

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

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

COMMITTEE: INSTRUCTIONAL EXCELLENCE & COMMUNITY ENGAGEMENT

The School Board of Miami-Dade County, Florida, announced on September 7, 2005, its intention to amend School Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students, at the meeting of October 19, 2005. The proposed amendment reflects the repeal of 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 the promulgation of 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.

The Notice of Intended Action was published in the *Miami Daily Business Review* on September 12, 2005, 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.

Copies of the proposed 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**, 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.

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 October 19, 2005; and
2. 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 Florida Department of Education.

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

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; 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