

STATE BOARD OF EDUCATION

Action Items

October 19, 2004

SUBJECT: Legislative Request Related to Settlement of Exceptional Student Education (ESE) Rule Challenge

PROPOSED BOARD ACTION

For approval.

AUTHORITY FOR STATE BOARD ACTION

N/A

BACKGROUND INFORMATION

On March 16, 2004, the State Board of Education approved 12 rules governing programs for students with disabilities and students who are gifted (see supporting documentation for list of rules). On March 26, 2004, a petition to challenge these rules was filed by the Florida Coalition for the Education of Individuals with Developmental Disabilities, the Family Network on Disabilities of Florida, Inc., and The Advocacy Center for Persons with Disabilities, Inc.

In August 2004, a settlement agreement was reached between the parties. This agreement included the provision of additional information to school districts regarding implementation of these rules, technical revisions to two rules, and that, "...subject to approval by the State Board, the Department of Education will support legislation during the 2005 Regular Session of the Florida Legislature to amend section 1003.01(3)(b), Florida Statutes, to include speech and language services in the statutory definition of the term 'related services.'" (see supporting documentation)

Given the above, ten rules became effective September 20, 2004. The remaining two rules were re-advertised in the September 3, 2004, Administrative Weekly and will become effective approximately on or about October 18, 2004. Once all of the rules are final, they will be published and distributed to all school districts along with a memorandum that includes the information stipulated in the settlement agreement.

Supporting Documentation Included:

List of ESE Rules Approved by the SBE March 16, 2004

Proposed 2005 Legislative Revision to Section 1003.01(3)(b), Florida Statutes

Facilitators/Presenters: Jim Warford, Chancellor K-12 and Shan Goff, Deputy Chancellor K-12