

MEMORANDUM

September 9, 2009

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Alberto M. Carvalho, Superintendent of Schools *AMC*

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

The attached Agenda Item C-102 is being withdrawn from the September 9, 2009 Agenda for further review.

AMC:sac
M325

Attachment

cc: School Board Attorney
Superintendent's Cabinet

Milagros R. Fornell, Associate 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 repeal the document, *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2008-2009*, which is incorporated by reference and made part of this rule, and promulgate the new document *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates 2009-2010 through 2011-2012*, to be incorporated by reference and are a part of Board Rule 6Gx13-6A-1.331, Procedures for Providing Special Education for Exceptional Students.

Section 1003.57(1)(d), Florida Statutes, requires that district school boards submit to the Department of Education (DOE) proposed procedures for the provision of special instruction and services for exceptional students once every three years. Approval of this document by DOE is required by Rule 6A-6.03411, Florida Administrative Code (F.A.C.), as a prerequisite for utilizing weighted cost factors under the Florida Education Finance Program (FEFP). This document:

- serves as the basis for the identification, evaluation, eligibility determination, and placement of students in special education programs for exceptional students; and
- is a component of the District's application for supplemental student funds available under the Individuals with Disabilities Education Act (IDEA).

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 Exceptional Student Education Procedural Safeguards, parental revocation of consent, general education intervention and referral, instructional programs, and eligibility for students who are gifted.

**C-102
WITHDRAWN
(September 9, 2009)**

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 documents will be forwarded to the Board members and will be available for inspection by the public in the office of Board Recording Secretary , Room 924, and the Citizens 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.

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

The full documents can be viewed at:

<http://pdfs.dadeschools.net/schoolboard/8-26-09/SP%20&%20P%202008%20-%202009,%20REPEALED,%20Initial%20Reading%20-%20September%209,%202009.pdf>

<http://pdfs.dadeschools.net/schoolboard/8-26-09/SP%20&%20P%202009%20-%202012,%20NEW,%20Initial%20Reading%20-%20September%209,%202009.pdf>

and copies are on file in the Office of the Board Recording Secretary and the Citizen Information Center.

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 repeal the document, *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2008-2009*, and promulgate the new 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 rule.

AGBWG:jf

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 9, 2009, its intention to amend Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students, and repeal the document, *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students, Effective Dates: 2008-2009* and promulgate the new 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 rule, at its meeting of October 14, 2009.

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, *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 adopted 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, *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012*, reflect 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 substantive changes to the Exceptional Student Education Procedural Safeguards, parental revocation of consent, general education intervention and referral, instructional programs, and eligibility for students who are gifted. 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(25); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.42(3)(l); 1001.51(5)(6)(8); 1002.20(8); 1002.22(2)(c); 1002.39(1)(2); 1003.01(3)(a) and (b); 1003.02; 1003.57(1)(d); 1008.25(1)(2)(6)(b) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF October 14, 2009, 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 5, 2009, 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: August 26, 2009

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.~~ autism spectrum disorder, deaf or hard-of-hearing, developmental delay, dual-sensory impairments, emotional/behavioral disabilities, established conditions, homebound or hospitalized, intellectual disabilities, physically impaired with orthopedic impairment, physically impaired with other health impairment, physically impaired with traumatic brain injury, specific learning disabilities, speech and language impairments, and visual impairment. Services are also provided for ~~the gifted students who are gifted.~~

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**~~ *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012* is a part of and incorporated into this rule and will be submitted to the FDOE.

Copies of ~~Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students~~, Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012 are on file in the Office of Board Recording Secretary and the Citizen Information Center.

Specific Authority: 1001.41(1)(2); 1001.42 (23)(25); 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); 1002.20(8); 1002.22(2)(c); 1002.39(1)(2);
1003.01(3)(a)and(b); 1003.02; 1003.57(1)(d); 1008.25(1)(2)(6)(b) 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; 11-18-08