.

3. Manifestation determination

A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

- a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
 - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
 - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP
- b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.
- c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
 - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
 - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
 - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

- d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to

nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

- e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

After a student has accumulated 10 days of suspension or a pattern of removals that constitutes a change in placement is identified, the school-based ESE resource specialist schedules a Manifestation Determination Review to occur within 3 days of the first day of suspension. Participants invited to attend may include, but are not limited to: the parent, a school-based administrator, the ESE resource specialist, ESE teacher, school psychologist, behavior intervention specialist, and the student as appropriate.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

ESE personnel regularly monitor data available which includes office discipline referrals, absences, grades, and state/district assessment scores to determine if a pattern of maladaptive behavior is present and determine whether a Functional Behavior Assessment and Behavior Intervention Plan is needed. Additionally, the district has delineated criteria to assist in determining whether an FBA/BIP is warranted.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Each school in the district is assigned a behavior intervention specialist who provides leadership and support for behavior programming efforts at the school. During monthly trainings, behavior intervention specialists are provided training on the development of FBAs/BIPs, and also review FBAs/BIPs and discuss best practices as a way of increasing knowledge and skills. District support, coaching, and mentoring is provided in the development, implementation and monitoring of FBAs and BIPs. The District ESE Program Specialist for Behavior and District Prevention Specialist provide training, review, and supervision related to the development of FBAs and BIPs. Additionally, these staff facilitate peer case reviews at monthly meetings.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability

When the behavior is determined not to be a manifestation of the student's disability, the following can be considered and may occur: - Consideration of referral to the Suspension Expulsion Review Team -Provision of homebased instruction, if beyond 10 days of suspension or a pattern of removals that constitutes a change in placement -Initiation of an FBA/BIP -Revision of FBA/BIP -Reconvene the IEP Team

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

During the manifestation determination meeting, procedural safeguards are reviewed with the parent(s) and questions regarding them are answered. The parent is provided with information to request an expedited due process hearing.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.

5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES

- a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
- b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in

the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.

- c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
- d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities who are suspended or expelled, will be provided with Exceptional Student Education (ESE) services at their assigned site (i.e., home, IAES, etc.). At the case management meeting/IEP review, priority educational needs will be determined in consultation with the student, parent, and other team members. Students who are considered for an Interim Alternative Educational Setting (IAES) will have an IEP review to determine if the goals and objectives can be met at the alternative site, if it is deemed a change in placement. A teacher certified in ESE and all ancillary service providers are allocated to the alternative site to provide specialized educational services to the student.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members, including home-based instructors, participate in district offered trainings. 1:1 coaching is available as needed. Professional development opportunities offered in the district include: training in behavior management, verbal deescalation, and physical management, assistive technology, augmentative communication, and curriculum standards and instructional strategies.

6. Special circumstances and interim alternative educational settings

- a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
 - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of an SEA or a school district;
 - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
 - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district.
- b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

When a student is removed, and that removal constitutes a change of placement, the administrator immediately notifies the school-based ESE resource specialist. Parents are contacted by the school-based ESE resource specialist and are invited to attend an IEP team meeting regarding a student's change of placement. Parents are provided a copy of the procedural safeguards at the time of suspension and at the IEP meeting. A change of placement statement is included in the IEP created at the meeting and given to the parent. If a parent is not present at the IEP team meeting, the IEP is reviewed with the parent immediately after the meeting or as soon as the parent can be reached. The IEP, with the change of placement statement, is mailed to the parent.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

When a student with a disability is placed in an IAES, the IEP team schedules a team meeting to include the parent, student, and pertinent IEP team members from the IAES and potential receiving school to occur within 40 days from the date of original placement at the IAES. At this follow-up meeting, all team members review behavioral data and progress towards identified IEP goals and objectives. Based on a review of data collected during the interim alternative placement, the IEP team determines either to return the student to their home school or conduct a change in placement.

7. Appeal and expedited hearings

a. An expedited hearing may be requested by:

- The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
- The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others

b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

Within seven days of receiving notice of a request for an expedited due process hearing, the school district will convene a meeting with the parent/guardian and the relevant members of the IEP team who have specific knowledge of the facts. Parents may invite any additional individuals to attend an ESE resolution meeting. These meetings must include a representative of the school district with decision-making authority on behalf of the school district.

8. Authority of an Administrative Law Judge

An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

- a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or
- b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

a. Basis of knowledge

A school district is deemed to have knowledge that a student is a student with a disability if:

- The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
- The parent has requested an evaluation to determine whether the student is in need of special education and related services; or
- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Upon request and adhering to FERPA, special education and disciplinary records for students are transmitted when required to ensure that they are readily available to persons making a final determination regarding the disciplinary action.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

- a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.
- b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Section E: Participation in State and District Assessments

Statutory and Regulatory Citations

34 CFR §300.320

Chapters 458 and 459, F.S.

Sections 1003.01, 1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.

Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

- a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.
- b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.
- c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.
- d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at <http://www.fldoe.org/asp>.

4. Waiver of assessment requirements

A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

- a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.
- b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.
- c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.
- d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.
- e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:
 - i. A biological or adoptive parent of a student;
 - ii. A foster parent;
 - iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);
 - iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or
 - v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.
3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
 - a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
 - b. Written documentation of the most recent evaluation data.
 - c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
 - d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
 - e. Written evidence that the student has had the opportunity to learn the skills being tested.
 - f. Written evidence that the student has been provided appropriate instructional accommodations.
 - g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
 - h. Written evidence of the circumstance or condition as defined in section (1).
 - i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity

- a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.
- b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.
- i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:
 - a. The total number of students for whom a one-year exemption has been granted by the superintendent; and
 - b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.
 - ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:
 - a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;
 - b. The name, address, and phone number of the student's parent;
 - c. Documentation of parental consent for the exemption;
 - d. Documentation of the superintendent's approval of the exemption;
 - e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and
 - f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.
 - iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment— even with allowable accommodations— is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.
2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

 - a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: <http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf>.

4. Administration of the AA-AAS

The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

- Yes
 No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

Benchmark assessments are administered utilizing the Unique Learning System program.

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101

Sections 1003.01, 1003.21, and 1003.57, F.S.

Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
 - a. Deaf or hard of hearing
 - b. Visually impaired
 - c. Orthopedically impaired, other health impairment, or traumatic brain injury

- d. Intellectual disabilities
 - e. Established conditions
 - f. Developmentally delayed
 - g. Dual-sensory impaired
 - h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
- a. Intellectual disabilities
 - b. Speech and language impaired
 - c. Deaf or hard of hearing
 - d. Visually impaired
 - e. Orthopedically impaired, other health impairment, or traumatic brain injury
 - f. Emotional or behavioral disabilities
 - g. Specific learning disabilities
 - h. Homebound or hospitalized
 - i. Dual-sensory impaired
 - j. Autism Spectrum Disorder
 - k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.
2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention," thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

The Local Education Agency (LEA) Preschool Evaluation Team (PET) receives a monthly notification list identifying children who have qualified for services through Early Steps of the Treasure Coast. At least nine months before the child's third birthday or as soon as possible after age 27 months, children are placed on the monthly notification list. Given parent consent, the Early Steps Family Service Coordinator (FSC) contacts the LEA to schedule transition meetings for each child, as appropriate, and provides the LEA with the appropriate Individual Family Support Plan for each child, as well as all relevant information including medical, test data and child's primary language. The district LEA reviews the information to determine most appropriate recommendations. At the transition meeting, the LEA meets with the family and the FSC to discuss recommendations and relevant district policies and programs as well as community services and programs. The LEA shares information on the appropriate next steps and timelines to ensure that there is no lapse in services. In collaboration with the family and Early Steps, the LEA schedules and holds all necessary/appropriate screenings, evaluations, reports, eligibility determination, staffings and develops Individual Education Plans prior to the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

- a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
- b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
- c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
- d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

- a. Curriculum content, materials, and activities are consistent with the district's program philosophy.
 - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
 - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
 - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.
- b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

- a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.
- b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.
- c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.
- d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340

Sections 1003.03, 1003.21, and 1003.57, F.S.

Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

The IFSP is in writing and includes:

- 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.
- b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

- c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;
- d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;
- e. A statement of the natural environments in which early intervention services, 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
- g. The projected dates for initiation of services.
- h. The IFSP must:
 - Identify 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 IDEA, Part C and
 - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided
- i. 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 services identified on the plan including transition services and coordination with other agencies and persons;
- j. Family demographic and contact information;
- k. A statement of eligibility, including recommendations for children not found eligible;
- l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts
- m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and
- n. 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.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

- a. The frequency, intensity, and method of delivery of the early intervention services;
- b. The location and length of the early intervention services;
- c. Funding source or payment arrangements, if any;
- d. Anticipated duration of the services;
- e. Other services to the extent appropriate; and
- f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:
 - Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
 - 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

- Notification information to the school district for the purpose of child find;
- 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
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six 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 parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and
- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted 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 are 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 are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

- a. The parent or parent(s) of the child;
- b. Other family members as requested by the parent(s), if feasible to do so;
- c. An advocate or person outside of the family, if the parent(s) request that the person participate;

- d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;
 - e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;
 - f. The individual who will be providing early intervention services to the child or family, as appropriate.
5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:
- a. Participating in a telephone or video conference call;
 - b. Having a knowledgeable authorized representative attend the meeting; or
 - c. Making pertinent records available at the meeting.
6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.
7. Provision of services before evaluation and assessments are completed
Early intervention services for a child with disabilities ages birth through two 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 is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and
 - c. Signatures of those who developed the IFSP; and
 - d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.
8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340

Sections 1003.21, 1003.03, and 1003.57, F.S.

Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An 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 years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

The IFSP is in writing and includes:

- 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.

- b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;
- c. A statement of the measurable results or measurable 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 for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;
- d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;
- e. The projected dates for initiation of services;
- f. 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 plan 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 or may appoint a new service coordinator;
- g. Family demographic and contact information;
- h. A statement of eligibility, including recommendations for children not found eligible;
- i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;
- j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and
- k. 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.
- l. The frequency, intensity, and method of delivery of the early intervention services;
- m. The location and length of the services;
- n. The payment arrangements, if any;
- o. Anticipated duration of the services;
- p. Other services to the extent appropriate; and
 - The 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 through five years, or other services that may be available. The steps required for transition shall include:
 - Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
 - Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
 - 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 IFSPs that have been developed and implemented; and
 - Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
- o By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
 - o For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
 - o If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
- a. The parent(s);
 - b. Not less than one regular education teacher,
 - c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.
 - d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;
 - e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;
 - f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note:** The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and
 - g. Whenever appropriate, the child.
4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.
- a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:
 - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
 - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
 - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.
 - b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.
 - c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.
 - d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.
6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

- This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
 - a. The need for a special program
 - b. A majority of characteristics of gifted students according to a standard scale or checklist
 - c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

- The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.
- The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
 - a. Need for a special instructional program
 - b. Characteristics of the gifted
 - c. Intellectual development
 - d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

- a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
- b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
- c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.

2. Curriculum

- a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
- b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
- c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
- d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
- e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.

3. Instructional support

- a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
- b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
- c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
- d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
- e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
- f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

- The school district has provided additional information for this section in Appendix B of this document.
- There is no additional information for this section.

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

a. The EP includes:

- A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
- A statement of goals, including benchmarks or short-term objectives
- A statement of the specially designed instruction to be provided to the student
- A statement of how the student's progress toward the goals will be measured and reported to the parents
- The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

b. The EP team considers the following during development, review, and revision of the EP:

- The strengths of the student and the needs resulting from the student's giftedness
- The results of recent evaluations, including class work and state or district assessments
- In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

c. Timelines for development of the EP include the following:

- An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
- An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
- Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
- EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

d. EP participants include:

- The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed

instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting

- At least one teacher of the gifted program
- One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written documentation of a student's strengths and needs for review and revision of the subsequent EPs
- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note:** The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

- a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
- b. Scheduling the meeting at a mutually agreed on time and place
 - i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.
 - ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:
 - Detailed records of telephone calls made or attempted and the results of those calls
 - Copies of correspondence sent to the parents and any responses received
 - Detailed records of visits made to the parent's home or place of employment and the results of those visits
 - iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

- a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
- b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

- I have read and understand the above information.
- This section is not applicable for the Department of Corrections.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities**Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities****Statutory and Regulatory Citations**

34 CFR §§300.130–300.144
 Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

a. Activities

In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

b. Cost

The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

c. Completion period

The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

d. Out-of-state students

The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services, including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

- a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).
- b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.
- c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.
- d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

- a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process
- b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated
- c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services
- d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:
 - The types of services, including direct services and alternate service delivery mechanisms
 - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
 - How and when those decisions will be made
- e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

- a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.
- b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.
- c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

- a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.
- b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.
- c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

- a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.
- b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.
- c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.
- d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

- a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.
- b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.
- c. The school district is not required to provide transportation from the student's home to the private school.
- d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

- a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.
- b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

- a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

- b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

- a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.
- b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

- a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.
- b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

- a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.
- b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.
- c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.
- d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.
- e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43 1002.66 and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:

- a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
- b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
 - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
 - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
 - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

- c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.

2. A student is not eligible for a John M. McKay Scholarship while:

- a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
- b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;
- c. Participating in a home education program as defined in s. 1002.01, F.S.;
- d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;
- e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;
- f. Enrolled in the FSDB; or
- g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.

3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the <http://www.floridaschoolchoice.org> website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.
Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.
12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S

Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
 - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
 - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
 - "Department" means the FDOE.
 - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
 - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
 - Cerebral Palsy, as defined in 393.063, F.S.;
 - Down Syndrome, as defined in s.393.063, F.S.;
 - Intellectual Disability, as defined in s.393.063, F.S.;
 - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
 - Spina bifida, as defined in s. 393.063, F.S.;
 - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
 - Muscular dystrophy;
 - Williams Syndrome;
 - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
 - Anaphylaxis;
 - Deaf;
 - Visually impaired;
 - Traumatic brain injured;
 - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
 - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
 - "Eligible" to receive a Gardiner Scholarship means that the student:
 - Is a resident of this state;
 - Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
 - Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
 - Has a disability as defined above.
 - "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
 - "Eligible postsecondary institution" means any of the following:

- Florida College System institution;
 - State university;
 - School district technical center;
 - School district adult general education center; or
 - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
 - "IEP" means an individual education plan.
 - "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
 - "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
 - "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
 - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
 - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
 - Provide for state assessments to students, upon parental request.

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- This requirement is not applicable for the Department of Corrections.

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

- Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

II.F. Prekindergarten Children with Disabilities

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

Current Status

Provide the following data:

Total Student Population

Total Number of Students

| 19,246

Total Number of Gifted Students

| 720

Percent of All Gifted Students

| 3.7%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Number of LEP Students

| 1,294

Number of LEP Gifted Students

| 6

Percent of LEP Gifted Students

| 0.4%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

0.8%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students", divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family**Number of Low SES Students**

10,537

Number of Low SES Gifted Students

205

Percent of Low SES Gifted Students

2%

Percentage of Low SES Gifted Compared to Total Number of Gifted Students

28.5%

*In order to calculate the "Percentage of Low SES Gifted Compared to Total Number of Gifted Students", divide the number of Low SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

** Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

The School District of Indian River County has a two-part goal to increase the participation of students from under-represented groups in programs for students who are gifted. The first part of the goal is to increase the percentage of Limited English Proficient (LEP) gifted students compared to the total number of gifted students by 1% annually until that percentage equals or exceeds the percent of all gifted students. The second part of the goal is to increase the percentage of low SES gifted students compared to the total number of gifted students by 1% annually until that percentage equals or exceeds the percent of all gifted students.

