

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: FINAL READING: PROPOSED AMENDMENTS TO POLICIES 2215, PROGRAM OF INSTRUCTION; 2260.01, SECTION 504 PROCEDURES FOR STUDENTS WITH DISABILITIES; 5465, GENERAL EDUCATION DEVELOPMENT (GED) TESTS; 8330, STUDENT RECORDS; AND TO PROMULGATE NEW POLICY 2370.01, VIRTUAL INSTRUCTION

COMMITTEE: PERSONNEL SERVICES AND STUDENT AND SCHOOL SUPPORT

**LINK TO
STRATEGIC
BLUEPRINT: RELEVANT, RIGOROUS & INNOVATIVE ACADEMICS**

At its regular meeting of January 25, 2017, the Board approved Agenda Item G-3 (Various Curriculum Policies) authorizing the Superintendent to initiate rulemaking to amend Board policies 2215, *Program of Instruction*; 2260.01, *Section 504 Procedures for Students with Disabilities*; 5465, *General Education Development (GED) Tests*; 8330, *Student Records*; and to promulgate new Policy 2370.01, *Virtual Instruction*. The new policy and the amendments have been recommended by NEOLA, Inc., the Board's policy consultant, and all have been drafted and reviewed by the District departments that will implement them.

Board Policy 2215, *Program of Instruction*, is proposed to be amended primarily to add the new state requirement that secular character-development curriculum must be adopted and provided in grades K-12. The curriculum must be approved by the Florida Department of Education and emphasize patriotism, responsibility, citizenship, respect, and various other values specific to various grade levels.

Amendments proposed to Board Policy 2260.01, *Section 504 Procedures for Students with Disabilities*; 5465, *General Education Development (GED) Tests*; and 8330, *Student Records*, are made to clarify legal requirements for eligibility and align with state statutes and federal regulations.

Finally, new Board Policy 2370.01, *Virtual Instruction*, is proposed to encompass all of the various online education offerings that the District provides and that align with state law requirements and District practices.

**Revised
G-2**

The Notice of Intended Action was published in the *Miami Daily Business Review* on January 30, 2017, posted in various places for public information and mailed to various organizations representing persons affected by the amended policies and to individuals requesting notification. The time to request a hearing or protest the adoption of these amendments has elapsed.

In accordance with the Administrative Procedure Act, these amended and new policies are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file in the official records of The School Board of Miami-Dade County, Florida.

Attached is the Notice of Intended Action and the proposed new policy and policy amendments. Changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, adopt the proposed amendments to Board policies 2215, *Program of Instruction*; 2260.01, *Section 504 Procedures for Students with Disabilities*; 5465, *General Education Development (GED) Tests*; 8330, *Student Records*; and new Policy 2370.01, *Virtual Instruction*, and authorize the Superintendent to file the new and amended policies with The School Board of Miami-Dade County, Florida, to be effective March 15, 2017.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on January 25, 2017, its intention to amend Board policies 2215, *Program of Instruction*; 2260.01, *Section 504 Procedures for Students with Disabilities*; 5465, *General Education Development (GED) Tests*; 8330, *Student Records*; and to promulgate new Policy 2370.01, *Virtual Instruction*, at its regular meeting on March 15, 2017.

PURPOSE AND EFFECT: Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, amendments are being proposed to several Board policies and one new policy is proposed to be adopted. Board Policy 2215, *Program of Instruction*, is proposed to be amended primarily to add the new state requirement that secular character-development curriculum must be adopted and provided in grades K-12. The curriculum must be approved by the Florida Department of Education and emphasize patriotism, responsibility, citizenship, respect, and various other values specific to various grade levels.

Amendments proposed to Board Policy 2260.01, *Section 504 Procedures for Students with Disabilities*; 5465, *General Education Development (GED) Tests*; and 8330, *Student Records*, are made to clarify legal requirements for eligibility and align with state statutes and federal regulations.

Finally, new Board Policy 2370.01, *Virtual Instruction*, is proposed to encompass all of the various on line education offerings that the District provides and that align with state law requirements and District practices.

SUMMARY: Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, amendments are being proposed to the following Board policies: 2215, *Program of Instruction*; 2260.01, *Section 504 Procedures for Students with Disabilities*; 5465, *General Education Development (GED) Tests*; 8330, *Student Records*. In addition, new Policy 2370.01, *Virtual Instruction*, is proposed to be adopted to encompass all of the various on line education offerings that the District provides and that align with state law requirements and District practices.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2), (3); 1001.42 (3), (15), (23); 1001.43 (3), (10); 1001.49 (3), F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 29 C.F.R. Part 1630; 29 C.F.R. Part 104; 1000.04(4), 1001.41 (1) (2), (3), (5); 1001.42 (3), (6), (8), (15), (23); 1001.43 (6), (9), (10), (11); 1001.49 (3); 1002.321, 1002.37, 1002.45, 1002.455, 1003.02, 1003.4205, 1003.4282(4), 1003.435, 1003.48, 1003.498, 1003.499, 1003.52, 1006.29, 1007.27(1), 1011.62, F.S.; F.A.C. 6A-6.0981

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING on March 15, 2017, 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 in Section 120.54(1), F.S., must do so in writing by February 21, 2017, to the Superintendent, 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, F.S.

COPIES OF THE PROPOSED NEW AND AMENDED POLICIES are 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.

1

PROGRAM OF INSTRUCTION

2 The District's program of instruction shall provide all courses required for middle
3 grades promotion, high school graduation, and appropriate instruction designed to
4 ensure that students meet State Board of Education adopted standards in the
5 following subject areas: reading and other language arts, mathematics, science,
6 social studies, foreign languages, health and physical education, and the arts.

7 **Development of Program of Instruction**

8 The Superintendent shall develop and implement a program of instruction as
9 follows:

10 A. Elementary School

11 The primary purpose of the elementary school shall be to serve each
12 individual student by promoting opportunities for optimum learning
13 development. The program of instruction in the elementary school
14 shall promote the language arts, mathematics, social studies,
15 science, world languages, health and physical education, music, art,
16 and other disciplines as shall be considered necessary to a well-
17 rounded elementary school program. A procedure shall be
18 established by which schools may recommend for approval courses
19 or programs to meet the unique needs of students. Each subject
20 field shall embrace in the materials used and in the teaching
21 procedures employed, instruction in study and work habits, career
22 awareness, library usage, safety, thrift, conservation, health and
23 hygiene, citizenship, the establishment of purpose, and the
24 development of character. Provision shall be made for the
25 inculcation of ideals of group and individual behavior. The District
26 shall foster organized play, intramural sports and games, hobby
27 groups, and other organized student activities.

