

STATE BOARD OF EDUCATION

Action Item

January 21, 2009

SUBJECT: Approval of Amendment to Rule 6A-6.03018, Special Programs for Students with Specific Learning Disabilities

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-6.03018, Exceptional Education Eligibility for Students with Specific Learning Disabilities [Proposed Title]

This rule establishes criteria for determining eligibility as a student with a Specific Learning Disability. The information below summarizes the changes proposed.

Title: The proposed rule title is changed from “Special Programs for Students with Specific Learning Disabilities” to “Exceptional Student Education Eligibility for Students with Specific Learning Disabilities.” This change more accurately reflects the intent of the rule which is to establish requirements for evaluation and eligibility determination.

Definition: The proposed rule reflects changes to align more closely with the language provided by the Individuals with Disabilities Education Act (IDEA). It also revises the definition to include terminology currently used in the field of specific learning disabilities, such as dyslexia, dysgraphia, and dyscalculia as examples of associated conditions. This terminology is consistent with the changes made to Section 1003.01, Florida Statutes, during the 2008 legislative session.

General Education Procedures and Activities: The proposed rule clarifies that in order for additional evaluation to occur, schools must ensure that the student’s lack of academic progress is not due to the lack of appropriate instruction. This language is in direct alignment with the Individuals with Disabilities Education Act.

Evaluation: The proposed rule describes when it is necessary to request parental consent to conduct an evaluation, thereby initiating the evaluation process. It also references the evaluation requirements, including timelines, found in Rule 6A-6.0331, Florida Administrative Code (FAC.).

Criteria for Eligibility: The proposed rule requires that, to be found eligible, a student does not achieve adequately for the student’s chronological age or to meet State-approved grade-level standards in one or more academic areas based on multiple sources (including

criterion or norm-referenced measures) when provided with learning experiences and instruction appropriate for the student's chronological age or State-approved grade-level standards. This section also requires that the student does not make adequate progress in one or more of the academic areas listed when using a process based on the student's response to scientific, research-based interventions consistent with comprehensive evaluation procedures in Rule 6A.60331 (4), FAC. Because Response to Intervention (RtI) is relatively new to most district and school personnel, and because it generally requires several years to implement with proficiency, a second option, consistent with IDEA, has been included in this section.

The second option requires that the student does not make adequate progress in one or more of the academic areas listed when using a process based on the student's response to scientific, research-based interventions **and** that the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with the comprehensive evaluation procedures in Rule 6A.60331 (4), FAC. The criterion is written to allow districts to specify which schools will be shifting to the first option and which schools will be maintaining some or all of their traditional requirements through the second option. This must be specified in the district's *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students*, as required by Rule 6A-6.03411, FAC. The second option becomes obsolete on July 1, 2010. The language and intent of this transition option are consistent with IDEA and the inclusion of additional time for full implementation been a frequent request of the public. A district will be required by this section of the proposed rule to determine that its findings are not primarily due to a specified set of exclusionary factors. These factors have been updated consistent with IDEA and the recommendations of the stakeholders. Specified in this section, the group of qualified personnel making this determination must include those required by Rule 6A-6.0331(5), FAC., *and* the student's general education teacher and someone qualified to conduct and interpret individual diagnostic examinations. The final criterion in this section is that of the observation required to document the relationship between the student's classroom behavior and academic performance.

Documentation of Determination of Eligibility: The proposed rule requires a summary report that includes: the basis for making the determination; the relevant behavior as noted during observation and the relationship of that behavior to academic performance; relevant medical findings; and whether the student has a specific learning disability evidenced by RtI data that confirms a performance discrepancy, rate of progress deficiency or level of difficulty to maintain, and educational need. Additionally, this section requires a description of the pattern of strengths and weaknesses determined relevant to the identification of a specific learning disability for those schools using eligibility criteria described in the second option presented in the *criteria for eligibility* section. The *documentation of determination of eligibility* section also requires the determination of the group concerning the effects of the exclusionary factors that were listed in the *criteria for eligibility* section; data derived from the RtI process including specific interventions, duration, frequency, adherence to intervention plan, and student-centered data; parent notification of policies, services, and interventions; and parent right to request an evaluation.

Implementation: The proposed rule provides direction related to the district's *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students*. This document must include criteria options as described in the *Criteria for Eligibility* section on a school-by-school basis for the interim transition period prior to July 1, 2010.

Supporting Documentation Included: Proposed Rule 6A-6.03018, Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

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