1. Screening and Referral Procedures

- o A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation

2. Student Evaluation Procedures

- o A description of the evaluation procedures and measurement instruments that will be used

3. Eligibility Criteria

- o A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment

4. Instructional Program Modifications or Adaptations

- o A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from underrepresented groups in the existing instructional program for students who are gifted

5. District Evaluation Plan

- o A description of the district's plan used to evaluate its progress toward increasing participation by students from underrepresented groups in the program for students who are gifted

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

Select from the following:

- The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.
- The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

- This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

NA

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

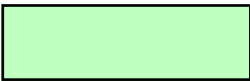
Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

- The district's completed BPIE Indicator Rating Tally Sheet is attached.
- The district's plan to address the prioritized BPIE Indicators is attached.

SP&P SIGNATURE PAGE

School District:	Indian River
Administrator of Exceptional Student Education:	Heather Clark
This document is effective for the 2018–2019 through 2020–2021 school years.	

CERTIFICATION OF APPROVAL

I, Dr. Mark Rendell , do hereby certify that each of the statements below are true:	
<hr/>	
Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency	Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy



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THE SCHOOL BOARD OF INDIAN RIVER COUNTY, FLORIDA AGREEMENT FOR CONTRACTED SERVICES (involving student data)

THIS AGREEMENT, entered into this 26th day of February 2019, by and between the School Board of Indian River County, Florida, a political subdivision of the State of Florida hereinafter referred to as the "School Board", and Innovation Florida, a Florida 501(c)(3) non-profit organization hereinafter referred to as the "CONTRACTOR", is as follows:

1. SCOPE OF WORK

The Contractor shall, in a satisfactory and proper manner as determined by the Superintendent, perform the following:

Nature of Contracted Services:

See "Exhibit C"

Contractor shall be Provided Access to the Following Student Data:

Student Performance, Development Metrics, other variables to be determined

Anticipated Outcome of Contracted Services:

See "Exhibit C"

Location of Contracted Service:

See "Exhibit B"

Date(s)/Hours of Service:

See "Exhibit B"

2. TERM OF AGREEMENT

The Contractor shall commence performance of the Agreement on the 3rd day of June, 2019, and shall complete performance to the satisfaction of the Superintendent no later than the 31st day of July, 2019.



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3. PAYMENT SCHEDULE

Payment will be generated by the School Board's Accounts Payable Department within forty-five (45) days after receipt of invoice. For the avoidance of doubt, Payment Amount is due and payable in full within 45 days of invoice and prior to Consultant providing services. Payment will be made as indicated below:

Lump-sum payment in full within 45 days of receipt of invoice.

4. REGULATIONS & ORDINANCES

The Contractor shall comply with all applicable laws, ordinances, codes, rules and regulations of federal, state and local governments being licensed, if required, for performance of any work under this Agreement.

5. CONFIDENTIALITY OF STUDENT RECORDS

For the purposes of performing the above scope of services only, Contractor is hereby designated a school official for the purposes of receiving limited confidential student information and the Contractor shall remain under the direct control of the School Board with respect to the use and maintenance of the confidential student information. Contractor acknowledges and agrees that it will not disclose the confidential student information to any other person or entity, and will only use the confidential student information for the purpose listed in paragraph I above and for no other purpose. Upon the completion of the services, Contractor shall return to School Board all original and any copies of the confidential student information, and shall not retain any confidential student information. As Contractor, will be receiving student information that is otherwise confidential, Contractor shall fully comply with the requirements of § 1002.22 and § 1002.221, Florida Statutes, and any other law or regulation, either federal or State of Florida, regarding confidentiality of student information and records. Further, Contractor for itself, and its officers, employees, agents, representatives, contractors, and subcontractors, shall fully indemnify and hold the School Board and its officers and employees harmless for any violation of this provision, including, but not limited to defending the School Board and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon the School Board, or payment of any and all costs, damages, judgments, or losses incurred by or imposed upon the School Board arising out of the breach of this provision by the Contractor, or its officers, employees, agents, representatives, contractors, and subcontractors, to the extent that the Contractor shall either intentionally or negligently violate this provision, or § 1002.22 or § 1002.221, Florida Statutes. This provision shall survive the termination of or completion of all obligations under this Agreement and shall be fully binding upon the Contractor until any proceeding which may be brought on account of this provision is barred by any applicable statute of limitations.



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6. ENTIRE AGREEMENT

It is understood and agreed that this Agreement including all Exhibits, Purchase Order Terms & Conditions, contains the complete understanding and agreement of the parties. No stipulation, agreement or understanding shall be valid or enforceable unless contained in this Agreement. No representations or statements made by any employees, agents or representatives of either party shall be binding on either party as a warranty or otherwise, except as expressly set forth herein.

7. GOVERNING LAW; VENUE

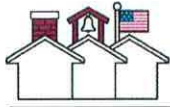
This Agreement shall be governed by, and construed in accordance with the laws of the State of Florida. In the event of litigation, venue for any claim shall lie exclusively in a court of competent jurisdiction in Indian River County. All parties shall be responsible for their own attorneys' fees.

8. INDEMNIFICATION /HOLD HARMLESS AGREEMENT

Contractor shall, in addition to any other obligation to indemnify the School Board of Indian River County, Florida, protect, defend, indemnify and hold harmless the School Board, its agents, officers, elected officials and employees from and against all claims, actions, liabilities, losses (including economic losses), costs arising out of any actual or alleged bodily injury, sickness, disease or death, or injury to or destruction of tangible property including the loss of use resulting therefrom, or any other damage or loss arising out of, or claimed to have resulted in whole or part from any actual or alleged act or omission of the Contractor, subcontractor, anyone directly or indirectly employed by any of them, of anyone for whose acts any of them may be liable in the performance of the work, or violation of law, statute, ordinance, governmental administration order, rule or regulation by Contractor in the performance of the work; or liens, claims or actions made by the Contractor or any subcontractor or other party performing the work. The indemnification obligations hereunder shall not be limited to any limitation on the amount, type of damages, compensation or benefits payable by or for the Contractor or any subcontractor under workers' compensation acts, disability benefit acts, other employee benefit acts or any statutory bar. This provision shall survive the termination of or completion of all obligations under this Agreement.

9. DUTY TO DEFEND

The Contractor agrees, at its own expense, and upon written request by the Board, to defend any suit, action or demand brought against the School Board on any claim or demand arising out of, resulting from or incidental to Contractor's performance under this Agreement.



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11. CANCELLATION/TERMINATION

In the event, any of the provisions of this agreement are violated by the Contractor, the Superintendent or designee, shall give written notice to the Contractor stating the deficiencies and unless the deficiencies are corrected within ten (10) days, recommendation will be made to the School Board for immediate cancellation. Upon cancellation, hereunder, the School Board of Indian River County, Florida, may pursue any and all legal remedies as provided herein and by law. The School Board of Indian River County, Florida, reserves the right to terminate any contract at any time and for any reason, upon giving ten (10) days prior written notice to the Contractor. If said contract should be terminated for convenience as provided herein, the School Board shall be relieved of all obligations under said contract. The School Board of Indian River County shall only be required to pay to the Contractor that amount of the contract actually performed to the effective date of termination.

12. EQUAL EMPLOYMENT OPPORTUNITY

Contractors awarded contracts involving Federal Funds in excess of \$10,000 must be in compliance with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor Regulations (41 CFR Chapter 60).