28 B. Middle School

29 The primary purpose of the middle school shall be to promote an
30 expanded educational experience to meet the needs of the students
31 in the sixth, seventh, and eighth grades of school. The District-wide
32 program of studies and services adopted by the School Board shall
33 determine the specific offerings. An approval process shall be
34 established by which schools may recommend courses or programs
35 to meet the unique needs of students. Activities-Specific course
36 offerings~~which offer desirable experience~~, such as band (or music),

1 dance, visual arts, drama, creative writing, physical activity,
2 athletics, and student government, etc., shall be promoted are those
3 that are to be encouraged, endorsed and supported. Specific non-
4 content area course offerings such as those offered through the
5 visual/performing arts and athletics provides these opportunities for
6 all students.

7 C. Senior High School

8 The primary purpose of the senior high school shall be to promote
9 education which fits the needs of all students. Courses shall be
10 offered at a level which will challenge students to perform to their
11 capacity. The District-wide studies adopted by the Board shall
12 determine the specific offerings. Library and counseling services
13 shall be provided to enable educational objectives to be met.
14 Student government, publications, drama, music, visual arts,
15 physical activity, a broad program of athletics, and social activities,
16 etc., shall be promoted for the development of well-rounded citizens.

17 D. Character-Development Program

18 The Board shall provide a character-development program which is
19 secular in nature in kindergarten through grade 12. The
20 Superintendent shall develop, and the Board shall adopt, a
21 curriculum for the character-development program that shall be
22 submitted to the Florida State Department of Education (FLDOE) for
23 approval. The character-development curriculum shall stress the
24 qualities of patriotism; responsibility; citizenship; kindness; respect
25 for authority, life, liberty, and personal property; honesty; charity;
26 self-control; racial, ethnic, and religious tolerance; and cooperation.
27 The character-development curriculum for grades 9 through 12
28 shall, at a minimum, include instruction on developing leadership
29 skills, interpersonal skills, organization skills, and research skills;
30 creating a resume; developing and practicing the skills necessary for
31 employment interviews; conflict resolution, workplace ethics, and
32 workplace law; managing stress and expectations; and developing
33 skills that enable students to become more resilient and self-
34 motivated.

35 **Required Instruction**

36 Instructional staff members, subject to Board policy and State Board of Education
37 rules, shall teach efficiently and faithfully, using the books and materials required
38 that meet the highest standards for professionalism and historic accuracy, following
39 the prescribed courses of study, and employing approved methods of instruction,
40 the topics and subject matter set forth in F.S. 1003.42.

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Instruction in Operation of Motor Vehicles

See Board Policy 2432.

Instruction in Health Education

See Board Policy 5410 and Policy 2417.

} Revised after Initial Reading to
correct Scrivener's Error

Exemptions from Certain Instruction

Any student whose parent makes a written request to the Principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted will not be penalized by reason of that exemption.

11 | F.S. 1001.51, 1003.42, 1003.4205, 1003.48

1 SECTION 504 PROCEDURES FOR STUDENTS WITH DISABILITIES

2 The School Board shall not discriminate in educational programs and activities and
3 will strive to provide equal opportunity for all as required by law.

4
5 Section 504 of the Rehabilitation Act of 1973, as amended by the ADA Amendments
6 Act of 2008 (hereinafter "Section 504"), is Congress' directive to schools receiving any
7 Federal funding to provide students with opportunities for participation in educational
8 programs and activities without discrimination on the basis of disability. It states: "No
9 otherwise qualified individual with a disability shall solely by reason of his/her
10 disability, be excluded from the participation in, be denied the benefits of, or be
11 subjected to discrimination under any program or activity receiving Federal financial
12 assistance." (29 U.S.C. 794 (2009))
13

14 The District has established and implemented standards and procedures for the
15 identification, evaluation, placement, and provision of a free appropriate public
16 education (FAPE) program for students with disabilities pursuant to Federal law.

17 ~~The Federal law states, "No otherwise qualified individual with a disability in the~~
18 ~~United States, as defined in Section 705(20) of this title, shall, solely by reason of~~
19 ~~her or his disability be excluded from the participation in, be denied the benefits of,~~
20 ~~or be subjected to discrimination under any program or activity receiving Federal~~
21 ~~financial assistance..." (29 U.S.C. 794 (2009))~~

22 A student is entitled to FAPE and may be entitled to Section 504 accommodations if
23 s/he has a physical or mental impairment that substantially limits one (1) or more
24 major life activities.
25

26 Definitions of Section 504 Terms

27
28 A. Individual with a Disability:

29
30 Any individual who has a physical or mental impairment that
31 substantially limits one (1) or more major life activities, has a record
32 of such an impairment or is regarded as having such an
33 impairment.

34
35 An individual meets the requirement of being "regarded as" having
36 an impairment if the individual establishes that s/he has been
37 subjected to an action prohibited under the Act because of an actual
38 or perceived physical or mental impairment whether or not the
39 impairment limits or is perceived to limit a major life activity.
40 "Regarded as" does not apply to impairments that are transitory and

1 minor, expected to last six (6) months or less.

2
3 The student who has a physical or mental impairment that
4 substantially limits one (1) or more life activities is entitled to FAPE
5 and may be entitled to Section 504 accommodations. The student
6 who has a record of having impairment, or is regarded as having
7 impairment is considered disabled under Section 504 for purposes
8 of anti-discrimination protection.

9 B. Physical or Mental Impairment:

10
11 A physical impairment is any physiological disorder or condition,
12 cosmetic disfigurement, or anatomical loss affecting one (1) or more
13 of the body systems. A mental impairment is any mental or
14 psychological disorder.

15
16 C. Substantial Limitation:

17
18 A person is substantially limited when s/he is limited as to the
19 condition, manner, or duration under which an individual can
20 perform a particular major life activity, as compared to the
21 condition, manner, or duration under which the average person in
22 the general population can perform that same major life activity.

23 D. Major Life Activity:

24
25 Major life activities under Section 504 include, but are not limited
26 to, caring for one's self, seeing, breathing, walking, hearing,
27 speaking, learning, reading, concentrating, thinking,
28 communicating, and performing manual tasks.

29 E. FAPE:

30
31 FAPE means receiving regular or special education and related aids
32 and services that are (i) designed to meet the individual educational
33 needs of students with disabilities as adequately as the needs of
34 nondisabled students are met and (ii) based upon adherence to
35 procedural safeguards. FAPE includes the right to be educated with
36 students who are not disabled to the maximum extent appropriate
37 (i.e. the student's education will be provided in the regular education
38 classroom unless it is demonstrated that education in the regular
39 environment with the use of supplementary aids and services cannot
40 be achieved satisfactorily).

