

August 24, 2005

Antoinette Dunbar, Deputy Superintendent
Curriculum, Instruction, and School Improvement

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

COMMITTEE: INSTRUCTIONAL EXCELLENCE & COMMUNITY ENGAGEMENT

This item is submitted for consideration by the School Board to repeal the document, **Special Programs and Procedures for Exceptional Students, Effective Dates: 2000-2001 through 2003-2004**, which is incorporated by reference and is part of this rule, and promulgate the new document, **Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2004-2005 through 2006-2007**, to be incorporated by reference into Board Rule 6Gx13- 6A-1.331.

It is necessary to repeal the previous document and promulgate the new document to comply with specifications from the Florida Department of Education (FLDOE). The promulgated document will be in effect through the 2006-2007 school year or until a new document is forwarded by the FLDOE and approved by the School Board. The substantive changes to the document to be in compliance with the Individuals with Disabilities Education Act (IDEA), federal regulations, and State Board of Education rules include procedures for referral and evaluation, procedures for providing services for students with disabilities enrolled in private schools, procedures for procedural safeguards for students with disabilities, and procedures for due process hearings.

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.

Copies of the proposed new document, **Policies and Procedures for the Provision of Specially Designed Instruction and Relates Services for Exceptional Students, Effective Dates 2004-2005-2006-2007**, and the document proposed for repeal, **Special Programs and Procedures for Exceptional Students, Effective Dates 2000-2001 through 2003-2004**, will be forwarded to Board Members under separate cover 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.

C-100

Authorization of the School Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students. At Final Reading, Board approval will be requested to adopt the amended Board Rule 6Gx13- 6A-1.331, and to authorize the Superintendent to submit the document, **Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2004-2005 through 2006-2007**, to the FLDOE.

RECOMMENDED: That The School Board of Miami- Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students, to repeal the document, **Special Programs and Procedures for Exceptional Students, Effective Dates 2000-2001 through 2003-2004**, which is incorporated by reference and is part of this rule, and to promulgate the new document, **Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2004-2005 through 2006-2007**, to be incorporated by reference and made part of this rule.

AD/BB:jf

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 7, 2005, its intention to amend Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students, at the meeting of October 19, 2005.

PURPOSE AND EFFECT: The purpose is to submit to the Florida Department of Education the amended Board Rule 6Gx13- 6A-1.331, in order that the document, **Special Programs and Procedures for Exceptional Students, Effective Dates: 2000-2001 through 2003-2004**, which is incorporated by reference and is a part of this Board Rule, be repealed and to promulgate the new document, **Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2004-2005 through 2006-2007**, to comply with Florida Board of Education rules and requirements for completion of the document issued by the Florida Department of Education.

SUMMARY: School Board Rule 6Gx13- 6A-1.331, and the new document, **Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2004-2005 through 2006-2007**, which will be incorporated by reference and made part of this rule, reflects revisions to procedures required by the Individuals with Disabilities Education Act (IDEA), corresponding federal regulations, and State Board of Education rules. The revisions include procedures for referral and evaluation, procedures for providing services for students with disabilities enrolled in private schools, procedures for procedural safeguards, and procedures for due process hearings.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1000.01(4); 1001.43(3)(d); 1001.51(5)(6)(8); 1003.01(3)(a) and (b); 1003.02 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF October 19, 2005, 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 October 3, 2005, 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 to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Brucie Ball
Supervisor: Dr. Lourdes C. Rovira
Date: August 24, 2005

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; and 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, Effective Dates: 2000-2001 through 2003-2004, Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2004-2005 through 2006-2007~~, is a part of and incorporated into this rule and will be submitted to the Florida Department of Education.

Copies of ~~Special Programs and Procedures for Exceptional Students, Effective Dates: 2000-2001 through 2003-2004, Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates 2004-2005 through 2006-2007~~, are on file in the Office of Board Recording Secretary and the Citizen Information Center.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10), F.S.
Law Implemented, Interpreted, or Made Specific: 1000.01(4); 1001.43(3)(d);
1001.51(5)(6)(8); 1003.01(3)(a) and (b); 1003.02 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; 12-12-01; 1-14-04