13. ACCESS TO RECORDS / FLORIDA'S PUBLIC RECORDS LAWS

This Agreement shall be subject to Florida's Public Records Laws, Chapter 119, Florida Statutes. Contractor understands the broad nature of these laws and agrees to comply with Florida's Public Records Laws and laws relating to records retention. The Contractor shall keep records to show its compliance with program requirements. Contractors and subcontractors must make available, upon request of the School Board, the United States Department of Education, the Comptroller General of the United States, the Florida Department of Education, or any of their duly authorized representatives, any books, documents, papers, and records of the Contractor which are directly pertinent to this specific Agreement for the purpose of making audit, examination, excerpting, and transcribing. The Contractor shall retain all records for five (5) years after final payment is made or received and all pending matters are completed pursuant to Title 34, Sections 80.36(b)(1). Exempt or confidential information should not be disclosed unless authorized by law. Contractor shall destroy any duplicate records which are exempt from public records disclosure as set forth in Chapter 119. Upon termination of this agreement all public records in possession of the Contractor must be transferred to School Board at no cost. If records are stored electronically, the records must be provided in a compatible format to School Board's operating system.



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14. PATENTS, COPYRIGHTS AND ROYALTIES

All books, manuals, films or other materials suitable for copyright or patent, regardless of means of transmission produced as a result of the work or services performed under or in connection with this Agreement, are hereby reserved as the exclusive property of and sole ownership by The School Board of Indian River County, Florida, unless and to the extent that the parties agree otherwise in Exhibit A, Exhibit B, or as evidenced in any other writing and included as a part of this Agreement. Contractor shall defend, indemnify and hold the School Board and its successors and assigns harmless from and against all third-party claims, suits and proceedings and any and all damages, liabilities, costs and expenses (including reasonable attorneys' fees and court costs) incurred as a result of (i) infringement by Contractor of any third-party patent, copyright or trademark or (ii) misappropriation by Contractor of any third-party trade secret in connection with any of the foregoing. Contractor will indemnify and hold harmless the School Board from liability of any nature or kind, including costs and expenses for or on account of any copyrighted, service marked, trademarked, patented or unpatented invention, process, article or work manufactured or used in the performance of the Agreement, including its use by the School Board. If Contractor uses any design, device, materials or works covered by letters, service mark, trademark, patent, copyright or any other intellectual property right, it is mutually agreed and understood without exception that the proposal prices will include all royalties or costs arising from the use of such design, device or materials in any way involved in the work.

15. BACKGROUND SCREENING REQUIREMENTS

In accordance with the requirements of §1012.465, §1012.32 and §1012.467, Florida Statutes, and School Board Policies as amended from time to time Contractor agrees that, if Contractor receives remuneration for services, Contractor and all of its employees who provide or may provide services under this Contract will complete criminal history checks, and all background screening requirements, including level 2 screening requirements as outlined in the above-referenced statutes and School Board Policies prior to providing services to The School Board of Indian River County.

Additionally, Contractor agrees that each of its employees, representatives, agents, subcontractors or suppliers who are permitted access on school grounds when students are present, who has direct contact with students or who has access to or control of school funds must meet level 2 screening requirements as described in the above-referenced statutes and School Board Policies.

A non-instructional contractor who is exempt from the screening requirements set forth in §1012.465, §1012.468 or §1012.467, Florida Statutes, is subject to a search of his or her name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under §943.043 and the national sex offender public registry maintained by the United States Department of Justice. Further, upon obtaining clearance by School Board, the School Board will issue a photo identification badge, which shall be worn by the individual at all times in plain sight while on School Board property when students are present.



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Contractor agrees to bear any and all costs associated with acquiring the required background screening -- including any costs associated with fingerprinting and obtaining the required photo identification badge. Contractor agrees to require all its affected employees to sign a statement, as a condition of employment with Contractor in relation to performance under this Agreement, agreeing that the employee will abide by the heretofore described background screening requirements, and also agreeing that the employee will notify the Contractor/Employer of any arrest(s) or conviction (s) of any offense enumerated in School Board Policy 8475 within 48 hours of its occurrence.

Contractor agrees to provide the School Board with a list of all its employees who have completed background screening as required by the above-referenced statutes and who meet the statutory requirements contained therein. Contractor agrees that it has an ongoing duty to maintain and update these lists as new employees are hired and in the event that any previously screened employee fails to meet the statutory standards. Contractor further agrees to notify the School Board immediately upon becoming aware that one of its employees who was previously certified as completing the background check and meeting the statutory standards is subsequently arrested or convicted of any disqualifying offense. Failure by Contractor to notify the School Board of such arrest or conviction within 48 hours of being put on notice and within five (5) business days of the occurrence of qualifying arrest or conviction, shall constitute grounds for immediate termination of this Agreement.

The parties further agree that failure by Contractor to perform any of the duties described in this section shall constitute a material breach of the Agreement entitling the School Board to terminate this Agreement immediately with no further responsibility to make payment or perform any other duties under this Agreement.

16. CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

As per School Board Rule 1113, it is the policy that no District officer or employee, including but not limited to, Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship with any business entity or any agency which is doing business with an agency of which s/he is an officer or employee,

excluding those organization and their officer who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the District.

Furthermore, it is the policy of the Board that no District officer or employee, including but not limited to Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship that will create any conflict whatsoever between his/her private interests and the performance of his/her duties or that would impede the full and faithful discharge of his/her duties.

It is the intent of the Board that this policy is interpreted consistent with the Florida Commission on Ethics interpretations.



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17. COMPLIANCE WITH BOARD POLICIES

I certify agreement with the following School Board Policies: 6320 Purchasing and Contracting for Goods and Services; 6324 Code of Silence; 6322 Construction Contracting and Bidding; 6540 Consultant Agreements; and 6460 Vendor Relations, and agree to comply with all applicable School Board contracting and procurement policies and procedures.

18. ASSIGNMENT

This Agreement may not be assigned nor may any assignment of monies due, or to become due to Contractor, be assigned without the prior written agreement of The School Board of Indian River County, Florida. If Contractor attempts to make such an assignment, such attempt shall constitute a condition of default.

19. DEBARMENT

By signing this Agreement, Contractor certifies, to the best of its knowledge and belief, that it and its principals:

- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency.
- (b) Have not, within the preceding five-year period, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.
- (c) Are not presently indicted or otherwise criminally charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in the preceding paragraph
- (d) Have not within the preceding five-year period had one or more public transactions (federal, state or local) terminated for cause or default.
- (e) Have not been debarred by the School Board pursuant to School Board policy 6320.

Contractor agrees to notify School Board within 30 days after the occurrence of any of the events, actions, debarments, proposals, declarations, exclusions, convictions, judgments, indictments, information, or terminations as described in paragraphs 19(a) – (e) above, with respect to Contractor or its principals.



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20. CONDUCT WHILE ON SCHOOL PROPERTY

The Contractor acknowledges that its employees and agents must behave in an appropriate manner while on the premises of any school facility and shall at all times conduct themselves in a manner consistent with School Board Policies and subject to the administrator of designee. It will be considered a breach of this Agreement for any agent or employee of the Contractor to behave in a manner which is inconsistent with good conduct or decorum, or to behave in any manner which will disrupt the educational program or constitute any level of threat to safety, health and well-being of any student or employee of the School Board. The Contractor agrees to immediately remove any agent or employee if directed to do so by the building administrator or designee.

21. NO WAIVER

Nothing herein is intended to serve as a waiver of sovereign immunity by the School Board.

22. NON-DISCRIMINATION

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of race, color, religion, gender, age, marital status, disability, political or religious beliefs, or national or ethnic origin.

23. NO TAXES

The School Board is not obligated and does not agree to pay any federal, state, or local tax as a result of this agreement. The only exemption regarding payment of taxes shall be for situations that involve re-sale of product to the public for the purpose of fund-raising.

