

Milagros R. Fornell, Associate Superintendent
Curriculum and Instruction

**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 STRATEGIC

FRAMEWORK: IMPROVE AND EXPAND CURRENT CURRICULUM

At the meeting held on March 9, 2011, 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 *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012* document incorporated therein by reference and made part of the rule. The document was previously approved by the School Board at its meeting held on November 17, 2009. 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. In particular, substantive changes to the SP&P involve reporting, data collection, and monitoring the use of seclusion and restraint; exceptional student education eligibility; development of individual educational plans (IEPs); and participation in state and district assessments. 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.

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The Notice of Intended Action was published in the *Miami Daily Business Review* on March 14, 2011, posted in various places for public information, and mailed to various organizations representing persons affected by the rule and to individuals requesting information.

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

In accordance with the provision 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 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.

The proposed amended document may be viewed online at <http://attachmentManagerFiles.dadeschools.net/getFile.ashx?id=PEmWechHGwoKImicMJo7OaXmIcSONIGKEroM4PN0RJIe1NENsPrbqEw==&app=AttachmentManager>, 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.

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, School Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students, and authorize the Superintendent of Schools to file the rule with The School Board of Miami-Dade-County, Florida, effective April13, 2011; and
2. authorize the Superintendent of Schools to submit the document, *Exceptional Student Education Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012*, to the Florida Department of Education.

MRF:jf

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 9, 2011, its intention to amend Board Rule 6Gx13- 6A-1.331, Procedures for Providing Special Education for Exceptional Students, and amend 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 rule, at its meeting of April 13, 2011.

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 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 Rule 6Gx13- 6A-1.331, and the document, *Exceptional Student Education, Policies and Procedures (SP&P) Effective Dates: 2009-2010 through 2011-2012*, reflects procedures as a result of the creation of Section 1003.573, Florida Statute, effective July 1, 2010, and revisions to some State Board of Education Rules. The amended SP&P document includes reporting, data collection, and monitoring the use of seclusion and restraint; exceptional student education eligibility for specific programs; development of individual educational plans (IEPs); and participation in state and district assessments. 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(4)(l); 1001.51(5)(6)(8); 1002.20(8); 1002.39(1)(2); 1003.01(3)(a) and (b); 1003.02; 1003.57; 1003.573; 1008.25(1)(2)(6)(b) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF April 13, 2011, 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 4, 2011, 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: Ms. Ava Goldman
Supervisor: Ms. Milagros R. Fornell
Date: February 23, 2011

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: 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 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 *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 *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 (25); 1001.43(10); F.S.

Law Implemented, Interpreted, or Made Specific: 1001.42~~(3)~~(4)(l); 1001.51(5)(6)(8); 1002.20(8); ~~1002.22(2)(e)~~; 1002.39(1) (2); 1003.01(3)(a) and (b); 1003.02; 1003.57~~(1)(d)~~; 1003.573; 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; 11-17-09