

STATE BOARD OF EDUCATION

Action Item

December 12, 2006

SUBJECT: Amendment to Rule 6A-6.03016, Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

1001.02(1) and 1003.57(1)(e), Florida Statutes

BACKGROUND INFORMATION

This rule provides specific requirements for school districts related to the identification of students with disabilities who have emotional/behavioral disabilities. The rule as amended reflects current knowledge in the field and language that is consistent with the federal law, the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Chapter 33, and its implementing regulations.

The title of the rule has been amended as “emotional/behavioral disabilities” to more accurately reflect the educational implications of the disability and to be consistent with recommendations from the National Association of School Psychologists and the Council for Children with Behavioral Disabilities. The amended rule states that activities prior to referral and student evaluation must be conducted in accordance with Rule 6A-6.0331, FAC. In addition, requirements related to evaluation procedures and instructional program were removed as they are to be included in the districts’ *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students* in accordance with Rule 6A-6.03411, FAC.

The definition of “emotional/behavioral disability” has been amended as “persistent” to mean “not responsive to evidence-based interventions” and “consistent” to mean that the characteristic must occur in at least two settings. The definition specifically excludes external variables (e.g., race, ethnicity, gender, culture) which have been cited as inappropriate by the federal Department of Education, Office of Special Education Programs. Internal and external factors are identified as the means to identifying students who meet the criteria. The rule states that emotional/behavioral characteristics must be present for six months; however, it does allow for “extraordinary circumstances” to address the early onset of mental illness. In addition, the rule defines characteristics that are *not* indicative of emotional/behavioral disabilities. These include normal, temporary reactions to life events, positive responses to evidence-based interventions, and social maladjustment, unless the student is also found to have an emotional/behavioral disability.

Supporting Documentation Included: Rule 6A-6.03016, FAC., Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities

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