

ESE Rules Changes Webcast April 2007

Bureau of Exceptional Education
and Student Services

Florida Department of Education

Group A Rules

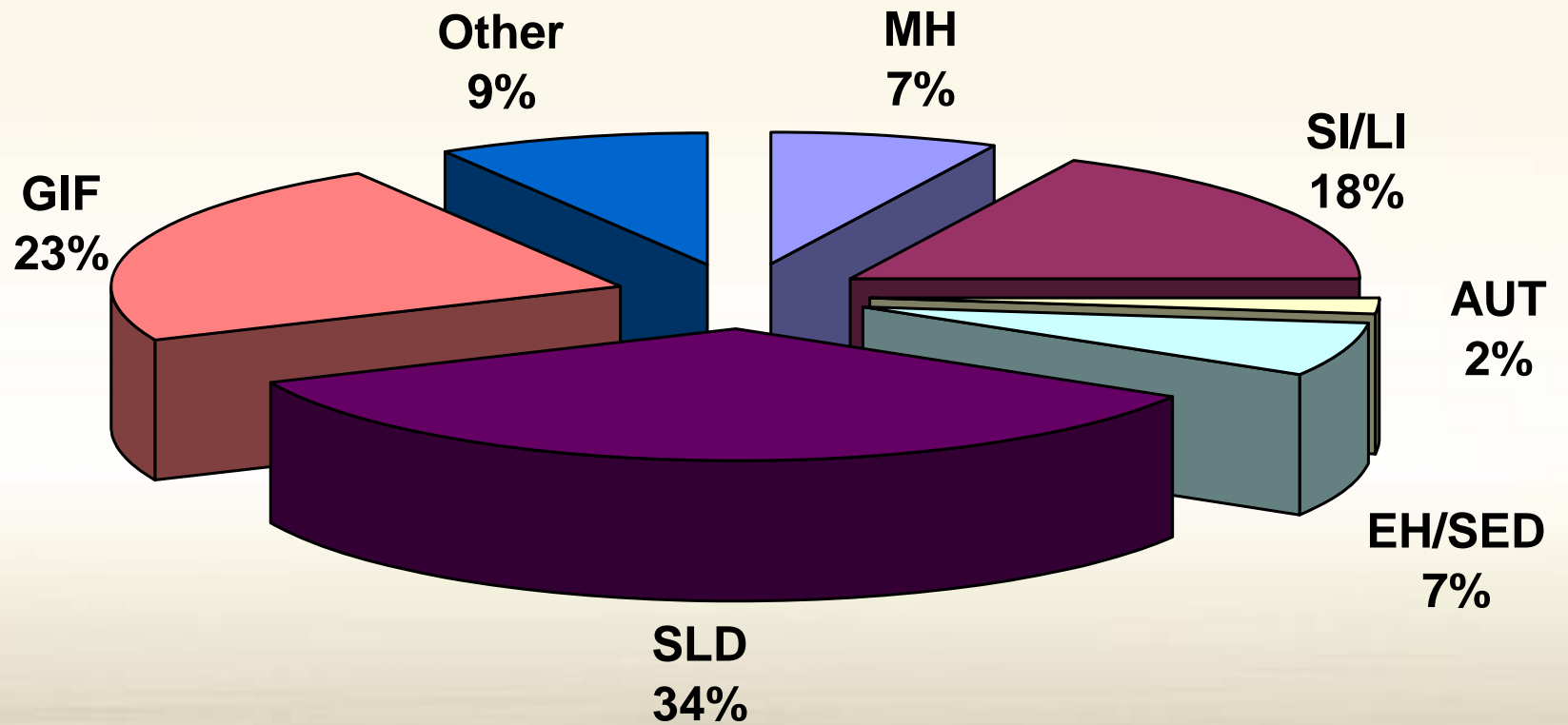
- Deaf or Hard-of-Hearing (DHH)
- Physically Impaired (PI)
 - Orthopedic Impairment (OI)
 - Other Health Impairment (OHI)
 - Traumatic Brain Injury (TBI)
- Emotional/Behavioral Disabilities (EBD)
- Autism Spectrum Disorder (ASD)

