

Marie Izquierdo, Chief Academic Officer
Office of Academics and Transformation

**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 repealing the document, *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2012-2013*, incorporated therein by reference and made part of the policy, and promulgating the new document *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2013-2014 through 2015-2016*. The document was amended and previously approved by the School Board at its meeting held on April 18, 2012, and then extended for the 2012-2013 school year. 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). Board review and approval of the SP&P is required by law every three years to be in compliance with new requirements set forth in Florida Statutes and revisions to State Board of Education Rules.

In particular, the following substantive changes to the SP&P were made as a result of legislation that became effective July 1, 2013:

- information to be provided at initial meeting of a student's IEP team
- parental input and meetings
- collaboration of public and private instructional personnel
- separate parental consent for specific actions included in an IEP (i.e., administration of an alternate assessment and instruction in access points curriculum, placement in an ESE center school)
- defining the term "inclusion" for purposes of exceptional student instruction
- extraordinary exemption for students with disabilities related to a given state assessment test.

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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 documents 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 new document and the document being repealed may be viewed online at:

<http://attachmentManagerFiles.dadeschools.net/getFile.ashx?id=8yfuFI2SuMXsTZkgJVYmfn sUSgJQRbhbAlMueQY08SCjbYPEh~!skTIs85cYFxaIGrLAfx/g6wtw6VyQoSf7OU3OuyFWeu Lgl100pOgtNkx2/KCIL~!StlIdtc1h59gMT/PoywGu1I2u4=&app=AttachmentManager>

<http://attachmentManagerFiles.dadeschools.net/getFile.ashx?id=vwM5UJoUc5/b6r~!HGH4p SVSmb7Fq6ltlioc89XL5TrGqluFLKMgUrJNPav2vVLuj&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 repealing the document, *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2012-2013*, and promulgating the document *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2013-2014 through 2015-2016*, which is incorporated by reference and a part of this policy.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 11, 2013, its intention to amend Board Policy 2460, Exceptional Student Education, by repealing the document, *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2012-2013*, which is incorporated by reference and a part of this policy, and promulgating the new document *Exceptional Student Education Policies and Procedures (SP&P) Effective dates: 2013-2014 through 2015-2016*, at its meeting of January 15, 2014.

PURPOSE AND EFFECT: The purpose is to submit to the Florida Department of Education (FDOE) the amended Board Policy 2460, in order that the document, *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2013-2014 through 2015-2016*, which is incorporated by reference and is a part of this Board Rule, be promulgated 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 FDOE.

SUMMARY: School Board Policy 2460, and the document, *Exceptional Student Education, Policies and Procedures (SP&P) Effective Dates: 2013-2014 through 2015-2016*, reflect revisions to ss. 1002.20, 1003.57, 1008.212, and 1008.22, F.S., and revisions to several State Board of Education Rules. The new SP&P document reflects changes regarding information to be provided at initial IEP meetings, parental input and meetings, collaboration of public and private instructional personnel, separate parental consent for specific actions included in an IEP, and an extraordinary exemption for a student with disabilities related to a given state assessment test. Rule 6A-6.03411, Florida Administrative Code (F.A.C.), 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=8yfuFI2SuMXsTZkgJVYmfnsUSgJQRbhbAlMueQY08SCibYPEh~IskTIs85cYFxaIGrLAFx/g6wtw6VyQoSf7OU3OuyFWeuLg1100pOgtNkx2/KCIL~!StIIdtc1h59gMT/PoywGu1I2u4=&app=AttachmentManager>

<http://attachmentManagerFiles.dadeschools.net/getFile.ashx?id=vwM5UJoUc5/b6r~!HGH4pSVSmb7Fq6ltIioc89XL5TrGgluFLKMgUrJNPav2vVLui&app=AttachmentManager>

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(25)(4)(I); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.42(4)(I); 1001.51(5)(6)(8); 1002.20(8)(21)(a); 1002.39(4)(2); 1003.01(3)(a)and(b); 1003.02; 1003.428; 1003.57(1)(j); 1003.5715; 1003.572; 1003.573; 1003.575; 1008.212; 1008.22(c)(3)(b); 1008.25(1)(2)(6)(b) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF January 15, 2014, 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 January 8, 2014, 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. Marie Izquierdo
Date: November 25, 2013

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) (4)(l), ~~1001.43(10), 1002.39, 1002.20 (21)(a), , 1003.428, 1003.01(3) (b), 1003.57, 1003.571, 1003.573, 1003.575, 1008.212, 1008.22(c)(3)(b)~~

F.A.C. ~~6A-6.0331 through 6A-6.0361, 6A-6.03312, 6A-6.03313, 6A-6.0333, 6A-6.0361, 6A-6.03411~~

~~20 U.S.C. 1400 et seq.~~

~~20 U.S.C. 1401 et seq.~~

~~34 C.F.R. 300.520~~

Revised 4/18/12

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