

STATE BOARD OF EDUCATION

Consent Item

November 11, 2009

SUBJECT: Approval of Amendments to Rules Relating to Exceptional Student Education: Rule 6A-6.03013, Exceptional Student Education Eligibility for Students Who are Deaf or Hard-of-Hearing; Rule 6A-6.030151, Exceptional Student Education Eligibility for Students with Orthopedic Impairment; Rule 6A-6.030152, Exceptional Student Education Eligibility for Students with Other Health Impairment; Rule 6A-6.030153, Exceptional Student Education Eligibility for Students who are Physically Impaired with Traumatic Brain Injury; Rule 6A-6.03016, Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities; Rule 6A-6.03022, Special Programs for Students Who are Dual-Sensory Impaired; Rule 6A-6.03023, Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder; Rule 6A-6.03027, Special Programs for Children Three Through Five Years Old Who are Developmentally Delayed; Rule 6A-6.03028, Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities; Rule 6A-6.0331, General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1003.01, 1003.57, 1003.571, Florida Statutes

EXECUTIVE SUMMARY

Rules 6A-6.03013, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03023, F.A.C. – The proposed amendments will conform cross references to rules that have been recently revised and will add content related to evaluation procedures that are currently included in the ESE Policies and Procedures document in accordance with Rule 6A-6.03411, F.A.C.

Rules 6A-6.030151, 6A-6.030152, 6A-6.030153, F.A.C., - The proposed revisions also include an amendment permitting a school district, at the discretion of the ESE administrator, to utilize an evaluation report from a physician licensed in another state for the purpose of evaluation and eligibility determination. In addition, to align with statutory changes made to Section 1003.01(3), Florida Statutes, the titles of these three rules have been changed to remove reference to the term “physically impaired.”

Rule 6A-6.03022, F.A.C. – The proposed amendment will conform cross references to a rule that has recently been revised and to delete a section of rule related to a funding methodology that is now obsolete.

Rule 6A-6.03027, F.A.C. – The proposed amendment will align requirements for general education interventions and activities prior to evaluation with Rule 6A-6.0331, F.A.C., which was recently revised.

Rule 6A-6.03028, F.A.C. – The proposed amendment will change the requirement related to when an individual educational plan (IEP) team must give consideration to a student's need for information and instruction in the area of self determination to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate from age 16 to age 14.

Rule 6A-6.0331, F.A.C. – The proposed amendment will allow a school district, at the discretion of the ESE administrator, to utilize an evaluation report from a physician licensed in another state for the purpose of evaluation and eligibility determination. In addition, the amendments to Rule 6A-6.0331, F.A.C., include a recent change in the implementing regulations of the Individuals with Disabilities Education Act (IDEA) with regard to revocation of parent consent.

Supporting Documentation Included: Proposed Rules 6A-6.03013, Exceptional Student Education Eligibility for Students Who are Deaf or Hard-of-Hearing; Rule 6A-6.030151, Exceptional Student Education Eligibility for Students with Orthopedic Impairment; Rule 6A-6.030152, Exceptional Student Education Eligibility for Students with Other Health Impairment; Rule 6A-6.030153, Exceptional Student Education Eligibility for Students who are Physically Impaired with Traumatic Brain Injury; Rule 6A-6.03016, Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities; Rule 6A-6.03022, Special Programs for Students Who are Dual-Sensory Impaired; Rule 6A-6.03023, Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder; Rule 6A-6.03027, Special Programs for Children Three Through Five Years Old Who are Developmentally Delayed; Rule 6A-6.03028, Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities; and Rule 6A-6.0331, General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education

Facilitator: Dr. Frances Haithcock, Chancellor, Division of Public Schools