

This is a new rule.

6A-6.030281 Development of Services Plans for Students with Disabilities Enrolled in Private School by their Parents and Provided with Specially Designed Instruction and Related Services by the Local School Board. The provision of specially designed instruction and related services to eligible students with disabilities enrolled in private schools by their parents shall be consistent with the requirements of paragraph (3)(n) of Rule 6A-6.03411, FAC., and as described in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students document. The provision of these services shall be consistent, to the extent appropriate, with the following requirements:

(1) Each school board shall establish procedures which shall provide for parents, guardians, surrogate parents or persons acting in loco parentis to participate in decisions concerning the service plans. Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one (1) or both of the parents of the student is present at each services plan meeting or is afforded the opportunity to participate in each meeting:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice to the parent must indicate the purpose, time, and location of the meeting, and who, by title or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite other individuals with special knowledge or expertise about their child.

1. If transition services will be provided to a student with a disability beginning at age fourteen (14), or younger, if determined appropriate by the services plan team, the notice must also indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student and indicate that the school district will invite the student.

2. If transition services will be provided to a student with a disability, beginning at age sixteen (16), or younger, if determined appropriate by the services plan team, the notice must indicate that a purpose of the meeting is the consideration of needed transition services for the student, indicate that the school district will invite the student, and indicate any other agency that will be invited to send a representative.

(c) If neither parent can attend, the school district shall use other methods to ensure parent participation, including

individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;

2. Copies of correspondence sent to the parents and any responses received; or

3. Detailed records of visits made to the parents' home or place of employment and the results of those visits.

(e) The district shall take whatever action is necessary to ensure that the parents and the student beginning at age 14, understand the proceedings at a meeting, which may include arranging for an interpreter for parents and students who are deaf or whose native language is a language other than English.

(f) The district shall give the parents a copy of the services plan at no cost to the parents.

(g) The district shall ensure that a representative of the private school attends each services plan meeting. If the private school's representative cannot attend, the district shall use other methods to ensure participation, including individual or conference calls.

(2) Services plan team participants. The services plan team shall include the following participants:

(a) The parents of the student in accordance with subsection (1) of this rule;

(b) At least one (1) regular education teacher of the student from the private school;

(c) At least one special education teacher of the student;

(d) A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the school district. At the discretion of the school district, the student's special education teacher may be designated to also serve as the representative of the school district if the teacher meets the requirements described in this paragraph;

(e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team as described in paragraphs (2) (b)-(d) of this rule;

(f) At the discretion of the parent, the private school, or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate. The determination of the knowledge or special expertise of any such individual shall be

made by the party who invited the individual to be a member of the services plan team;

(g) The student if appropriate. If the student does not attend the service plan meeting consistent with paragraph (2)(h) of this rule, the school district shall take other steps to ensure that the student's preferences and interests are considered.

(h) If transition services are to be provided, the student, beginning by the student's fourteenth birthday or younger, if determined appropriate by the services plan team, when the purpose of the meeting is to consider the student's transition service needs. If the student does not attend, the school district and the private school shall take other steps to ensure that the student's preferences and interests are considered.

(i) If transition services are to be provided, a representative of any other agency that may be responsible for providing or paying for transition services, when the purpose of the services plan meeting is to consider transition services. If an agency invited to send a representative to a meeting does not do so, the school district shall take other steps to obtain the participation of the other agency in the planning of any transition services.

(3) Timelines. Timelines for services plans shall include

the following:

(a) Each private school student with a disability who has been designated to receive specially designed instruction and related services from the school district shall have a services plan that describes the services to be provided. This services plan, which has been reviewed, if appropriate, within the past year, must be in effect at the beginning of each school year for each eligible private school student with a disability.

(b) A services plan must be developed within thirty (30) calendar days following the determination of a student's eligibility and must be in effect before specially designed instruction and related services are provided.