41
42
43 The Section 504 standard of what is appropriate differs from the Individuals with
44 Disabilities Education Act (IDEA) appropriate standard which requires the District to
45 design a program reasonably calculated to confer educational benefits. Section 504

1 requires that no discrimination occur against a student solely because of his/her
2 disability. Students with disabilities who qualify for Section 504 services must be
3 provided with aids, benefits, or services that are comparable to those provided
4 non-disabled persons. Students with disabilities who meet eligibility for an IEP are
5 protected by Section 504's prohibition against discrimination on the basis of a
6 disability. However, some students with disabilities who do not require an IEP may
7 still be eligible for a Section 504 plan and are also entitled to protection against
8 discrimination on the basis of a disability.

9
10 **Section 504 Requirements**

11
12 **A. Notice**

13
14 Parents must receive notice of the Section 504 meeting and be
15 invited to attend. Parents must also receive a copy of the Section
16 504 Procedural Safeguards (Notification of Rights and Due Process
17 Procedures).

18
19 **B. Monitoring**

20
21 If additional information is presented to school personnel by the
22 parent or other interested party, or the person(s) responsible for
23 implementing the plan are not satisfied that the plan is working,
24 (e.g., the student has not demonstrated improvement or progress)
25 the Section 504 team should reconvene to consider modifying the
26 current plan or to determine other options. Section 504 plans and
27 eligibility should be reviewed annually, or sooner, if requested by
28 either District personnel or parent.

29 **C. Evaluation**

30
31 Section 504 evaluation means review of existing information from a
32 variety of sources, such as teacher observations, standardized test
33 scores, report cards, information from parents and medical
34 providers, and/or administration of formal test instruments. Formal
35 test instruments and other standardized evaluation materials must
36 be validated for the specific purpose for which they are used and
37 must be administered by trained personnel in conformance with the
38 instructions provided by their producer. Tests materials include
39 those tailored to assess specific areas of educational need and not
40 merely those which are designed to provide a single general
41 intelligence quotient. Tests are selected and administered so as best
42 to ensure that, when a test is administered a student with impaired
43 sensory, manual, or speaking skills, the test results accurately
44 reflect the student's aptitude or achievement levels or whatever
45 other factor the test purports to measure.

1 D. Change in Placement

2
3 Section 504 requires that the parent is notified prior to any
4 significant change in placement. Examples of significant change in
5 placement are: expulsion, repeated suspensions which exceed
6 ten (10) days in a school year, graduation from high school, and a
7 significant change in the delivery of education.

8 E. Discipline

9
10 School staff must review information about students with Section
11 504 services prior to suspending or expelling them for more than ten
12 (10) days. A team of persons knowledgeable about the student must
13 convene to complete a manifestation determination form (FM 3918),
14 and to consider if other strategies, interventions, or assessments are
15 appropriate. This procedure for reevaluation meets the Section 504
16 requirement.

17
18 F. Non-academic Services

19
20 Students with Section 504 services must be provided with an equal
21 opportunity to participate in non-academic and extracurricular
22 services and activities. Non-academic and extracurricular services
23 and activities may include counseling, recreational activities and
24 athletics, transportation, health services, special interest groups or
25 clubs sponsored by the District, referrals to agencies which provide
26 assistance to persons with disabilities, and employment
27 opportunities.

28 **Section 504 Procedures**

29 A. Referral and Evaluation

30
31 Students experiencing difficulty in the classroom and/or are
32 suspected of having a disability should initially be referred to the
33 School Support Team (SST).

34 The SST shall determine whether it is appropriate to refer the
35 student for an evaluation and possible Section 504 services. All
36 areas of educational need should be considered and established
37 procedures for SST should be followed.

38 Students with obvious physical or health needs that require
39 accommodations need not go through the SST process in order to
40 be referred for Section 504 eligibility determination.

41
42 A student who does not meet eligibility for IDEA is not
43 automatically provided with Section 504 services. However, the

1 SST must consider whether the student's documented disability
2 requires Section 504 services in order for the student to receive
3 FAPE. Section 504 eligibility is based on whether or not a student
4 has a physical or mental impairment that substantially limits one
5 (1) or more life activities.
6

7 B. Section 504 Teams
8

9 Section 504 Eligibility Determination teams and Section 504 teams
10 that convene to write ~~the initial~~ Section 504 plans should consist of
11 persons knowledgeable about the student, the meaning of the
12 evaluation data, and the placement options. ~~the following~~
13 professional staff: a person who knows of the documented
14 disability, a person who knows the student, and a person who
15 knows of accommodations. Though special education personnel
16 may be requested to provide support at a Section 504 meeting, the
17 Section 504 process is the responsibility of general education staff.

18 Parents must receive notice of the Section 504 meeting and be
19 invited to attend. Parents and students should be encouraged to
20 attend the meeting and provide input that would help the team in
21 making decisions. The parents' attendance, however, is not
22 required.
23

24 The Section 504 team must draw upon information from a variety of
25 sources, including aptitude and achievement tests, standardized
26 test scores, teacher observations and recommendations, report
27 cards, physical condition, social or cultural background, adaptive
28 behavior, and information from parents and medical providers.
29

30 The Section 504 team must consider the student's functioning and
31 any substantial limitation to a life activity without consideration of
32 the ameliorative effects of mitigating measures that the student
33 might use to alleviate the effects of the disability.
34

35 A student's grades and/or test scores should not be the only
36 criteria that the team uses to determine that she/he does not
37 require a Section 504 plan. The team must consider the student's
38 overall functioning.

1 ~~Section 504 teams that convene for annual or interim meetings should consist of the~~
2 ~~parents, the student, the school administrator or designee, and school personnel~~
3 ~~who are familiar with the student, such as the student's teacher or counselor.~~

4 C. Documenting Section 504 Needs & Services

5
6 The school principal must assume responsibility ~~for the~~ Section
7 504 coordinator or assignee a designee who is responsible for
8 proper implementation of Section 504 regulations. In interpreting
9 evaluation data, creating Section 504 plans, and making placement
10 decisions, the Section 504 team must draw upon information from
11 a variety of sources, including aptitude and achievement, tests,
12 teacher recommendations, physical condition, social or cultural
13 background, and adaptive behavior and ensure that information
14 obtained from all such sources is documented and carefully
15 considered.

16
17 Not every student who meets eligibility for Section 504 protection
18 due to a documented disability automatically requires Section 504
19 services. The Section 504 team must consider whether the student
20 needs Section 504 services. Services, including accommodations,
21 should be evidence-based.

22
23 Implementation of Section 504 services should be documented and
24 if services or accommodations become ineffective they should be
25 modified or removed.