24. WRITTEN NOTICE DELIVERY

Any notice required or permitted to be given under this agreement by one party to the other party shall be in writing and shall be given and deemed to have been given immediately if delivered in person to the recipient's address set forth in this section or on the date shown on the certificate of receipt if placed in the United States mail, postage prepaid, by registered or certified mail with return receipt requested, addressed to the receiving party at the address hereinafter specified.



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Contractor/Vendor Address. The address for Contractor Vendor for all purposes under this agreement and for all notices hereunder shall be:

Contractor/Vendor: Innovation Florida
Contact's Name/Title: Ryan Kegerreis
Address: 1951 NW 7th Ave. Ste. 600, Miami, FL, 33136

School Board's Address. The address for the School Board of Indian River County for all purposes under this agreement and for all notices hereunder shall be:

School Board of Indian River County
Attn: Superintendent Mark J. Rendell, Ed.D
6500 57th Street
Vero Beach, Florida 32967

With a copy to:

Department: Curriculum and Instruction
Department Executive Director: Dr. Kathrine Pierandozzi
Address: 6500 57th Street, Vero Beach, FL 32967



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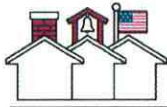
22. INSURANCE REQUIREMENTS

During the term of this Agreement, the Contractor shall maintain the following insurance coverage in accordance with the requirements hereinafter stated:

- i. Commercial general liability coverage with limits of at least \$1,000,000.00 per occurrence; \$2,000,000.00 aggregate.
- ii. Automobile liability coverage of at least \$200,000.00 per occurrence; \$600,000.00 aggregate.
- iii. Professional liability or errors and omissions insurance with coverage of at least \$100,000.00 per occurrence; \$300,000.00 aggregate.

The insurance shall be issued by insurers licensed and authorized to issue policies of insurance in Florida, and each policy required shall be issued by a carrier with preferably a BEST rating of A+ or better. THE SCHOOL BOARD OF INDIAN RIVER COUNTY shall be named as an additional insured on each policy and the Contractor shall provide certificates of insurance for each policy showing the SCHOOL BOARD as an additional insured, before beginning services under this contract.

[signature page to follow]



**School District of
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VENDOR/CONTRACTOR


BY: 
(Signature)

Thomas Buchar
(Name Typed)
Managing Director
(Title)

1951 NW 7th Ave – Suite 600
(Address)
Miami Florida 33136
(City State Zip Code)

Date: 13-Feb-2019
FEIN (BUSINESS): 81-3380827
PHONE/FAX: 312-560-0007
tba@tsfa.co
CONTACT EMAIL ADDRESS

**THE SCHOOL BOARD OF INDIAN
RIVER COUNTY, FLORIDA**

BY: 
Signature (Superintendent of Schools or Designee)

Mark J. Rendell, Ed.D.
(Name Typed/Printed)

Superintendent
(Title)

Date: _____



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Exhibit A- Mutual Understanding of Curriculum Protection

1. Trade Secrets; Confidential Information. Subject to the requirements of paragraph 13, during the term of this Agreement, each party (a "**Receiving Party**") may have access to and may become familiar with various trade secrets and confidential information of the other party (the "**Disclosing Party**"), including without limitation financial, operational and development information, software and computer programs and related source codes, object codes and documentation, processes, customer information and other non-public information owned by the Disclosing Party or in which the Disclosing Party has property or license rights (all of such items contained in any tangible or electronic form herein referred to as the "**Confidential Information**"). Notwithstanding the foregoing, Confidential Information shall not include (i) information which is or becomes generally available to the public other than as a result of disclosure by the Receiving Party, (ii) becomes available to the Receiving Party on a non-confidential basis from a source not bound by an obligation of confidentiality to the Disclosing Party, (iii) was known to the Receiving Party prior to its disclosure by the Disclosing Party, or (iv) is developed independently by the Receiving Party without reference to the Disclosing Party's Confidential Information and in the event the vendor desires to obtain a temporary injunction against the School Board, the vendor should be required to post a bond.

The Receiving Party shall not disclose any of the Disclosing Party's Confidential information, directly or indirectly, nor use the Confidential Information in any way, either during the term of this Agreement or at any time thereafter, except as required in the course of the performance or receipt of Services under this Agreement or as required by law. The Receiving Party shall take commercially reasonable measures to protect the security and prevent the improper disclosure or use of Confidential Information, which shall in no event be less rigorous than those utilized by the Receiving Party to protect its own Confidential Information. The Receiving Party shall disclose the Confidential information only to those employees, agents or representatives having a need for access to the Confidential Information for purposes of performing or receiving the Services, and who are bound by obligations of confidentiality and non-disclosure that are no less stringent than those contained herein. Each party represents that it has not disclosed and will not disclose to the other party or provide in connection with the Services any confidential information, device, material, document, trade secret or the like of any third party that is not generally available to the public. Each party agrees that it shall not disclose to the other party any confidential information of any third party, nor grant access to the other party to any third party licensed software, except as shall be in compliance with the applicable license agreement.

Confidential Information may be disclosed by the Receiving Party as required by subpoena or other legal process or legal requirement, provided that the Receiving Party shall provide to the Disclosing Party notice of the legal requirement for disclosure as soon as reasonably practicable, so that the Disclosing Party may seek a protective order or other legal relief.



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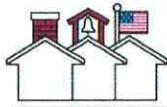
Contract Number _____ (For Procurement Use Only)

Upon termination of this Agreement all of the Disclosing Party's Confidential Information in the Receiving Party's custody or control shall be immediately returned to the Disclosing Party, and the Receiving Party shall destroy all records, notes, compilations and other documentation (on all forms of media) that in any way refer to, relate to or contain Confidential Information of the Disclosing Party, and erase and remove all electronic versions of same from its computer systems and other electronic devices in its possession or control, except that each party shall have the right to retain one copy of materials containing Confidential Information of the Disclosing Party for record-keeping purposes, subject to continued compliance with the confidentiality and non-use terms set forth herein. The parties each acknowledge that there would be no adequate remedy at law for its failure to comply with the terms of this Section. Accordingly, in the event that a Receiving Party fails to comply with these terms, each party acknowledges and agrees that the Disclosing Party shall have the right, without prejudice to any other rights or remedies available to it, to seek equitable relief to enforce and protect its rights hereunder, by way of temporary restraining order or injunction, and such other alternative relief as may be appropriate, without the necessity of posting any bond or surety.

2. Ownership of Work Product and School Board-Provided Elements; Consultant Intellectual Property: Residual Know-How.

a. Work Product shall not include any commercial off-the-shelf or other third party software (collectively, "**COTS Software**") that is incorporated in any Work Product, and the ownership and rights surrounding the use of any such COTS Software shall be as set forth in the applicable COTS Software end user license or sublicense agreement. Additionally, as between Consultant and the School Board, the School Board shall retain ownership of the School Board-Provided Elements, and hereby grants to Consultant a royalty-free, fully-paid license to use the School Board-Provided Elements in connection with providing the Services and the Work Product pursuant to this Agreement.

Consultant shall retain sole and exclusive ownership of all right, title and interest in any pre-existing or preparatory materials including, without limitation, ideas, work papers, templates, tools, proprietary information, software, algorithms, methods, know-how, expertise, processes, identifier codes or other technology, concepts, proofs of concepts, research and analysis, artwork and other intellectual property that existed prior to this Agreement and any acquired thereafter related or unrelated to this Agreement (collectively, the "**Consultant Intellectual Property**"). The School Board will have no right to use such Consultant Intellectual Property in any manner without the express, prior written consent of Consultant. The School Board agrees not to reverse engineer, decompile or disassemble the Consultant Intellectual Property or modify, remove or obscure any copyright notice, trademark or other notices placed by Consultant on or in the Consultant Intellectual Property. Except as provided herein, Consultant does not convey, nor does the School Board obtain, any right to any Consultant proprietary information or other intellectual property, or tangible or electronic materials that Consultant may utilize or provide (including all Consultant Intellectual Property). Additionally, Consultant shall have the right to retain and use all general knowledge, skills, and experience, and any general ideas, concepts, know-how, expertise and techniques gained in connection with providing the Services hereunder (collectively, "**Residual Know-How**") in connection with Consultant's curriculum development and consulting services business and creation of work product for other customers on other engagements, and Consultant's other clients shall have the right to use work product incorporating or using such Residual Know-How without any requirement to pay royalties or otherwise compensate the School Board with respect thereto.



