

Office of Professional Development and Educational Services
Ava G. Byrne, Associate Superintendent

**SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: FINAL 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**

At the meeting held on October 15, 2008, the School Board of Miami-Dade County, Florida, announced its intention to amend School Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students and the *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2007-2008* document incorporated therein by reference and made part of the rule, during its meeting on November 18, 2008. Proposed revisions will extend the document's effective dates for the 2008-2009 school year and thereby ensure alignment with applicable state laws.

In accordance with the requirements set forth in Florida Statutes section 1003.57(1)(d), district school boards are required to submit to the Florida Department of Education (FDOE) proposed procedures governing the provision of special instruction and services for exceptional students. District procedures are forwarded to the FDOE once every three years. As part of this cycle, Miami-Dade County Public Schools would have been required to submit its updated document during the 2008-2009 school year. However, as directed by FDOE, pending anticipated legislative changes that will amend SPED related requirements impacting districts, a one-year extension of the current document is sought in order to ensure the district's timely ability to comply with existing regulations. In particular, under Rule 6A-6.03441 of the Florida Administrative Code (FAC), the district's ability to utilize weighted cost factors under the Florida Education Finance Program hinges on FDOE approval of the document which serves as the basis for the identification, evaluation, eligibility determination and placement of students in special education programs. In addition, the document is a component of the district's application for supplemental student funds available through the Individuals with Disabilities Education Act (IDEA).

The proposed extension adheres to specifications outlined by the FDOE and will render the document effective through the 2008-2009 school year or until a revised document has been forwarded to the FDOE and approved accordingly.

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The Notice of Intended Action was published in the *Miami Daily Business Review* on October 20, 2008, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting information.

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

In accordance with 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, the proposed amended rule, the revised cover to the document reflecting the extended date to 2008-2009 and the updated list of School Board Members and staff. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted. The proposed amended document may be viewed on line at <http://ese.dadeschools.net/PDF%202008-2009/SPP%202008-2009.pdf>.

There is no additional cost to the District associated with this item.

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, effective November 18, 2008; and
2. authorize the Superintendent to submit the *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, 2008-2009* to the Florida Department of Education.

AGB/WG:jf

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 15, 2008, its intention to amend Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students, and amend the document, *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2007-2008*, by extending the effective dates to the 2008-2009 school year, which is incorporated by reference and a part of this rule, at its meeting of November 18, 2008.

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: 2007-2008*, which is incorporated by reference and is a part of this Board Rule, be extended for the 2008-2009 school year 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 (FDOE).

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, 2008-2009*, reflects 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 document includes 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. Rule 6A-6.03411, Florida Administrative Code (FAC.), requires the approval of this document by FDOE as a prerequisite for the district's use of weighted cost factors under the Florida Education Finance Program (FEFP).

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 November 18, 2008, 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 10, 2008, 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 at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Will Gordillo
Supervisor: Ms. Ava G. Byrne
Date: October 1, 2008

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, educable, and profoundly mentally handicapped; specific learning disabled; speech and language impaired; homebound or hospitalized; dual sensory impaired, emotional/behavioral disabilities; and autism spectrum disorder. 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, 2008-2009** and ~~the addendum provided by the Florida Department of Education (FDOE) for the 2007-2008 school year~~ is a part of and incorporated into this rule and will be submitted to the FDOE.

Copies of the **Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students**, are on file in the Office of Board Recording Secretary and the Citizen Information Center.

Specific Authority: 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.

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; 10-
17-07

***Policies and Procedures for
the Provision of
Specially Designed Instruction
and Related Services
for Exceptional Students***

2007-2008 2008-2009



Miami-Dade County
Public Schools
giving our students the world

Miami-Dade County Public Schools

Office of Special Education and Psychological Services

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THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

MR. AGUSTIN J. BARRERA, CHAIR

MS. PERLA TABARES HANTMAN, VICE CHAIR

~~DR. MARTIN KARP, VICE CHAIR~~

MR. RENIER DIAZ DE LA PORTILLA

DR. LAWRENCE FELDMAN

~~MS. EVELYN LANGLIEB-GREER~~

REVISÉD
SUBSEQUENT
TO
INITIAL
READING ON
10/15/08

DR. MARTIN KARP

~~MS. PERLA TABARES HANTMAN~~

DR. WILBERT "TEE" HOLLOWAY

~~DR. ROBERT B. INGRAM~~

MS. ANA RIVAS LOGAN

DR. MARTA PÉREZ

DR. SOLOMON C. STINSON

MR. ALBERTO M. CARVALHO
SUPERINTENDENT OF SCHOOLS

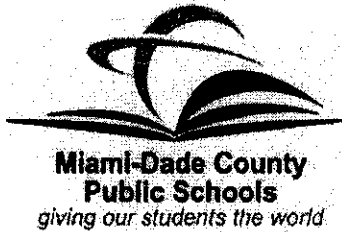
MS. AVA G. BYRNE
ASSOCIATE SUPERINTENDENT

OFFICE OF PROFESSIONAL DEVELOPMENT AND EDUCATIONAL SERVICES

~~MS. ANTOINETTE DUNBAR~~
~~DEPUTY SUPERINTENDENT~~
~~CURRICULUM AND INSTRUCTION~~

~~DR. LOURDES C. ROVIRA~~
~~ASSOCIATE SUPERINTENDENT~~
~~CURRICULUM AND INSTRUCTIONAL SUPPORT~~

~~MS. BRUCIE BALL~~
~~MR. WILL GORDILLO~~
INTERIM ASSISTANT SUPERINTENDENT
OFFICE OF SPECIAL EDUCATION AND PSYCHOLOGICAL SERVICES



The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964 as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA) as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963 as amended - prohibits gender discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx 13- 5D-1.1 0 - prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.