26 ~~It is inappropriate to provide Section 504 services automatically to a student who~~
27 ~~has been found ineligible for IDEA or to a student with Attention Deficit Disorder~~
28 ~~(ADD) or Attention Deficit Disorder with Hyperactivity (ADHD). Section 504 eligibility~~
29 ~~is based on whether or not a student has a physical or mental impairment that~~
30 ~~substantially limits one (1) or more life activities.~~

31 **Definitions of Section 504 Terms**

32 A. ~~Individual with a Disability:~~

33
34 ~~Any individual who has a physical or mental impairment that~~
35 ~~substantially limits one (1) or more major life activities, has a record~~
36 ~~of such an impairment or is regarded as having such an~~
37 ~~impairment.~~

38
39 ~~An individual meets the requirement of being "regarded as" having~~
40 ~~an impairment if the individual establishes that s/he has been~~
41 ~~subjected to an action prohibited under the Act because of an actual~~

1 ~~or perceived physical or mental impairment whether or not the~~
2 ~~impairment limits or is perceived to limit a major life activity.~~
3 ~~“Regarded as” does not apply to impairments that are transitory and~~
4 ~~minor, expected to last six (6) months or less.~~

5
6 ~~The student who has a physical or mental impairment that~~
7 ~~substantially limits one (1) or more life activities is entitled to FAPE~~
8 ~~and may be entitled to Section 504 accommodations. The student~~
9 ~~who has a record of having impairment, or is regarded as having~~
10 ~~impairment is considered disabled under Section 504 for purposes~~
11 ~~of anti-discrimination protection.~~

12 ~~B. Physical or Mental Impairment:~~

13
14 ~~A physical impairment is any physiological disorder or condition,~~
15 ~~cosmetic disfigurement, or anatomical loss affecting one (1) or more~~
16 ~~of the body systems. A mental impairment is any mental or~~
17 ~~psychological disorder.~~

18 ~~C. Substantial Limitation:~~

19
20 ~~A person is substantially limited when s/he is limited as to the~~
21 ~~condition, manner, or duration under which an individual can~~
22 ~~perform a particular major life activity, as compared to the~~
23 ~~condition, manner, or duration under which the average person in~~
24 ~~the general population can perform that same major life activity.~~

25 ~~D. Major Life Activity:~~

26
27 ~~Major life activities under Section 504 include, but are not limited~~
28 ~~to, caring for one’s self, seeing, breathing, walking, hearing,~~
29 ~~speaking, learning, reading, concentrating, thinking,~~
30 ~~communicating, and performing manual tasks.~~

31 ~~E. FAPE:~~

32
33 ~~FAPE is the provision of a free and appropriate public education.~~
34 ~~The student must be provided access to regular or special education~~
35 ~~and related aids and services that are designed to meet the~~
36 ~~individual educational needs of students with disabilities. The~~
37 ~~instruction must be individually designed to meet the needs of these~~
38 ~~students as adequately as the needs of non-disabled students are~~
39 ~~met. An appropriate education is based upon an adherence to~~
40 ~~procedures that satisfy the requirements for least restrictive~~
41 ~~environment, evaluation and placement, and procedural safeguards.~~

42 ~~The Section 504 standard of what is appropriate differs from the Individuals with~~
43 ~~Disabilities Education Act (IDEA) appropriate standard which requires the District to~~

1 ~~design a program reasonably calculated to confer educational benefits. Section 504~~
2 ~~requires that no discrimination occur against a student solely because his/her~~
3 ~~disability. Students with disabilities who qualify for Section 504 services must be~~
4 ~~provided with aids, benefits, or services that are as effective as those provided~~
5 ~~non-disabled persons.~~

6 **Section 504 Requirements**

7 A. ~~Notice~~
8

9 ~~Parents must receive notice of the Section 504 meeting and be~~
10 ~~invited to attend. Parents must also receive a copy of the Section~~
11 ~~504 Procedural Safeguards (Notification of Rights and Due Process~~
12 ~~Procedures).~~
13

14 B. ~~Monitoring~~
15

16 ~~If additional information is presented to school personnel by the~~
17 ~~parent or other interested party, or the person(s) responsible for~~
18 ~~implementing the plan are not satisfied that the plan is working,~~
19 ~~(e.g., the student has not demonstrated improvement or progress)~~
20 ~~the Section 504 team should reconvene to consider modifying the~~
21 ~~current plan or to determine other options. Section 504 plans and~~
22 ~~eligibility should be reviewed annually, or sooner, if requested by~~
23 ~~either District personnel or parent.~~

24 C. ~~Evaluation~~
25

26 ~~Section 504 evaluation means reviewing information from a variety~~
27 ~~of sources, such as teacher observations, standardized test scores,~~
28 ~~report cards, and information from parents and medical providers.~~
29 ~~Section 504 requires periodic reevaluations. Reevaluations should~~
30 ~~occur every three (3) years, before any significant change in~~
31 ~~placement, or, at the request of the parents or school personnel.~~

32 D. ~~Change in Placement~~
33

34 ~~Section 504 requires that the parent is notified prior to any~~
35 ~~significant change in placement. Examples of significant change in~~
36 ~~placement are: expulsion, repeated suspensions which exceed~~
37 ~~ten (10) days in a school year, graduation from high school, and a~~
38 ~~significant change in the delivery of education.~~

39 E. ~~Discipline~~
40

41 ~~School staff must reevaluate students with Section 504 services~~
42 ~~prior to suspending or expelling them for more than ten (10) days. A~~
43 ~~team of persons knowledgeable about the student must convene to~~

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

PROGRAM
2260.01/page 9 of 9

1 ~~complete a manifestation determination form (FM 3918), and to~~
2 ~~consider if other strategies, interventions, or assessments are~~
3 ~~appropriate. This procedure for reevaluation meets the Section 504~~
4 ~~requirement.~~

5 **Section 504 Grievance Procedures**

6 Parents or students who have a disagreement involving a Section 504 plan are
7 entitled to the following grievance procedures:

- 8 A. appeal to the District Section 504 Compliance Officer, 1500
9 ~~Biscayne Blvd.~~ 1501 N.E. 2nd Avenue, Suite 4079, Miami, Florida
10 33132, Phone: 305-995-~~17352799~~, Fax: 305-995-1760.
- 11 B. request mediation; and/or
- 12 C. request a hearing.

13 Mediation and hearing requests should be made to the Clerk of the Board, 1450
14 N.E. Second Avenue, Suite ~~311268B~~, Miami, Florida, 33132, Fax: 305-995-1448.

15 All students, including students with disabilities shall be treated with respect. The
16 Board intends that all students be provided equal access, opportunity, and
17 treatment in the provision of educational programs and activities. The Board strives
18 to provide an educational environment that is free from discrimination and
19 harassment and school personnel shall strive to ensure that all students receive
20 equal access to all educational opportunities.

