

STATE BOARD OF EDUCATION

Action Item

October 21, 2008

SUBJECT: Approval of Amendment to Rule 6A-6.03011, Special Programs for Students Who Are Mentally Handicapped

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1001.02(1), (2)(n), 1001.42(4)(l), 1003.01(3)(a),(b), 1003.57(1), Florida Statutes

EXECUTIVE SUMMARY

Rule 6A-6.03011, Exceptional Student Education Eligibility for Students with Intellectual Disabilities [Proposed Title]

This rule establishes criteria for determining eligibility as a student with an intellectual disability. The information below summarizes the changes proposed.

Title: The proposed rule title is changed from “Special Programs for Students Who Are Mentally Handicapped” to “Exceptional Student Education Eligibility for Students with Intellectual Disabilities.” The changes are proposed for several reasons. The term intellectual disabilities is now the currently preferred term for the disability that has been historically referred to as “mental retardation” or “mentally handicapped.” The proposal for this terminology change was influenced by the fact that the American Association of Mental Retardation was renamed the American Association on Intellectual and Developmental Disabilities in 2007. This is the oldest professional organization in the field of developmental disabilities. Another significant and related change was an Executive Order signed by the President in 2003, changing the name of the President’s Committee on Mental Retardation to the President’s Committee for People with Intellectual Disabilities. As a result of these changes, the term intellectual disabilities is being used much more commonly in journals and published research. This term is considered less offensive and more acceptable by persons with disabilities, their families, and professionals in the field of developmental disabilities.

The proposed revisions also conform the rule language to recent revisions made to section 1003.01, Florida Statutes, which changed the terminology from “mentally handicapped” to “intellectual disabilities.” Lastly, the proposed rule title more accurately reflects the intent of the rule which is to establish requirements for evaluation and eligibility determination.

Definition: The proposed rule revision deletes previously established distinct eligibility categories of educable mentally handicapped, trainable mentally handicapped, and profoundly mentally handicapped, and creates a single category of intellectual disability. The rule states that the intellectual disability must occur during the developmental period. The developmental period is defined as extending from birth to eighteen years of age. The student's performance must be significantly below average in the areas of intellectual and adaptive functioning and academic achievement.

Evaluation procedures: Evaluation procedures include individually administered tests of intellectual, adaptive, and academic (or pre-academic/developmental) functioning. The proposed rule states that parental involvement must be included for the social-developmental history and the adaptive behavior measure. The evaluation procedures identified in Rule 6A-6.0331, Florida Administrative Code, *Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction*, must also be followed.

Eligibility: Criteria for eligibility are defined as a measured level of intellectual functioning more than two standard deviations below the mean and academic or pre-academic performance that is expected of a student of comparable intellectual functioning. Additionally, criteria for performance on a standard assessment of adaptive behavior are specified in the proposed rule. Those criteria include a level of adaptive functioning that is more than two standard deviations below the mean on the adaptive behavior composite score or on two out of three domains on a standardized test of adaptive behavior.

The requirement that there are deficits in both general intellectual functioning and adaptive behavior that adversely affect educational performance is consistent with the language included in the Individuals with Disabilities Education Act.

Documentation: A written summary of the analysis of the group making the determination regarding eligibility is required. The content of this summary is specified in rule and includes the behavior noted during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning, any educationally relevant medical findings, and whether factors such as vision, hearing, motor, or emotional/behavioral disability, irregular patterns of attendance, or limited English proficiency are affecting the student's achievement level.

Supporting Documentation Included: Proposed Rule 6A-6.03011, Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Facilitator: Dr. Frances Haithcock, Chancellor, K-12 Public Schools