Process of Revisions to Group A Rules

- Researched other states' definitions and considered recommendations from professional organizations
- Held two meetings with stakeholders to draft revised rules
- Held 4 public hearings on proposed revisions
- Reviewed by State Advisory Committee
- Presented at Administrators Management Meeting
- Reviewed draft presentations and discussed technical assistance needs with Bureau/District Partners

Exceptional Students

521,257 students, ages 3-21



Source: Survey 2 Data, October 2005 as of 11/30/05

Technical Changes

- Rule titles were changed to clearly state the purpose of the rule.
- References to Rule 6A-6.0331, FAC., “Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction” were included

Technical Changes

- Specific evaluation procedures and content related to instructional programs were deleted from all rules. They will be included in districts' SP&P.
- Sequence, organization, and common terminology were made consistent across all rules.
- Effective date: July 1, 2007

Rule 6A-6.03021, FAC.

**Special Programs for Students Who Are
Profoundly Handicapped**

Repealed, effective July 1, 2007

Frequently Asked Questions

If an IEP reflects “old terminology” (e.g., EH rather than EBD) what should we do?

At the next IEP meeting, make the appropriate change in the program name.

Frequently Asked Questions

Do students who were determined eligible under the existing criteria prior to July 1, 2007, need to be evaluated and determined eligible again based on the new criteria.

No. The new criteria applies only to those students being determined eligible from July 1, 2007, forward.

Rule 6A-6.03013, FAC.

Exceptional Student Education Eligibility for Students Who Are Deaf or Hard-of-Hearing

Technical Changes - DHH

- Includes “user-friendly” language
- Deletes references to American National Standards Institute (ANSI)
- Includes procedures to ensure proper functioning of hearing aids and amplification equipment

Programmatic Changes - DHH

- Revises the definition to state that “performance in the educational environment” must be adversely affected
- Clarifies that hearing loss must interfere with progress in developmental skills or academic performance, social-emotional development, or linguistic/communicative skills

Programmatic Changes - DHH

- The use of Auditory Evoked Potentials as a method of determining hearing thresholds was added.
- The requirement to conduct screenings for Usher Syndrome was retained.

SP&P Content - DHH

Evaluations necessary for determining eligibility include –

- Audiological
- Evaluations
 - Expressive/receptive language
 - Academic/developmental functioning
 - Social-emotional development

SP&P Content - DHH

Each student who is DHH shall have the opportunity to develop expressive and receptive language skills using any or all of the following:

- Residual hearing
- Speech reading
- Manual communication
- Speech
- Appropriate amplification

SP&P Content - DHH

Clarifies

- assistive technology services do not include a medical device that is surgically implanted, or the replacement of such a device
- routine checking of hearing aids and the external components of surgically implanted devices is required to ensure proper functioning
- the learning environment must have appropriate acoustic treatment and auditory equipment shall be made available through the district

Frequently Asked Questions

What are “Auditory Evoked Potentials?”

Auditory Evoked Potential responses are produced by testing commonly known as “ABR” or brainstem testing. Auditory stimuli are presented to the child and the brainstem responses are recorded. Such testing can be performed with or without sedation, by a medical doctor.

Frequently Asked Questions

How can we get more information on screening for Usher Syndrome?

Florida Outreach Project for Children and Young Adults
Who Are Deaf-Blind
800-667-4052

Nebraska Dual Sensory Project
<http://www.unr.edu/educ/ndsip/usher.html>

Helen Keller National Center
<http://www.hknc.org/>

Frequently Asked Questions

Do we still have specific requirements for re-evaluation of students who are deaf or hard-of-hearing?

Yes. The SP&P will reflect that at a minimum an audiological evaluation will be required every three years.

Frequently Asked Questions

What do personnel need to know about acoustic treatment of schools and visual fire alarms?