21 For grievances based upon a record of a disability or the fact that school personnel
22 are treating a non-disabled student as disabled, or for a complaint of discrimination
23 or harassment that does not relate to the identification, eligibility, evaluation, or
24 educational placement of the student, a local grievance ~~may~~ must be filed according
25 to the grievance procedures in Board policy 5517.02. The complaint should be
26 made directly to the principal and/or ~~A complaint may be made to the~~ Office of Civil
27 Rights Compliance, ~~1500 Biscayne Blvd., Suite 234155~~ NE 15th Street, Suite
28 P104E, Miami, Florida, 33132, Phone: 305-995-1580, Fax: 305-995-2047.

- 29 F.S. 1000.05
30 29 C.F.R. Part 1630
31 34 C.F.R. Part 104
32 29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
33 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990

1 GENERAL EDUCATION DEVELOPMENT (GED) TESTS

2 A person who is at least sixteen (16) years of age and not enrolled in an elementary
3 or secondary school may be permitted to take the ~~General Education Development~~
4 ~~{GED®GED}~~ tests if approved by the District. Applicants must complete the District
5 GED® Underage Waiver Application form and submit it along with all required
6 documentation to the Superintendent for consideration. Applicants are required to
7 demonstrate extraordinary circumstances as follows: upon submission of a
8 statement of justification approved by the Superintendent's designee. The statement
9 of justification shall be based on at least one of the following circumstances:

10 A. The candidate justifies a need to be employed which would prevent
11 school attendance;

12 ~~B. The candidate is a parent who does not have access to child care;~~

13 ~~B. C.~~ The candidate justifies health condition(s) which would prevent
14 school attendance; or

15 ~~C. D.~~ The candidate desires to enter a vocational program, a college or
16 university, or military service.

17 D. F. Other - as determined based on the individual circumstances.

18
19
20 If the Superintendent approves the applicant's District GED® Underage Waiver
21 Application, the applicant must complete the GED® registration process
22 (<http://www.ged.com>). Failure of the applicant to complete the GED® registration
23 process will delay the District's ability to submit required documentation to the
24 Florida Department of Education.

25
26 F.S. ~~1004.02, 1004.93, 1003.43~~ 1003.435

1

STUDENT RECORDS

2 In order to provide appropriate educational services and programming, the Board
3 has the authority to create student educational records and is responsible for
4 maintaining, reviewing for accuracy and restricting access to the records.
5 Continued efforts will be made to protect the accuracy and privacy of the
6 information contained in student educational records.

7 **Maintenance of Student Records**

8 Only records mandated by the State or Federal government and necessary and
9 relevant to the function of the District or specifically permitted by this Board
10 shall be compiled by District employees. The Superintendent is authorized to
11 develop and issue directives pertaining to student records.

12 Each school shall maintain a permanent cumulative record for each student
13 enrolled in the school which shall contain the data as prescribed by
14 Administrative Rule F.A.C. 6A-1.0955 and this policy. Each student's
15 cumulative record shall include the following types of data:

16 A. Category A Records, Permanent Information

- 17 1. Student's full legal name.
- 18 2. Authenticated birthdate, place of birth, race, and sex.
- 19 3. Last known address of the student.
- 20 4. Name(s) of the student's parent(s) or guardian(s).
- 21 5. Name and location of last school attended.
- 22 6. Number of days present and absent, date enrolled, date
23 withdrawn.
- 24 7. Courses taken and record of achievement, such as grades,
25 credits, or certification of competence.

- 1 8. Date of graduation or date of program completion,
2 including a statement of diploma, that is, standard,
3 special, certificate of completion, or General Equivalency
4 Diploma.
- 5 9. State and/or District standardized
6 assessment/achievement test results, if required for
7 graduation.
- 8 10. Written records of access to the student's records.
- 9 11. Home language survey.
- 10 B. Category B Records, Temporary Information
- 11 1. Health information, family background data, standardized
12 test scores, educational and vocational plans, honors and
13 activities, work experience reports, teacher/counselor
14 comments.
- 15 2. Reports of student services or exceptional student staffing
16 committees including all information required by
17 F.S. 1001.42.
- 18 3. Correspondence from community agencies or private
19 professionals.
- 20 4. Driver education certificate.
- 21 5. A list of schools attended.
- 22 6. Written agreements of corrections, deletions, or
23 expunctions as a result of meetings or hearings to amend
24 educational records.
- 25 7. Written requests to waive access to confidential records.
- 26 8. Written requests to restrict the release of directory
27 information.
- 28 9. Court orders of relevance.
- 29 10. Records of major student discipline actions, suspension,
30 and/or expulsion records.

1 11. Student Limited English Proficiency (LEP) Plans.

2 12. Grade Change Forms

3 13. Such other records of educational importance as the
4 school shall deem necessary.

5 Category A and B records shall be maintained in compliance with the approved
6 District records retention schedule which is made available to all schools and
7 appropriate worksites by the District's Department of Records and Forms
8 Management.

9 Individual exceptional student records shall be kept separate from regular
10 cumulative records. These records shall be sent to each succeeding school the
11 student attends in the District and shall be maintained in accordance with the
12 approved District records retention plan.

13 **Fingerprints**

14 No report or record relative to a student which includes a copy of the student's
15 fingerprints will be maintained by the District.

16 The Superintendent will be responsible for the privacy and security of records
17 that are not under the supervision of the school principal.

1 **Transfer of Student Records**

2 When a student, previously enrolled in the District transfers out of the District
3 to another school, public or private, within this State or out of State, the
4 principal, upon written request of the principal of the receiving school, the
5 parent, guardian, or eligible student, shall immediately transfer a copy of the
6 student's cumulative record containing Category A and B information to the
7 requesting school. Pursuant to Federal law, disciplinary records with respect to
8 suspension and expulsion shall be considered "other records of educational
9 importance" and, as a Category B record, shall be transferred to the requesting
10 school. The administration is authorized to forward all Category A and B student
11 records, including disciplinary records with respect to any current suspension
12 and expulsion, upon request to a school or school district in which a student of
13 this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a
14 full-time or part-time basis, upon condition that the student's parents be notified
15 of the transfer, receive a copy of the record if desired, and have an opportunity
16 for a hearing to challenge the content of the record. The school shall retain a
17 copy of the Category A and B information in its files. Category B health and
18 testing information shall be retained if it is related to a weighted or categorical
19 program placement which is subject to audit. The files which are retained will be
20 held by the principal who is custodian of the records for the period of time
21 specified in the Student Educational Records Manual. Category A and Category
22 B student records retained beyond the specified time after the student leaves the
23 District will be forwarded to Records Management. When a request comes to the
24 school for student records after the files have been sent to Records Management,
25 the written request should be forwarded to Records Management. Based upon
26 reasonable requests, parents or eligible students will receive explanation and
27 interpretation of the records. Records Management will make copies of the
28 student's files at the current established rate cost.