School District of Indian River County

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Contract Number _____ (For Procurement Use Only)

3. Mutual Non-Hire Obligations; Hiring Placement Fee. Each

party agrees that, while this Agreement is in effect and for a period of two (2) years thereafter, except as otherwise expressly provided below it shall not, without the prior written consent of the other party, solicit to hire nor hire or otherwise engage any employee or contract consultant of the other party who has been involved in the performance or the receipt of Services hereunder. This prohibition on hiring or otherwise engaging Consultant employees or contractors shall apply regardless of whether the employee or contractor involved responds to a general advertisement of available positions or other public information regarding employment or engagement by the School Board. If the School Board decides at its discretion to hire any of the Consultant personnel that are assigned by Consultant to provide the Services to the School Board, whether as an employee or an independent contractor, or who the School Board previously rejected as a proposed Service consultant hereunder or who was otherwise known by the School Board to be a Consultant employee or contractor, during the term hereof or within two (2) years after termination of this Agreement, the School Board shall be required to pay a nonrefundable fee to Consultant in the amount of 25% of the starting base annual salary to be paid by the School Board to such individual, or \$20,000, whichever is greater. The fee shall be due and payable as follows: the full amount shall be paid to Consultant upon the individual's start date as an employee or independent contractor of the School Board.

[acknowledgement page to follow]



**School District of
Indian River County**

Vision: Educate and inspire every student to be successful
Mission: To serve all students with excellence

Contract Number _____ (For Procurement Use Only)

Acknowledged and accepted by School Board:

By: Mark J. Rendell Superintendent _____
(Title) (Date)

Name: Mark J. Rendell, Ed.D.

Acknowledged and accepted by Consultant:

By: [Signature] Director 13-Feb-2019
(Title) (Date)

Name: Thomas Buchar



School District of Indian River County

Vision: Educate and inspire every student to be successful

Mission: To serve all students with excellence

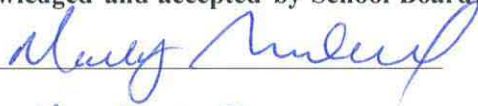
Contract Number _____ (For Procurement Use Only)

1. Work Product to be Provided by Consultant to Client: The Consultant will be present for all classes to provide instruction to the students that are part of the course.
2. Staffing: Consultant will assign an Instructor, to perform the Services at the Client's facilities located at The Mueller Center, in Vero Beach Florida.
4. Work Schedule: The consultant will be available during the course hours, which are expected to be 8 AM to 3 PM Monday to Thursday. The course length is expected to be 8 weeks. The course start date is expected to be June 4th.
5. Professional Fees: The Services shall be provided for an upfront Consultant's Lump-sum fee. The current Lump-sum fee is set forth in the table below. The prices listed in the following table are an estimate for the services discussed. This is not a warranty of final price. Estimates are subject to change if project specifications are changed or costs for outsourced services change before a contract is executed.

LUMP-SUM FEE


Consultant Services	Fees
High School Instructor & Curriculum	\$48,575.00
Total:	\$48,575.00

Acknowledged and accepted by School Board:

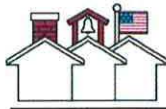
By:  Superintendent _____
 (Title) (Date)

Name: Mark J. Rendell, Ed.D.

Acknowledged and accepted by Consultant:

By:  _____ Director _____
 (Title) (Date)

Name: Thomas Buchar



School District of Indian River County

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Exhibit C - Services

Consultant shall provide the following: (throughout this Agreement referenced as the "Services")

Overview

Innovation Florida, is pleased to submit this proposal for services to support the School District of Indian River in achieving its goals for improving students' knowledge around the most prominent coding languages CSS/HTML/JavaScript and Ruby on Rails and expose them to real job/internship and entrepreneurial opportunities.

Code Skools utilizes an award-winning coding-curriculum and during our summer program we offer our students the ability to learn the coding languages. We are preparing students for the technological revolution that is sweeping the world. Upon completion of Code Skools, and graduation from their summer camp, students are able to enter the workforce as a junior full-stack developer, capable of demanding a mid-five figure salary. On the other hand, if university is in their cards, students will have the computational background and understanding that will automatically place them light years above their peers.

The Objective

- Teach summer Camp Participants the Coding Languages in 8 Weeks
- Showcase and Expose participants of the summer camp the different options they have after High School
- Motivate and Inspire the participants of the summer camp

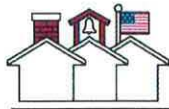
Work Product

Innovation Florida, Inc via Code Skools, will provide an eight (8) week coding summer camp to 25 students identified by the district office, here is the breakdown of the 8 weeks:

Weeks 1 -4 of the course, students use HTMLS, CSS3 and JavaScript to create web pages using industry best practices for front-end web development.

Weeks 5-8 students dive into back-end technologies using the Ruby on Rails programming language, turning their front-end creations into dynamic web apps.

Innovation Florida will provide the guest speakers, potential hiring partners (this with the support of the education foundation and district office) and the instructor, as well as the preparation and coordination of a Graduation ceremony for the participants of the program.



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Deliverables

Following is an anticipated list of deliverables:

Deliverable	Description
Coding Summer Camp	Innovation Florida will provide the instructors and will coordinate the schedule during the summer to make sure the program is successful.
Guest Speakers	Innovation Florida will guarantee the visit of at least 3 successful C-Level executives during the program.
Internship/Job Placement	Innovation Florida, with the support and coordination of the education foundation and school district office will schedule one session for potential hiring partners to meet with our camp participants

The Services listed in this Exhibit C are a best estimate for the services to be delivered. **This Exhibit C is not a warranty of final product and is subject to change if project specifications are changed or costs for outsourced services change.**

[acknowledgement page to follow]

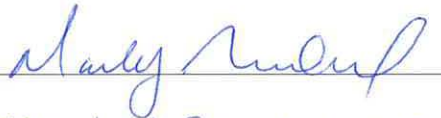


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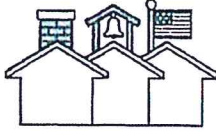
Acknowledged and accepted by School Board:

By:  Superintendent _____
(Title) (Date)
Name: Mark J. Rendell, Ed.D.

Acknowledged and accepted by Consultant:

By:  _____
(Title) Director (Date) 13 Feb 2019
Name: Thomas Buchar

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School District of Indian River County

6500 57th Street • Vero Beach, Florida, 32967 • Telephone: 772-564-3000 • Fax: 772-569-0424

Mark J. Rendell, Ed.D. - Superintendent

Purchasing Department

6055 62nd Avenue
Vero Beach, FL 32967
772-564-5050
Jeffrey.carver@indianriverschools.org

December 10, 2018

Carter Associates, Inc.
Attn: Patrick S. Walther, P.E.
1708 21st Street
Vero Beach, FL 32960-3472
patw@carterassoc.com

Re: Renewal 1 of 2 of SDIRC 03-0-2018JC RFQ for Civil Engineers

Dear Mr. Walther:

SDIRC 03-0-2018JC provided for a renewal of this contract for civil engineering services on the anniversary date of February 27, 2018 for an additional one year period. This renewal is subject to Board approval. All specifications, terms, and conditions of the first year must remain the same.