Rule 6A-2.0010, FAC - appropriate accommodations for students with hearing loss must be provided

Suggestions for non-construction means of lowering ambient noise in the classrooms can be found at:

Alexander Graham Bell:

http://www.agbell.org/DesktopDefault.aspx?p=Classroom_Techniques

Classroom Acoustics: <http://asa.aip.org/classroom/booklet.html>.

6A-6.03015,FAC.

**Special Programs for Students Who Are
Physically Impaired**

Repealed, effective July 1, 2007

Replaced by three separate rules

Rules 6A-6.030151, 6A-6.030152, and 6A-6.030153, FAC.

- **Exceptional Education Eligibility for Students Who Are Physically Impaired with Orthopedic Impairment**
- **Exceptional Education Eligibility for Students Who Are Physically Impaired with Other Health Impairment**
- **Exceptional Education Eligibility for Students Who Are Physically Impaired with Traumatic Brain Injury**

Rule 6A-6.030151, FAC.

Orthopedic Impairment

- Areas affected include ambulation, hand movements, coordination, or daily living skills

Rule 6A-6.030152, FAC. Other Health Impairment

- References ADD, ADHD, Tourette Syndrome, and acquired brain injury

Rule 6A-6.030153, FAC. Traumatic Brain Injury

- Clarifies open and closed head injuries may be mild, moderate, or severe
- Includes anoxia due to trauma (near drowning)

SP&P Content – OI & OHI

- Two components of minimum evaluation:
 - A report of a medical examination within the previous 12-month period by a Florida-licensed physician (Chapter 458 or 459) qualified to assess the student's physical condition
 - An educational evaluation that identifies educational and environmental needs

SP&P Content - TBI

- Three elements of minimum evaluation:
 - A report of a medical examination within the previous 12-month period by a Florida-licensed physician (Chapter 458 or 459) qualified to assess the student's traumatic brain injury
 - An educational evaluation which identifies educational and environmental needs
 - Documented evidence by more than one person including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one of more of the following areas: cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical function, information processing, or speech.

Frequently Asked Questions

Does the physician need to be licensed in Florida?

Yes. Rule 6A-6.0331, Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction, FAC., has long included the following language –

“Evaluation specialists shall include, but not be limited to, persons such as physicians ... with each such person licensed in the professional’s field as evidenced by a valid license or certificate to practice such a profession in Florida.”

Frequently Asked Questions

Does the school district have to pay for the medical evaluation?

Any evaluations required by the district to determine eligibility must be at no cost to the parent.

Frequently Asked Questions

What is meant by “reduced efficiency” in schoolwork?

“Reduced efficiency” is used to compare the student’s *capacity* to complete the work versus the student’s *actual* productivity.

Rule 6A-6.03016, FAC.

Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities

Technical Changes – EBD

- The term “emotional/behavioral disabilities”
 - More accurately reflects the educational implications of the disability
 - Is consistent with recommendations from professional associations, such as
 - National Association of School Psychologists
 - Council for Children with Behavioral Disabilities

Programmatic Changes - EBD

- The definition was substantially revised to use family friendly language and be in line with the federal definition
 - Includes the terms “persistent” and “consistent”
 - Requires that emotional/behavioral characteristics be present for at least six months, except in “extraordinary circumstances”
 - Allows for “extraordinary circumstances” for eligibility determination (prior to six months) to address acute onset of mental illness
 - Clarifies that the student’s inability to maintain adequate performance cannot be explained exclusively by physical, sensory, socio-cultural, developmental, medical, or health factors

Programmatic Changes - EBD

- Requires that schools and evaluation teams consider the student's response to academic and behavioral interventions before make a determination of emotional/behavioral disabilities
- Includes both internal and external factors as a means to identify students
- Overall theme is the EBD are not normal, temporary reactions to life events or social maladjustment, unless there are other qualifying factors

SP&P Content - EBD

- Four components of minimum evaluation
 - Functional behavior assessment
 - Psychological evaluation
 - Review of educational data and academic performance, with additional academic evaluations completed if needed
 - Social-developmental history compiled from a structured interview with the parent or guardian

Frequently Asked Questions

What MIS Code will be used?

