

Milagros R. Fornell, Associate Superintendent  
Curriculum and Instruction

**SUBJECT:            PROPOSED AMENDMENT OF BOARD POLICY: INITIAL READING:  
POLICY 2460, EXCEPTIONAL STUDENT EDUCATION**

**COMMITTEE:        INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT**

**LINK TO STRATEGIC  
FRAMEWORK:       EDUCATION**

Authorization is requested to amend School Board Policy 2460, Exceptional Student Education, by amending the document, *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012*, incorporated therein by reference and made part of the policy. The document was previously approved by the School Board at its meeting held on April 13, 2011. The SP&P serves as the basis for identification, evaluation, eligibility determination and placement of students in special education programs. The document is also a component of the District's application for supplemental student funds available through the Individuals with Disabilities Education Act (IDEA).

In accordance with the requirements set forth in Rule 6A-6.03411, Florida Administrative Code (F.A.C.), the SP&P must be submitted every three years to the Florida Department of Education (FDOE) as a prerequisite for the use of weighted cost factors under the Florida Education Finance Program (FEFP). Although Board review and approval of the SP&P is required by law every three years, the document must be amended and submitted to the FDOE prior to the expiration of the current three-year cycle in light of new requirements set forth in Florida Statutes section 1003.573, that became effective on July 1, 2010, and revisions to select State Board of Education Rules promulgated during 2009-2010. Additional amendments are necessary this year as a result of revisions to ss. 1002.39, 1003.428, 1003.573, and 1003.575, F.S., and revisions to several State Board of Education Rules during 2010-2011.

In particular, substantive changes to the SP&P were made with regard to:

- reporting, data collection, and monitoring the use of seclusion and restraint
- contractual arrangements with non public schools and residential facilities
- surrogate parents
- evaluation instruments
- discipline
- participation in state and district assessments
- John M. McKay Scholarships for Students with Disabilities
- Notice of Procedural Safeguards for Parents of Students with Disabilities.

**C-100**

The core content of the SP&P reflects the federal and state policies and procedures related to exceptional student education that apply to all districts.

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

Copies of the amended document will be forwarded to the Board Members under separate cover and copies will be available for inspection by the public in the Office of the 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 Policy 2460, Exceptional Student Education.

The proposed amended document may be viewed online at:

[http://attachmentManagerFiles.dadeschools.net/getFile.ashx?id=Zlc8hZC3Ycq48QMU3iefmFtb6V18tAGD6akjpcz8ITQHusAME5Ewg=&app=AttachmentManager,](http://attachmentManagerFiles.dadeschools.net/getFile.ashx?id=Zlc8hZC3Ycq48QMU3iefmFtb6V18tAGD6akjpcz8ITQHusAME5Ewg=&app=AttachmentManager)

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

**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 Policy 2460, Exceptional Student Education, by amending the document, *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012*, which is incorporated by reference and a part of this policy.

MRF:jf

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 7, 2012, its intention to amend Board Policy 2460, Exceptional Student Education, by amending the document, *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012*, which is incorporated by reference and a part of this policy, at its meeting of April 18, 2012.

**PURPOSE AND EFFECT:** The purpose is to submit to the Florida Department of Education the amended Board Policy 2460, in order that the document, *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012*, which is incorporated by reference and is a part of this Board Rule, be amended 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 Policy 2460, and the document, *Exceptional Student Education, Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012*, reflect revisions to ss. 1002.39, 1003.428, 1003.573, and 1003.575, F.S., and revisions to several State Board of Education Rules during 2010-11. The amended SP&P document reflects required changes regarding reporting, data collection, and monitoring the use of seclusion and restraint; contractual arrangements with nonpublic schools and residential facilities; surrogate parents; discipline; student evaluations and reevaluations; evaluation instruments, participation in state and district assessments; John M. McKay Scholarships for Students with Disabilities; and Notice of Procedural Safeguards for Parents of Students with Disabilities. 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).

<http://attachmentManagerFiles.dadeschools.net/getFile.ashx?id=Zlc8hZC3Ycq48QMU3iefmFtb6V18tAGD6akjpcz8ITQHusAME5Ewg==&app=AttachmentManager>

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1)(2); 1001.42(25); 1001.43(10) F.S.

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 1001.42(4)(l); 1001.51(5)(6)(8); 1002.20(8); 1002.39(1)(2); 1003.01(3)(a) and (b); 1003.02; 1003.428; 1003.57; 1003.573; 1003.575; 1008.25(1)(2)(6)(b) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF April 18, 2012, 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 April 2, 2012, 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 POLICY 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: Ms. Ava Goldman  
Supervisor: Ms. Milagros R. Fornell  
Date: February 22, 2012

EXCEPTIONAL STUDENT EDUCATION

The School Board shall provide a free, appropriate, public education for students with disabilities according to State and Federal laws, rules, and regulations and shall implement the procedures document entitled Exceptional Student Education Policies and Procedures (SP &P), incorporated by reference.

F.S. 1001.41(1)(2), 1001.42(25), 1001.43(10), 1002.39, 1003.428, 1003.01(3)(b), 1003.57, 1003.573, 1003.575

F.A.C. 6A-6.03312, 6A-6.03313, 6A-6.0333, 6A-6.0361, 6A-6.3411

20 U.S.C. 1400 et seq.

20 U.S.C. 1401 et seq.

34 C.F.R. 300.520