Please check the appropriate box, sign below and return this original form to the Purchasing Department no later than January 8, 2019. Upon Board acceptance of your renewal the District will require a current certificate of insurance referencing SDIRC 03-0-2018JC.

If you have any questions, please do not hesitate to call my office at (772) 564-5050.

Sincerely,


Jeff Carver, CPPO
Director of Purchasing and Central Receiving

We agree to renew this contract from February 27, 2019 through February 26, 2020 Yes No

Patrick S. Walther Patrick S. Walther, P.E., Principal 2/12/2019
Signature, Printed Name and Title - Carter Associates, Inc. Date

Chairman, School Board of Indian River County, Florida

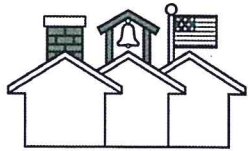
Date

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District 1 District 2 District 3 District 4 District 5

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Purchasing Department

6055 62nd Avenue
Vero Beach, FL 32967
772-564-5050

Jeffrey.carver@indianriverschools.org

December 10, 2018

CWT Engineering, LLC
Attn: Frank Watanabe, P.E.
4637 Paladin Circle
Vero Beach, FL 32967
cwtranse@gmail.com

Re: Renewal 1 of 2 of SDIRC 03-0-2018JC RFQ for Civil Engineers

Dear Mr. Watanabe:

SDIRC 03-0-2018JC provided for a renewal of this contract for civil engineering services on the anniversary date of February 27, 2018 for an additional one year period. This renewal is subject to Board approval. All specifications, terms, and conditions of the first year must remain the same.

Please check the appropriate box, sign below and return this original form to the Purchasing Department no later than January 8, 2019. Upon Board acceptance of your renewal the District will require a current certificate of insurance referencing SDIRC 03-0-2018JC.

If you have any questions, please do not hesitate to call my office at (772) 564-5050.

Sincerely,


Jeff Carver, CPPO
Director of Purchasing and Central Receiving

We agree to renew this contract from February 27, 2019 through February 26, 2020 Yes No

Frank Watanabe, Senior Engineer 12/19/18
Signature, Printed Name and Title - CWT Engineering, LLC Date

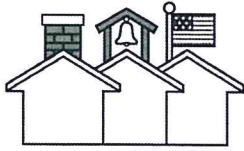
Chairman, School Board of Indian River County, Florida Date

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Purchasing Department

6055 62nd Avenue
Vero Beach, FL 32967
772-564-5050

Jeffrey.carver@indianriverschools.org

December 10, 2018

Masteller & Moler, Inc.
Stephen E. Moler, P.E.
1655 27th Street, Suite 2
Vero Beach, FL 32960
mastmoir@bellsouth.net

Re: Renewal 1 of 2 of SDIRC 03-0-2018JC RFQ for Civil Engineers

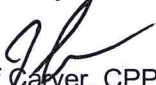
Dear Mr. Moler:

SDIRC 03-0-2018JC provided for a renewal of this contract for civil engineering services on the anniversary date of February 27, 2018 for an additional one year period. This renewal is subject to Board approval. All specifications, terms, and conditions of the first year must remain the same.

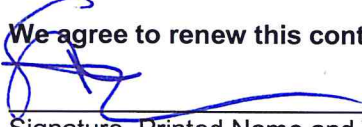
Please check the appropriate box, sign below and return this original form to the Purchasing Department no later than January 8, 2019. Upon Board acceptance of your renewal the District will require a current certificate of insurance referencing SDIRC 03-0-2018JC.

If you have any questions, please do not hesitate to call my office at (772) 564-5050.

Sincerely,


Jeff Carver, CPPO
Director of Purchasing and Central Receiving

We agree to renew this contract from February 27, 2019 through February 26, 2020 Yes No

 Stephen E. Moler, PE - Vice President 12/14/2018
Signature, Printed Name and Title - Masteller & Moler, Inc. Date

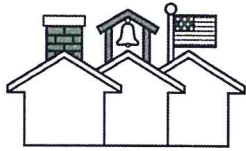
Chairman, School Board of Indian River County, Florida Date

Board Approved on _____

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Purchasing Department

6055 62nd Avenue
Vero Beach, FL 32967
772-564-5050

Jeffrey.carver@indianriverschools.org

December 10, 2018

MBV Engineering, Inc.
Attn: Aaron J. Bowles, P.E.
1835 20th Street
Vero Beach, FL 32960
aaronb@mbveng.com

Re: Renewal 1 of 2 of SDIRC 03-0-2018JC RFQ for Civil Engineers

Dear Mr. Bowles:

SDIRC 03-0-2018JC provided for a renewal of this contract for civil engineering services on the anniversary date of February 27, 2018 for an additional one year period. This renewal is subject to Board approval. All specifications, terms, and conditions of the first year must remain the same.

Please check the appropriate box, sign below and return this original form to the Purchasing Department no later than January 8, 2019. Upon Board acceptance of your renewal the District will require a current certificate of insurance referencing SDIRC 03-0-2018JC.

If you have any questions, please do not hesitate to call my office at (772) 564-5050.

Sincerely,


Jeff Carver, CPPO
Director of Purchasing and Central Receiving

We agree to renew this contract from February 27, 2019 through February 26, 2020 Yes No

 Aaron Bowles, P.E.
Signature, Printed Name and Title - MBV Engineering, Inc. 12/17/18
Date

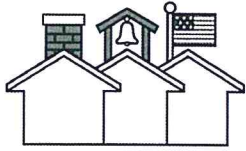
Chairman, School Board of Indian River County, Florida Date

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Mark J. Rendell, Ed.D. - Superintendent

Purchasing Department

6055 62nd Avenue
Vero Beach, FL 32967
772-564-5050

Jeffrey.carver@indianriverschools.org

December 10, 2018

Schulke, Bittle & Stoddard, LLC
Joseph W. Schulke, P.E.
1717 Indian River Boulevard, Suite 201
Vero Beach, FL 32960
jschulke@sbsengineers.com

Re: Renewal 1 of 2 of SDIRC 03-0-2018JC RFQ for Civil Engineers

Dear Mr. Schulke:

SDIRC 03-0-2018JC provided for a renewal of this contract for civil engineering services on the anniversary date of February 27, 2018 for an additional one year period. This renewal is subject to Board approval. All specifications, terms, and conditions of the first year must remain the same.

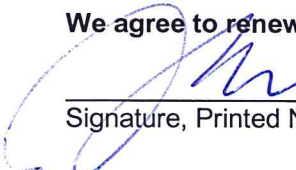
Please check the appropriate box, sign below and return this original form to the Purchasing Department no later than January 8, 2019. Upon Board acceptance of your renewal the District will require a current certificate of insurance referencing SDIRC 03-0-2018JC.

If you have any questions, please do not hesitate to call my office at (772) 564-5050.

