

Antoinette Dunbar, Deputy Superintendent
Curriculum and Instruction

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

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO DISTRICT

STRATEGIC PLAN: IMPROVE AND EXPAND CURRENT CURRICULUM

This item is submitted for consideration by the Board to amend School Board rule 6Gx13-6A-1.331, Procedures for Providing Special Education for Exceptional Students, and to amend 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*, which is incorporated by reference and made part of this rule, by extending the effective dates for the 2007-2008 school year to ensure alignment with all federal and state laws, regulations, and rules which are incorporated by reference and are a part of this rule.

The Florida Department of Education (FDOE) has prepared these amendments to be used as an addendum to the *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2004-2005 through 2006-2007*, to reflect the revisions to procedures to the final federal regulations promulgated to implement the 2004 amendments to the Individuals with Disabilities Education Act (IDEA 2004). The proposed amendments to the current document include:

- considerations in Individual Educational Plan (IEP) development, review, and revisions;
- content of the IEP;
- transition services;
- procedures for discipline;
- hearing rights for all parties;
- state complaint procedures; and
- eligibility criteria for specific programs in accordance with the required revisions from the Florida Department of Education (FDOE).

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Section 1003.57(1)(d), Florida Statutes, requires that district school boards submit proposed procedures for the provision of special instruction and services for exceptional students to the FDOE once every three years. Due to anticipated changes resulting from the rule development process, it has been determined that a one-year extension of the existing document is the most effective way to meet all requirements in a timely manner. Rule 6A-6.03441, Florida Administrative Code (FAC), requires the approval of this document by the FDOE as a prerequisite for utilizing weighted cost factors under the Florida Education Finance Program. This document also serves as the basis for the identification, evaluation, eligibility determination, and placement of students in special education programs.

The amendment to the *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 extension of the document are to comply with specifications from the FDOE. This document will be in effect for the 2007-2008 school year or until a new document is forwarded by the FDOE and approved by the Board.

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

Copies of the 2007-2008 addendum to the *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2004-2005 through 2006-2007*, will be forwarded to the 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.

Authorization of the 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.

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, and to amend 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*, which is incorporated by reference and a part of this rule.

LCR/BB:jf

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 5, 2007, its intention to amend Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students, and 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*, which is incorporated by reference and a part of this rule, at the meeting of October 17, 2007.

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, *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2004-2005 through 2006-2007*, which is incorporated by reference and is a part of this Board Rule, be extended for the 2007-2008 school year with an addendum to ensure alignment with all federal and state laws, regulations, and rules and to comply with Florida Board of Education requirements for the document issued by the Florida Department of Education.

SUMMARY: School Board Rule 6Gx13- 6A-1.331, and 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*, with an addendum to be incorporated, reflects revisions to procedures to the final federal regulations promulgated to implement the 2004 amendments to the Individuals with Disabilities Education Act (IDEA 2004), corresponding federal regulations, and State Board of Education rules. The revisions include considerations in individual educational plan (IEP) development, review, and revision; content of the IEP; transition services; procedures for discipline; hearing rights for all parties; state complaint procedures; and eligibility criteria for specific programs.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(23); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1000.01(4); 1001.42(3)(l); 1001.43(3)(d); 1001.51(5)(6)(8); 1003.01(3)(a) and (b); 1003.02; 1003.57(1)(d) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF October 17, 2007, 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 1, 2007, 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 23, 2007

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, and profoundly mentally handicapped; ~~emotionally handicapped~~; specific learning disabled; speech and language impaired; homebound or hospitalized; ~~profoundly handicapped, which includes the autistic, dual sensory impaired, emotional/behavioral disabilities; and autism spectrum disorder.~~ 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, **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 addendum provided by the Florida Department of Education (FDOE) for the 2007-2008 school year** is are a part of and incorporated into this rule and will be submitted to the Florida Department of Education FDOE.

Copies of the **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~~)(23); 1001.43(10); F.S.
Law Implemented, Interpreted, or Made Specific: 1000.01(4); 1001.42(3)(l);
1001.43(3)(d); 1001.51(5)(6)(8); 1003.01(3)(a) and (b); 1003.02; 1003.57(1)(d) 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; 10-19-05