29 While all reasonable efforts shall be made to collect for damaged or lost library
30 books or textbooks, under no conditions shall the transfer of a student's
31 cumulative record be delayed or denied for failure to pay any fine or fee assessed
32 by the school. Progress reports to parents (report cards) may also not be
33 withheld for failure to pay any fine, fee, or an assessment for lost or damaged
34 books.

35 **Periodic Review of Records**

36 A periodic review of student records by the custodian or designee shall be made
37 in accordance with F.S. 1001.52. The custodian of the student records shall be
38 responsible for maintaining the accuracy of information.

1 The custodian of the records is responsible for amending materials in the
2 student's records he/she believes is inaccurate, misleading, or otherwise in
3 violation in the privacy of other rights of the student.

4 Student records scheduled for disposition/destruction in accordance with the
5 procedures specified in the current Student Educational Records Manual will be
6 forwarded to Records Management.

7	Type Record	Location	Custodian	Address
8	Active and inactive	Last school	Principal of last	As shown in
9	student records as	attended	school attended	local
10	specified in the			directory
11	current Student			
12	Educational Records			
13	Manual for the District			
14	Inactive student	Central	Superintendent	Records
15	cumulative records	District office	or designee	Management
16	(Category A) as specified			
17	in the current Student			
18	Educational Records			
19	Manual for the District			
20	Individual exceptional	Last school	Principal of last	As shown in
21	student education records	attended	school attended	local
22	as specified in the current			directory
23	Student Educational			
24	Records Manual for the			
25	District			

26 **Access to Student Records**

27 The rights of parents and eligible students with respect to education records
28 created, maintained, or used by the District must be protected according to
29 FERPA and its implementing regulations. Parents and eligible students have the
30 right to access education records, including the right to inspect and review those
31 records, and have the right to waive their access to their education records in
32 certain circumstances.

1 The term "parents" includes legal guardians or other persons standing in loco
2 parentis (such as a grandparent or stepparent with whom the child lives, or a
3 person who is legally responsible for the welfare of the child). The term "eligible
4 student" refers to students who are eighteen (18) years of age or older, or who are
5 enrolled in a postsecondary institution, regardless of age.

6 The custodian of the student record shall permit the eligible student or the
7 parents or guardians of the student who is or has been in attendance in the
8 District to inspect and review the education records of the eligible student or
9 student. Provisions for such inspection and review shall be made within a
10 reasonable period of time of the request, but in no case shall be more than
11 thirty (30) days after the request has been made.

12 The District presumes that the eligible student or either parent of the student
13 has the right to inspect, review, and receive copies of the education records of the
14 student or eligible student unless the Board, its staff, or the individual school
15 has been provided a legally binding instrument or court order that expressly
16 revokes those rights.

17 When records are opened to parents, guardians, or eligible students, schools
18 shall make available a member of the professional staff to interpret the record
19 and shall provide copies, at the current District copy rate, upon request. Testing
20 materials will not be copied. The copy rate will include actual reproduction costs
21 and will not include the labor costs for retrieval.

22 Parents, guardians, and eligible students may waive their right of access to
23 confidential letters or statements of recommendations or evaluation. Such
24 waiver shall be made in writing to the custodian of the records and shall be
25 signed by the parent, guardian, or eligible student. Such waiver shall apply to
26 recommendations or evaluation only if:

27 A. the parent, guardian, or eligible student is, upon request,
28 notified of the names of all persons submitting confidential
29 letters or statements; and

30 B. such recommendations or evaluations are used solely for the
31 purpose for which they were specifically intended.

1 The waiver of right of access may be revoked in writing with respect to actions
2 occurring after the revocation.

3 Whenever a student has attained eighteen (18) years of age, the permission and
4 consent required of and rights accorded to the parents of the student as to
5 student records maintained by the District, shall thereafter be required of and
6 accorded to the eligible student only, unless the eligible student is a dependent of
7 his/her parents as defined in Title 26 U.S.C. Section 152 of the Internal Revenue
8 Code of 1954. The District may, in this instance, disclose personally identifiable
9 information from the education records to the parents without the prior consent
10 of the eligible student.

11 Whenever a student has enrolled in a postsecondary institution, regardless of
12 age, the permission and consent required of and rights accorded to the parents of
13 the student as to student records maintained by the postsecondary institution
14 shall thereafter be required of and accorded to the eligible student only.
15 However, if the student is not eighteen (18) years of age, then the permission and
16 consent required of and rights as to the student records maintained by the
17 District shall be retained by the parents.

18 **Disclosure of Student Record Information**

19 A. Prior Written Consent

20 1. Prior written consent of the parent, guardian, or eligible
21 student shall be obtained prior to disclosing personally
22 identifiable student information. The written consent
23 shall include: signature of the parent, guardian, or eligible
24 student; date; specification of records or information to be
25 disclosed; purpose of the disclosure; and the party or class
26 of parties to whom a disclosure is to be made.

- 1 2. Personally identifiable student information which is
2 disclosed to an institution, agency, or organization may be
3 used by its officers, employees, and agents, but only for
4 the purpose for which the disclosure was made.
5 Whenever parental consent is required for the inspection
6 and/or release of a student's health or educational
7 records, either parent may provide such consent unless
8 agreed to otherwise in writing by both parents or
9 specifically stated by court order.
- 10 3. If the student is under the guardianship of an institution,
11 the Superintendent shall appoint a person who has no
12 conflicting interest to provide such written consent.
- 13 B. Without Prior Written Consent
- 14 Personally identifiable records or reports of a student may be
15 released to the following persons or organizations without the
16 prior written consent of the student or the student's parent or
17 guardian:
18
- 19 1. Officials of schools, school systems, career centers, or
20 public postsecondary educational institutions in which the
21 student seeks or intends to enroll; and a copy of such
22 records or reports shall be furnished to the parent or
23 student upon request.

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2. Other school officials, and teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records. The Superintendent may designate "other school officials" not directly employed by the School Board through inter-agency agreements that are created in support of legitimate educational interests and contain the pertinent requirements of this rule. Such agreements shall specify that the designated agency may not disclose the information to any other party without the prior consent of the parent or eligible student and may use the information only for the purposes for which the disclosure was made. However, the designated agency may make further disclosures of the information on behalf of the School Board if the disclosure meets the other requirements of this rule. Support employees may be designated by the principal for the purpose of doing clerical work and maintaining student records. However, such persons shall receive in-service training concerning the confidentiality of student records and work under the supervision and control of an administrative staff member.
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3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or State or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable Federal statutes and regulations of the United States Department of Education, or in applicable State statutes and rules of the State Board of Education.
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4. Other school officials, in connection with a student's application for or receipt of financial aid.