Sincerely,


Jeff Carver, CPPO
Director of Purchasing and Central Receiving

We agree to renew this contract from February 27, 2019 through February 26, 2020 Yes No

 Joseph W. Schulke, Managing Member 12/17/18
Signature, Printed Name and Title - Schulke, Bittle & Stoddard, LLC Date

Chairman, School Board of Indian River County, Florida Date

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District 1
- Jacqueline Rosario
District 2
- Laura Zorc
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- Teri L. Barenborg
District 4
- Tiffany M. Justice
District 5

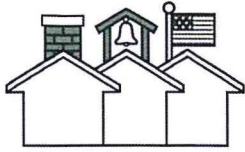
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SDIRC RFQ 07-0-2017JC Pre-Qualification of Contractors
Approval to Renew 13 Contractors for the period of 02.28.19 through 02.27.20

	Proctor Construction Vero Beach, FL	Paul Jacquin & Sons Fort Pierce, FL	Hi-Tech Roofing Lake Worth, FL	West Construction Lantana, FL
Evaluation Criteria				
Proof of Licensing	Yes	Yes	Yes	Yes
Surety Rating	A++	A++	A	A+
Bonding Capacity Per Project	\$100,000,000	\$40,000,000	\$4,000,000	\$50,000,000
Project Experience	41 Years	77 Years	36 Years	48 years
Certificate of Liability	Yes	Yes	Yes	Yes
Litigation within the past 5 years	Yes	Yes	No	No
Type of Work	Building Construction	Building Const./Roofing	Roofing	Building Construction
Recommended to Renew	Yes	Yes	Yes	Yes
	Fastrack MCI West Palm Beach	Summit Construction Vero Beach, FL	Accel Construction Fort Pierce, FL	Barth Construction Vero Beach, FL
Evaluation Criteria				
Proof of Licensing	Yes	Yes	Yes	Yes
Surety Rating	A+	A+	A	A
Bonding Capacity Per Project	8,000,000	\$5,000,000	\$10,000,000.00	\$15,000,000
Project Experience	14 Years	18 Years	8 Years	43 Years
Certificate of Liability	Yes	Yes	Yes	Yes
Litigation within the past 5 years	No	No	No	No
Type of Work	Building Construction	Building Construction	Building Construction	Building Construction
Recommended to Renew	Yes	Yes	Yes	Yes
	Advanced Roofing Ft. Lauderdale, FL	General Mechanical Daytona Beach, FL	Kirchman Construction Stuart, FL	Pinnacle Construction Vero Beach, FL
Evaluation Criteria				
Proof of Licensing	Yes	Yes	Yes	Yes
Surety Rating	A	A	A	A+
Bonding Capacity Per Project	\$40,000,000	\$15,000,000	\$2,000,000	\$7,000,000
Project Experience	34 Years	21 Years	46 Years	13 Years
Certificate of Liability	Yes	Yes	Yes	Yes
Litigation within the past 5 years	No	No	No	No
Type of Work	Roofing	Building Const./HVAC	Building Construction	Building Construction
Recommended to Renew	Yes	Yes	Yes	Yes
	Richard K. Davis Construction Fort Pierce, FL	No Response: Marmer Construction, Sebring FL		
Evaluation Criteria				
Proof of Licensing	Yes			
Surety Rating	A			
Bonding Capacity Per Project	\$4,000,000			
Project Experience	57 Years			
Certificate of Liability	Yes			
Litigation within the past 5 years	No			
Type of Work	Building Construction			
Recommended to Renew	Yes			

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School District of Indian River County

6500 57th Street • Vero Beach, Florida, 32967 • Telephone: 772-564-3000 • Fax: 772-569-0424

Mark J. Rendell, Ed.D. - Superintendent

Purchasing Department

6055 62nd Avenue
Vero Beach, FL 32967
772-564-5050
Jeffrey.carver@indianriverschools.org

December 17, 2018

Advanced Roofing, Inc.
Attn: Robert P. Kornahrens
1950 NW 22nd Street
Fort Lauderdale, FL 33311
robertp@advancedroofing.com

Re: Renewal 1 of 2 of SDIRC 14-0-2018JC RFP for Roof Repair and Maintenance – Primary Award

Dear Mr. Kornahrens:

SDIRC 14-0-2018JC provided for a renewal of this contract for roofing services on the anniversary date of February 27, 2018 for an additional one year period. This renewal is subject to Board approval. All specifications, terms, and conditions of the first year must remain the same.

Please check the appropriate box, sign below and return this original form to the Purchasing Department no later than January 15, 2019. Upon Board acceptance of your renewal the District will require a current certificate of insurance referencing SDIRC 14-0-2018JC.

If you have any questions, please do not hesitate to call my office at (772) 564-5050.

Sincerely,

Jeff Carver, CPPO
Director of Purchasing and Central Receiving

We agree to renew this contract from February 27, 2019 through February 26, 2020 Yes No

Signature, Printed Name and Title - Robert P. Kornahrens, President

12/28/18
Date

Chairman, School Board of Indian River County, Florida

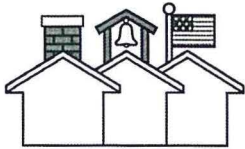
Date

Board Approved on _____

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- Dr. Mara Schiff
District 1
- Jacqueline Rosario
District 2
- Laura Zorc
District 3
- Teri L. Barenborg
District 4
- Tiffany M. Justice
District 5

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Mark J. Rendell, Ed.D. - Superintendent

Purchasing Department

6055 62nd Avenue
Vero Beach, FL 32967
772-564-5050

Jeffrey.carver@indianriverschools.org

December 17, 2018

Crowther Roofing and Sheet Metal of Florida
Attn: Bobby Koder
15865 Assembly Loop
Jupiter, FL 33478
bobbyk@crowther.net

Re: Renewal 1 of 2 of SDIRC 14-0-2018JC RFP for Roof Repair and Maintenance – Alternate Award

Dear Mr. Koder:

SDIRC 14-0-2018JC provided for a renewal of this contract for roofing services on the anniversary date of February 27, 2018 for an additional one year period. This renewal is subject to Board approval. All specifications, terms, and conditions of the first year must remain the same.

Please check the appropriate box, sign below and return this original form to the Purchasing Department no later than January 15, 2019. Upon Board acceptance of your renewal the District will require a current certificate of insurance referencing SDIRC 14-0-2018JC.

If you have any questions, please do not hesitate to call my office at (772) 564-5050.

Sincerely,

Jeff Carver, CPPO
Director of Purchasing and Central Receiving

We agree to renew this contract from February 27, 2019 through February 26, 2020 Yes No

Mark J. Rendell III, BOBBY KODER, SURVEYOR/ESTIMATOR 1/2/19
Signature, Printed Name and Title - Crowther Roofing and Sheet Metal of Florida Date

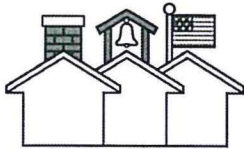
Chairman, School Board of Indian River County, Florida Date

Board Approved on _____

"Educate and inspire every student to be successful"

- Dr. Mara Schiff
District 1
- Jacqueline Rosario
District 2
- Laura Zorc
District 3
- Teri L. Barenborg
District 4
- Tiffany M. Justice
District 5

"To serve all students with excellence"
Equal Opportunity Educator and Employer



School District of Indian River County

6500 57th Street • Vero Beach, Florida, 32967 • Telephone: 772-564-3000 • Fax: 772-569-0424

Mark J. Rendell, Ed.D. - Superintendent

Purchasing Department

6055 62nd Avenue
Vero Beach, FL 32967
772-564-5050
Jeffrey.carver@indianriverschools.org

December 17, 2018

Hi-Tech Roofing & Sheet Metal, Inc.
Attn: Michael J. Daley
2266 4th Avenue North
Lake Worth, FL 33461
estimating@hi-techroofing.com

Re: Renewal 1 of 2 of SDIRC 14-0-2018JC RFP for Roof Repair and Maintenance – Alternate Award

Dear Mr. Daley:

SDIRC 14-0-2018JC provided for a renewal of this contract for roofing services on the anniversary date of February 27, 2018 for an additional one year period. This renewal is subject to Board approval. All specifications, terms, and conditions of the first year must remain the same.

Please check the appropriate box, sign below and return this original form to the Purchasing Department no later than January 15, 2019. Upon Board acceptance of your renewal the District will require a current certificate of insurance referencing SDIRC 14-0-2018JC.

If you have any questions, please do not hesitate to call my office at (772) 564-5050.

Sincerely,


Jeff Carver, CPPO
Director of Purchasing and Central Receiving

We agree to renew this contract from February 27, 2019 through February 26, 2020 Yes No

 Michael J. Daley, President 1/2/19
Signature, Printed Name and Title - Hi-Tech Roofing & Sheet Metal, Inc. Date

Chairman, School Board of Indian River County, Florida Date

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