

November 28, 2001

Education
Joseph H. Mathos, Deputy Superintendent

**SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: FINAL READING
6Gx13- 6A-1.331, PROCEDURES FOR PROVIDING SPECIAL
EDUCATION FOR EXCEPTIONAL STUDENTS**

The School Board of Miami-Dade County, Florida, announced on October 24, 2001, its intention to amend Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students, at the meeting of December 12, 2001. The proposed amendment reflects the repeal of the documents, **Special Programs and Procedures for Exceptional Students 1996-97** and **Amendment to the Special Programs and Procedures for Exceptional Students, Effective Dates: 1999-2000**, and the adoption of a new document, **Special Programs and Procedures for Exceptional Students, Effective Dates: 2000-2001 through 2002-2003**, to be incorporated by reference into Board Rule 6Gx13- 6A-1.331.

It is necessary to repeal the previous documents and promulgate the new document to comply with specifications from the Florida Department of Education. The promulgated document will be in effect 2000-2001 through 2002-2003 or until a new document is forwarded by the Florida Department of Education and approved by the Board. The substantive changes to be in compliance with the Individuals with Disabilities Education Act, federal regulations, and Florida Board of Education rules include procedures for participation in statewide and alternate assessments, opportunity scholarships and scholarships for students with disabilities, and the discipline of students with disabilities.

The Notice of Intended Action was published in the *Miami Daily Business Review* on October 30, 2001, posted in various places for public information, and mailed to various organizations representing persons affected by the amended rule, and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

A copy of the document proposed for adoption and the documents proposed for repeal will be forwarded to the School Board Members under separate cover prior to the School Board Meeting of December 12, 2001, and will be available for inspection by the public in the Office of Board Recording Secretary, Room 924, and the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida, 33132.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

1. adopt amended Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective December 12, 2001;
2. repeal the documents **Special Programs and Procedures for Exceptional Students 1996-97** and **Amendment to the Special Programs and Procedures for Exceptional Students, Effective Dates: 1999-2000**; and
3. authorize the Superintendent to submit the new document, **Special Programs and Procedures for Exceptional Students, Effective Dates: 2000-2001 through 2002-2003** to the Florida Department of Education for approval.

RKF:jf

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 24, 2001, its intention to amend Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students, at the meeting of December 12, 2001.

PURPOSE AND EFFECT: To submit to the Florida Department of Education the amended Board Rule, in order that the documents, **Special Programs and Procedures for Exceptional Students, 1996-1997**, and **Amendment to the Special Programs and Procedures for Exceptional Students, Effective Dates: 1999-2000**, which are incorporated by reference and are a part of this Board Rule, be repealed and to promulgate the new document, **Special Programs and Procedures for Exceptional Students, Effective Dates: 2000-2001 through 2002-2003**, to comply with Florida Board of Education rules and requirements for completion of the document issued by the Florida Department of Education.

SUMMARY: The Board Rule 6Gx13- 6A-1.331 and, the new document, **Special Programs and Procedures for Exceptional Students Effective Dates: 2000-2001 through 2002-2003**, which will be incorporated by reference and made part of this rule, reflects revisions to procedures required by the 1997 Amendments to the Individuals with Disabilities Education Act (IDEA) and corresponding federal regulations. The revisions to IDEA include procedures for participation in statewide and alternate assessments, opportunity scholarships and scholarships for students with disabilities, and the discipline of students with disabilities.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 228.041(19); 230.23(4)(m) and (n); 230.23005(3)(d); 230.33(6), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF December 12, 2001, which begins at 1:00 p.m. in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by November 19, 2001, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Ronald K. Felton
Supervisor: Mr. Joseph H. Mathos
Date: October 10, 2001

Instruction--Elementary and Secondary**PROCEDURES FOR PROVIDING SPECIAL EDUCATION FOR EXCEPTIONAL STUDENTS**

As a primary goal, it is the policy of The School Board of Miami-Dade County, Florida, to provide access for exceptional students to specialized instruction and related services that are individually designed to provide educational benefit to children with disabilities. An exceptional student shall be defined as any student who, because of physical, mental, emotional, or learning disability is unable to receive an appropriate educational program without specialized instruction and, if appropriate, related services. This instruction may be provided in a regular class, a special class, or in a special facility. The term exceptional student shall also be applied to those students identified as gifted.

The Board will provide special educational programs to students who show eligibility and require special education in one or more of the following areas: deaf or hard-of-hearing; visually impaired; physically impaired; trainable and educable mentally handicapped; emotionally handicapped; specific learning disabled; speech and language impaired; homebound or hospitalized; profoundly handicapped, which includes the autistic, dual sensory impaired, profoundly mentally handicapped, and severely emotionally disturbed. Services are also provided for the gifted student.

Exceptional Student Education is an integral part of Miami-Dade County Public Schools. Regular schools, special centers, special services, related state and local agencies, and resources are all utilized. All of the facilities and services of the regular school are made available to the exceptional student.

The document entitled **Special Programs and Procedures for Exceptional Students, 1996-97**, and the **Amendment to the Special Programs and Procedures for Exceptional Students Effective Dates: 1999-2000 2000-2001 through 2002-2003**, are is a part of and incorporated into this rule and will be submitted to the Florida State Department of Education.

Copies of **Special Programs and Procedures for Exceptional Students, 1996-97**, and the **Amendment to the Special Programs and Procedures for Exceptional Students Effective Dates: 1999-2000 2000-2001 through 2002-2003**, are on file in the Office of Board Recording Secretary and the Citizen Information Center.

Specific Authority: 230.22(2); 230.23(~~18~~)(22), F.S.

Law Implemented, Interpreted, or Made Specific: 228.041(19); 230.23(4)(m) and (n);
230.23005(3)(d); 230.33(6), F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 11-28-79

Amended: 1-14-81; 9-23-81; 2-17-82; 12-8-82; 10-19-83; 4-11-84; 1-9-85; 8-21-85;
7-23-86; 11-19-86; 9-30-87; 12-7-88; 1-10-90; 1-9-91; 6-5-91; 3-4-92; 4-14-93; 6-22-94;
7-12-95; 3-27-96; 4-16-97; 4-15-98; 3-17-99; 1-12-00