

BEESS Administrative Rules Summary of Changes

May, 2008

Indicates items expected to be of most interest or concern
Refers to stakeholder input

Rule Number	Name	What it does – purpose of the rule	What was changed	Effect/anticipated impact
6A-6.03028	Provision of Free Appropriate Public Education and Development of Individual Educational Plans for Students with Disabilities	Combines into a single rule all of the federal requirements related to the provision of a free appropriate public education (FAPE) and the development of individual educational plans (IEPs) for students with disabilities.	<ul style="list-style-type: none"> • Language was changed throughout to align with federal regulations and to be consistent • Allows parents to request the Part C, Early Steps, Coordinator attend the IEP team meeting for a child turning three and transitioning to the school district Part B program • Deletes non-regulatory language re: criteria for extended school year services • Deletes Florida’s requirement that the IEP include a statement of remediation needed for the student to pass the FCAT • Short-term objectives or benchmarks only required for students on alternate standards • Deletes requirement to include “a statement of transition services needs” for students age 14-15. 	<ul style="list-style-type: none"> • No impact. Criteria currently included in ESY Technical Assistance Paper (TAP) • Limited or none. Existing initiatives require remediation; this statement added no additional obligation or service • IEP teams not required to include short-term objectives or benchmarks for students instructed in the general curriculum; district or IEP team may choose to include them • No impact. Retains requirement to: begin transition planning at age 14; invite the student to the IEP team meeting; address the student’s need for instruction or information related to self-determination; and adopts federal standards related to transition planning beginning at age 16

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			<ul style="list-style-type: none"> • Allows an IEP to be amended without a meeting • Allows for excusal or nonattendance of one or more IEP team member with parent consent or approval • Adds clarifying language regarding: services to students in adult correctional facilities; accessing a student’s public benefits or insurance; district obligations re: hearing aids and surgically implanted devices 	<p>Note: Changes based on stakeholder input included retention of transition planning at age 14</p> <ul style="list-style-type: none"> • Increase flexibility for districts and families by allowing IEP amendments without a formal meeting, if the parent and the district agree to the change • Increase flexibility for districts and families by allowing the IEP team meeting to be conducted with one or more members not in attendance, if the parent agrees or consents to the nonattendance • No impact. These requirements have been implemented since the reauthorization in 2004.
6A-6.030281	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	This rule describes the districts’ obligation for equitable participation of students with disabilities enrolled in private schools by their parents, including child find, consulting with private schools and parents, determining the services to be provided, and the students to be served.	<ul style="list-style-type: none"> • All existing language was deleted and replaced with language designed to mirror the federal regulations at 34 CFR 300.130 to 300.144. • The obligation to expend a proportionate share of IDEA funds on parentally-placed private school students with disabilities is moved from the district where the student lives to the district where the private school the student attends is located • Details the requirements for districts to: consult with representatives of private schools in determining services to be provided and students to be served; calculate proportionate share obligation; 	<ul style="list-style-type: none"> • No change overall (statewide); some obligations shift from the district where parents reside to the district where private school is located. These requirements have been implemented since the reauthorization in 2004. • No impact. These requirements have been implemented since the reauthorization in 2004.

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			and provide for equitable participation for students enrolled in nonprofit private schools	
6A-6.0331	General Education Intervention Procedures, Identification, Evaluation, Reevaluation, and the Initial Provision of Exceptional Education Services	This rule describes the procedures districts must implement: in order to ensure that appropriate general education interventions are implemented prior to referring a student for evaluation so that students are not inappropriately identified as having a disability; for evaluation and reevaluation; eligibility decisions; and initial consent for placement. When appropriate, corresponding procedures relative to giftedness are included.	<ul style="list-style-type: none"> • Clarifies that the 60-day timeline for evaluation begins when the district receives written consent from the parent, with exceptions for students moving from district to district during the evaluation period • Stronger focus on evidence-based general education interventions while allowing more discretion to districts and parents in determining the number and type of activities • Limited requirements for general education interventions prior to referral to students suspected of having a disability (with specific exceptions) and for whom the district currently provides educational services 	<ul style="list-style-type: none"> • Currently more broadly defined as “completion of [general education interventions],” “receipt of consent, and “receipt of referral,” which at times causes confusion in data collection and accountability activities • Limited or no impact. District’s currently moving toward more meaningful “response to intervention” problem solving model <p>Note: Changes based on stakeholder input included eliminating general education intervention requirements for gifted students, private school or home education students, or students being evaluated for hospital homebound.</p>
6A-6.03311	Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities	This rule aligns with the federal requirements and describes the procedural safeguards available to parents of students with disabilities, including procedures for dispute resolution.	<ul style="list-style-type: none"> • Content of procedural safeguards notice revised to align with new federal regulations • Adds language to state complaint procedures related to corrective actions, such as compensatory services and monetary reimbursement • Deletes state-specific requirements related to due process hearings 	<ul style="list-style-type: none"> • No impact. This has been required since the reauthorization of IDEA in 2004. • Gives the state greater authority in imposing corrective actions on districts for violations of IDEA • Allows the Division of Administrative Hearings (DOAH) and the Administrative Law Judges (ALJs) more discretion in conducting hearings