- 1 5. Individuals or organizations conducting studies for or on
2 behalf of an institution or a board of education for the
3 purpose of developing, validating, or administering
4 predictive tests, administering student aid programs, or
5 improving instruction, if the studies are conducted in a
6 manner that does not permit the personal identification of
7 students and their parents by persons other than
8 representatives of such organizations and if the
9 information will be destroyed when no longer needed for
10 the purpose of conducting such studies.

- 11 6. Accrediting organizations, in order to carry out their
12 accrediting functions.

- 13 7. School Readiness Coalitions and the Florida Partnership
14 for School Readiness in order to carry out their assigned
15 duties.

- 16 8. For use as evidence in student expulsion hearings
17 conducted by a district school board under F.S. Chapter
18 120; however, public records of expulsion hearings shall
19 not contain any personally identifiable information.

- 20 9. Appropriate parties in connection with an emergency, if
21 knowledge of the information in the student's educational
22 records is necessary to protect the health or safety of the
23 student or other individuals. Within a reasonable time
24 after the disclosure, the District must record the following
25 information in the student's education records when it
26 discloses personally identifiable information from
27 education records under the health or safety emergency
28 exception:
 - 29 a. The articulable and significant threat to the health
30 or safety of a student or other individuals that
31 formed the basis for the disclosure; and

 - 32 b. The parties to whom the agency or institution
33 disclosed the information.

- 1 If it is a subpoena issued for a law enforcement purpose in
2 which the court or other issuing agency orders the
3 educational agency or institution not to disclose the
4 existence or contents of the subpoena or any information
5 furnished in response to the subpoena, the school shall
6 comply with the subpoena without giving notice to the
7 parent.
- 8 12. Credit bureaus, in connection with an agreement for
9 financial aid that the student has executed, if the
10 information is disclosed only to the extent necessary to
11 enforce the terms or conditions of the financial aid
12 agreement. Credit bureaus shall not release any
13 information obtained under this paragraph to any person.
- 14 13. Parties to an interagency agreement among the
15 Department of Juvenile Justice, school and law
16 enforcement authorities, and other signatory agencies for
17 the purpose of reducing juvenile crime and especially
18 motor vehicle theft by promoting cooperation and
19 collaboration, and the sharing of appropriate information
20 in a joint effort to improve school safety, to reduce truancy
21 and in-school and out-of-school suspensions, and to
22 support alternatives to in-school and out-of-school
23 suspensions and expulsions that provide structured and
24 well-supervised educational programs supplemented by a
25 coordinated overlay of other appropriate services designed
26 to correct behaviors that lead to truancy, suspensions,
27 and expulsions, and that support students in successfully
28 completing their education. Information provided
29 pursuant to interagency agreements is intended solely for
30 use in determining the appropriate programs and services
31 for each juvenile or the juvenile's family, or for
32 coordinating the delivery of such programs and services,
33 and as such is inadmissible in any court proceedings prior
34 to a dispositional hearing unless written consent is
35 provided by a parent or other responsible adult on behalf
36 of the juvenile.
- 37 14. Consistent with the Family Educational Rights and
38 Privacy Act, the Department of Children and Family
39 Services or a community-based care lead agency acting on
40 behalf of the Department of Children and Family Services,
41 as appropriate.

1 15. Parents of a dependent student as defined by the Internal
2 Revenue Service Tax Code of 1986 and in this policy.

3 16. If the District initiates legal action (a lawsuit) against a
4 parent, or if the parent initiates legal action against the
5 District. In such circumstances, the District may disclose
6 to the court, without a court order or subpoena, the
7 education records of the student that are relevant for the
8 District to proceed with legal action as the plaintiff or to
9 defend itself.

10 17. If the release is to the Attorney General of the United
11 States or to his/her designee in response to an ex parte
12 order in connection with the investigation or prosecution
13 of terrorism crimes specific in Sections 2331 and 2332
14 of Title 18, U.S. Code.

15 Under this exception, school officials are not required to
16 record (i.e., on an access log) the disclosure of information
17 from a student's education record when the school makes
18 pursuant to an ex parte.

19 Further, an educational institution that, in good faith,
20 produces information from education records in
21 compliance with an ex parte order shall not be liable to
22 any person for that disclosure.

23 **Directory Information**

24 The District shall not make available certain information known as "directory
25 information" without prior permission of the parents or the eligible student. The
26 Board designates as student "directory information": a student's name; address;
27 telephone number, if it is a listed number; date and place of birth; participation
28 in officially-recognized activities and sports; height and weight, if a member of an
29 athletic team; dates of attendance; date of graduation or program completion;
30 and awards received.

1 In accordance with State law, the District shall release the names and addresses
2 of students in grades ten through twelve (10-12) to a recruiting officer for any
3 branch of the United States Armed Forces or an institution of higher education
4 who requests such information. Such data shall not be released if the eligible
5 student or student's parents submit a written request not to release such
6 information. The recruiting officer is to sign a form indicating that "any
7 information received by the recruiting officer shall be used solely for the purpose
8 of informing students about military service and shall not be released to any
9 person other than individuals within the recruiting services of the Armed Forces".
10 The Superintendent is authorized to charge mailing fees for providing this
11 information to a recruiting officer. A secondary school student or parent of the
12 student may request that the student's name, address, and telephone listing not
13 be released without parental consent.

14 **Record of Disclosures**

15 Record of any requests or disclosures of personally identifiable student
16 information shall be maintained except for disclosures to the parent, guardian,
17 or eligible student; or any other school officials with a legitimate educational
18 interest. The record of requests for disclosure shall include the following: the
19 parties who have requested or obtained personally identifiable student
20 information, the legitimate interests of the persons requesting or obtaining the
21 information, and date parental/eligible student consent was obtained.

22 With regard to such disclosures, a "school official" is determined to be any
23 employee of the School Board of Miami-Dade County, Florida, with direct
24 responsibility for providing services to students and other school officials
25 designated by the Superintendent through an inter-agency agreement. A
26 "legitimate educational interest" is determined to mean responsibility for
27 providing direct educational services to students which will include teaching,
28 counseling, psychological services, or other services to students which require
29 access to personally identifiable information and/or those specified in the law.

1 **Public Notification**

2 Under FERPA, parents and eligible students must receive notice of their rights
3 with respect to educational records. An annual written notice shall be given to
4 inform parents, guardians, and eligible students of their rights of access, waiver
5 of access, challenge and hearing, privacy, categories of personally identifiable
6 student information designated as directory information data, and the location
7 and availability of the District's policy on education records of students.
8 Alternate methods of notice shall be made for parents, guardians, or eligible
9 students unable to comprehend a written notice in English. The Superintendent
10 shall prepare administrative procedures to ensure that students and parents are
11 adequately informed each year regarding their rights to:

- 12 A. inspect and review the student's educational records;
- 13 B. request amendments if the parent believes the record is
14 inaccurate, misleading, or otherwise in violation of the student's
15 privacy rights;
- 16 C. consent to disclosures of personally-identifiable information
17 contained in the student's educational records, except to those
18 disclosures allowed by the law;
- 19 D. challenge District noncompliance with a parent's request to
20 amend the records through a hearing;
- 21 E. obtain a copy of the District's policy and administrative
22 procedures on student records.