(c) Meetings shall be held to develop, review, and revise the services plan. A meeting shall be held at least once every twelve (12) months to review each services plan and, as appropriate, revise its provisions in accordance with all aspects of this rule.

(4) Considerations in services plan development, review, and revision for private school students with disabilities. The services plan team shall consider the following in development, review, and revision of the services plan:

(a) The strengths of the student and the concerns of the parents for enhancing the education of their child;

(b) The results of the initial or most recent evaluation

of the student;

(c) As appropriate, the results of the student's performance on any general state or district assessment;

(d) In the case of a student whose behavior impedes learning or the learning of others, if appropriate, strategies including positive behavioral interventions, and supports to address that behavior;

(e) In the case of a student with limited English proficiency, the language needs of the student as those needs relate to the student's services plan;

(f) In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the services plan team determines, after an evaluation of the student's reading and writing skills, needs (including future needs), and appropriate reading and writing media that instruction in Braille or the use of Braille is not appropriate for the student;

(g) The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and

(h) Whether the student requires assistive technology devices and services. On a case-by-case basis, the use of school-district purchased assistive technology devices in a student's home or in other settings is required if the services plan team determines that the student needs access to those devices.

(5) Contents of the services plans for students with disabilities, enrolled in private schools, who are provided services by the school district. In collaboration with the parents and private school personnel of each student with a disability who is provided services from the school district, each district shall develop a services plan that must include with respect to services provided:

(a) A statement of the student's present levels of educational performance including how the student's disability affects the student's involvement and progress in the general curriculum or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(b) A statement of measurable annual goals, including benchmarks or short term objectives related to meeting the student's needs that result from the student's disability to enable the student to be involved and progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the

student's other educational needs that result from the student's disability;

(c) A statement of the specially designed instruction and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; to be involved and progress in the general curriculum in accordance with paragraph (5)(a) of this rule; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this paragraph;

(d) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in paragraph (5)(c) of this rule;

(e) The projected date for the beginning of the services, accommodations and modifications described in paragraph (5)(c) of this rule and the anticipated frequency, location, and duration of those services;

(f) A statement of how the student's progress toward the annual goals will be measured and how the student's parents will be regularly informed (at least as often as parents are informed

of their nondisabled children's progress) of the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;

(g) If transition services are provided, the requirements of paragraphs (7)(i) - (j) and subsection (8) of Rule 6A-6.03028, FAC., regarding transition services must be met.

(h) Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of rights under Part B of the Individual with Disabilities Education Act that will transfer from the parent to the student on reaching the age of majority (eighteen (18) years of age). The transfer of these rights are described in subsection (10) of Rule 6A-6.03311, FAC.

(6) Review and revision of the services plan. The school district shall ensure that the services plan team:

(a) Reviews the student's services plan periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and

(b) Revises the services plan, as appropriate, to address:

1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate,

2. The results of any reevaluation conducted,

3. Information about the student provided to, or by, the

parents, and

4. The student's anticipated needs or other matters and,

5. Consideration of the factors described in subsection
(4) of this rule.

(7) Services plan implementation. A services plan must be
in effect before specially designed instruction and related
services are provided by the local school district to an eligible
student and must be implemented as soon as possible following the
services plan meeting.

(a) The student's services plan shall be accessible to each
regular education teacher, special education teacher, related
service provider, and other service provider who is responsible
for its implementation.

(b) Each teacher and provider described in paragraph
(7) (a) of this rule shall be informed of specific
responsibilities related to implementing the student's services
plan and the specific accommodations, modifications, and supports
that must be provided for the student in accordance with the
services plan.

Specific Authority 1001.02(1)(2)(n), 1003.01(3)(a)(b), 1003.57(5)
FS. Law Implemented 1001.42(4)(1), 1003.01(3)(a)(b), 1003.57(5),
1011.62(1)(c), 1001.03(8) FS., PL 105-17 (20 USC 1401, 1412,
1413, 1414, 1415),: History - New -