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			<ul style="list-style-type: none"> Changes the requirement to provide parents a copy of the procedural safeguards notice from prior to every meeting and at selected other times to “at least annually” and at selected other times Clarifies that the district is only obligated to pay for one independent educational evaluation (IEE) each time a parent disagrees with the district’s evaluation 	<ul style="list-style-type: none"> Decrease the expense of providing the document multiple times and aligns with paperwork reduction initiatives; no impact on families Limited impact. Requests for multiple IEEs are rare, but represent a significant expense for districts when they do occur.
6A-6.03312	Discipline Procedures for Students with Disabilities	This rule describes the procedures related to discipline of students with disabilities (e.g., suspension; change of placement due to discipline), and includes federal definitions that, for purposes of discipline of students with disabilities, supersede definitions under state law.	<ul style="list-style-type: none"> Provides simplified decision-rule for manifestation determinations when a student is subjected to a long-term removal that represents a change in placement Clarifies that, if a parent has refused consent for a student’s placement in an ESE program, the procedural protections related to discipline do not apply Deletes state requirement that all removals beyond 10 days in a year be treated as a change in placement; requires districts to determine on a case-by-case basis if such removal actually represents a change in placement 	<ul style="list-style-type: none"> Limited impact. Holds districts harmless; the district is not required to use due process to obtain parent consent for placement in ESE if parent refuses initial request Limited impact. Districts continue to be required to provide some level of services for students removed more than 10 days in a school year
6A-6.03314	Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents	This rule described the procedural safeguards available to parentally-placed private school students with disabilities.	<ul style="list-style-type: none"> Proposed for deletion. 	<ul style="list-style-type: none"> No impact. The requirements are addressed in Proposed Rule 6A-6.030281
6A-6.0333	Surrogate Parents	This rule describes the procedures for assigning a surrogate parent for certain	<ul style="list-style-type: none"> Requires assignment of a surrogate within 30 days of the district’s determination that one is needed 	<ul style="list-style-type: none"> Limited impact. Districts currently must assign a surrogate “when needed” Will ease the process for assigning a

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		students with disabilities and gifted students for purposes of educational decisions related to ESE programs.	<ul style="list-style-type: none"> Provides flexibility in the case of homeless youth, allowing emergency or transitional shelter staff to serve 	surrogate for homeless youth
6A-6.0334	IEPs and EPs for Transferring Exceptional Students	This rule describes the procedures related to ESE students who transfer from within or outside of the state.	<ul style="list-style-type: none"> Replaces 6-month timeline for determining if the student meets Florida requirements for ESE programs with “reasonable time” If evaluation is required, it is considered an initial evaluation, not a reevaluation 	<ul style="list-style-type: none"> Limited or no impact. Comparable ESE services must be provided upon enrollment Initial consent requirements are somewhat more restrictive than reevaluation; new consent for placement must be obtained
6A-6.03411	Definitions, ESE Policies and Procedures, and ESE Administrators	This rule gathers all definitions in one rule, except those related only to discipline, and describes districts requirements related to the Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students (SP&P) document and the designation of a staff member to serve as ESE administrator	<ul style="list-style-type: none"> Aligns with federal definitions when available Includes additional state-specific terms not defined in federal regulations (e.g., accommodations; behavioral intervention plan) 	<ul style="list-style-type: none"> None None <p>Note: Many stakeholders requested that “reasonable” be defined. The federal regulators declined to do so, noting that the term would have different meanings in different contexts and with different students/situations in question. We also have declined to do so, but guidance will be provided through technical assistance.</p>