23 The Superintendent shall also develop, and update as needed, procedures for:

- 24 A. the proper storage and retention of records including a list of the
25 type and location of record;
- 26 B. informing District employees of the Federal and State laws
27 concerning student records.

28 The District is authorized to use the microfilm process or electromagnetic
29 processes of reproduction for the recording, filing, maintaining, and preserving of
30 records.

31 No liability shall attach to any member, officer, or employee of this District
32 specifically as a consequence of permitting access or furnishing student records
33 in accordance with this policy and procedures.

1 Hearing Procedure to Correct Student Records

2 Whenever a parent, guardian, or eligible student believes the content of the
3 student record is inaccurate, misleading, or in violation of their privacy, they may
4 request an informal meeting with the record custodian for the purpose of
5 requesting the correction, deletion, or expunction of any inaccurate, misleading,
6 or otherwise inappropriate data or material contained in the student record.

7 If the record custodian agrees at the informal meeting to grant the parent's
8 request, the data or materials in question should be amended and the parent
9 given written notification of the amendment. The appropriate school officials
10 shall take the necessary actions to implement the amendment. If the parent's
11 request is denied, the decision must be made in writing and provided to the
12 parent, guardian, or eligible student, with a notification of the right to an
13 informal hearing with the Regional Center. The decision of the Regional Center
14 shall be made in writing to the parent, guardian, or eligible student with a copy
15 to the Superintendent. The written decision of the Regional Center may be
16 appealed to the Administrative Director, Division of Student Services.

17 A hearing shall be requested, in writing, to the Superintendent within ten (10)
18 days of the written notice of denial at the informal hearing conducted by the
19 Regional Center. The Administrative Director shall convene and conduct the
20 hearing and shall render a decision in writing to all concerned parties within a
21 reasonable time after the conclusion of the hearing. The hearing shall be held no
22 more than thirty (30) days from the date of the written request.

23 The parents, guardian, eligible student, student, and officials of the school shall
24 be afforded a full and fair opportunity to present evidence relevant to the issues
25 raised and may be assisted or represented by one or more individuals of his or
26 her own choice, including an attorney. The hearing decision must be made in
27 writing to the parent, guardian, or eligible student, must be based solely on the
28 evidence presented at the hearing, and must include a summary of the evidence
29 and the reasons for the decision.

1 If the decision of the hearing officer is that the records are not inaccurate,
2 misleading, or otherwise in violation of privacy rights, the parent, guardian, or
3 eligible student shall be allowed to comment in writing on the information in the
4 education record and state any reasons for disagreeing with the decision. This
5 written response shall be filed in the education records of the student.

6 F.S. 1001.41, 1001.52, 1002.22, 1003.25
7 F.A.C. 6A-1.0955, 6A-1.9555
8 20 U.S.C. Section 1232f through 1232i (FERPA)
9 20 U.S.C. 7908
10 26 U.S.C. 152
11 20 U.S.C. 1400 et seq., Individuals with Disabilities Act
12 Privacy Rights of Parents and Students - P.L. 90-247

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NEW POLICY

VIRTUAL INSTRUCTION

The District shall provide eligible students within its boundaries the following options for participation part-time or full-time in virtual instruction, Kindergarten through Grade 12:

- A. through courses delivered in the traditional school setting by instructional staff providing direct instruction through either virtual instruction or by blending traditional and online instruction;
- B. through enrollment in the Florida Virtual School;
- C. through enrollment with Virtual Instruction Providers approved by the Florida Department of Education (FLDOE);
- D. through enrollment in an online course offered by any other Florida school district;
- E. through participation in the District-operated part-time or full-time virtual instruction programs (VIP) organized under F.S. 1002.45(1).

The District shall provide access to enroll in courses available through one of the District options for virtual instruction, and shall award credit for successful completion. Access to online courses is available to students during and after the normal school day and through summer school enrollment. A District student will not be required to take an online course outside the regular school day in addition to the student's courses for a given semester or on school grounds.

The purpose of the options above is to make instruction available to District students using online and distance education technology in either a traditional classroom or a nontraditional classroom (i.e., primarily outside of public school buildings). If the student and his/her parents select part-time or full-time instruction delivered by providers approved by the FLDOE, they will have the right to select from the list of approved providers offered by the District.

The District may offer a full time or part time program for grade 9-12 students enrolled in dropout prevention, academic intervention, Department of Juvenile Justice (DJJ), core courses to meet class size requirements, or community colleges.

Student Eligibility

Students eligible for the District VIP program must meet at least one of the following conditions:

- A. The student has spent the prior school year in attendance at a public school in this State and was enrolled and reported by a public school district for funding during the preceding October and February for the purposes of the Florida Education Finance Program (FEFP) surveys.
- B. The student is a dependent child of a member of the United States Armed Forces who was transferred within the last twelve (12) months to Florida from another state or foreign country pursuant to the parent's permanent change of station orders.
- C. The student was enrolled during the prior school year in a School District virtual instruction program under F.S. 1002.45 or a full-time Florida Virtual School program under F.S. 1002.37(8)(a).
- D. The student has a sibling who is currently enrolled in the School District virtual instruction program and that sibling was enrolled in such a program at the end of the prior school year.
- E. The student is eligible to enter Kindergarten or first grade.
- F. The student is eligible to enter grades 2 through 5 and is enrolled full-time in a District virtual instruction program, virtual charter school, or the Florida Virtual School.

Notification of Virtual Instruction Program and Enrollment Period

Within the first week of each school year, the District shall provide notification to parents and students about a student's right and choice to participate in a virtual instruction program and in courses offered by the Florida Virtual School under State law. The enrollment period for the District-operated full-time virtual instruction program, Miami-Dade Online Academy, opens in the spring of each school year for a minimum of ninety days and closes thirty days before the first day of the school year. The District provides timely written notice to parents of the enrollment period.

Online Course Requirements for Graduation

Online course requirements for graduation are set forth in Policy 5410, *Student Progression Plan*.

F.S. 1000.04(4), 1001.42 (3), (23), 1002.20 (6)(a), 1002.321, 1002.37, 1002.45
F.S. 1002.455, 1003.02, 1003.4282 (4), 1003.498, 1003.499
F.S. 1006.29, 1007.27(1), 1011.62
F.A.C. 6A-6.0981