MIS Code “J”

How will this rule change affect placements, including in center schools?

Placement decisions should not be affected with regard to current service delivery models. There is still a need for a full continuum of services.

Frequently Asked Questions

What should we communicate to parents?

- Student's needs are going to continue to be met. The settings will not change based on the new rule title or eligibility criteria.
- There will be increased emphasis on addressing how well their child is responding to the interventions attempted.

Frequently Asked Questions

How will the activities prior to referral be different?

- Interventions must be developed for classroom, small group, and individual implementation prior to referral.
- Interventions must be implemented with fidelity and to the extent possible, should be monitored and assessed in comparison to the student's peers.
- Responses to interventions—rather than processes—will drive decision-making.

Rule 6A-6.03023, FAC.

**Exceptional Student Education
Eligibility For Students With
Autism Spectrum Disorder**

Technical Changes – ASD

- The terminology reflects
 - That the features of autism occur across a spectrum in varying degrees
 - Recommendations from research and the *Diagnostic and Statistical Manual of Mental Disorders (DSM-IV)*

Technical Changes – ASD

- Includes
 - Autistic Disorder
 - Pervasive Developmental Disorder – Not Otherwise Specified
 - Asperger Syndrome
 - Other related pervasive developmental delays

Programmatic Changes – ASD

- To meet eligibility criteria, there must be evidence of all of the following -
 - An uneven developmental profile across the domains of language, social interaction, adaptive behavior, and/or cognitive skills
 - Impairment in social interaction evidenced by delayed, absent, or atypical ability to relate to people or the environment
 - Impairment in verbal and/or nonverbal language or social communication skills
 - Restricted repetitive and/or stereotyped patterns of behavior, interests, or activities

Programmatic Changes – ASD

- Reference to evidence of onset during the first three years of life has been deleted

SP&P Content - ASD

- Four components of minimum student evaluation
 - Documented and dated behavioral observations
 - Comprehensive social/developmental history addressing core features of autism spectrum disorder
 - Comprehensive psychological evaluation
 - Comprehensive speech/language evaluation
- Medical information provided by a licensed physician shall be considered.

Frequently Asked Questions

Are there specific evaluation instruments that must be used during the evaluation process?

No. The state does not mandate the use of any particular evaluation instruments. Districts should select instruments that are appropriate and that allow them to gather the information needed to determine eligibility for the program.

Frequently Asked Questions

Is a speech/language screening sufficient to fulfill the requirement for a comprehensive speech/language evaluation?

No. A speech/language screening does not capture the full picture of a child's skills in all areas of language. A comprehensive speech/language evaluation should be conducted in such a way that information on all language sub-domains is collected.

Frequently Asked Questions

What does it mean when the SP&P says that medical information, provided by a licensed physician, shall be considered?

Districts will consider information (e.g., evaluation data) provided by a medical professional. The evaluation data used to make such a diagnosis may be reviewed and considered in the eligibility determination process.

Frequently Asked Questions

If a student was evaluated and found ineligible but now it is suspected that he may meet eligibility for ASD, must the school conduct another evaluation?

The school must conduct an initial evaluation. Data from the previous evaluation may be used, if the data still represent the child's current functioning. The school should review the data and determine if any additional data are needed.

Must the activities prior to referral be completed again?

If additional data is not needed to determine eligibility, the school may move forward with eligibility determination process. If additional data are needed, the school should complete those assessments. This also applies to the activities prior to referral.

Preparation for Implementation

- Web cast
- Development of technical assistance papers
- Post questions to online FAQ's by emailing:
eserulechanges@fldoe.org

Assigned program specialists

- Dawn Saunders, Programs for Students Who Are Deaf/Hard-of-Hearing
Dawn.Saunders@fldoe.org
- Elise Lynch, Programs for Students Who Are OI, OHI, or TBI
Elise.Lynch@fldoe.org
- Kimberly Crawford – Programs for Students with Autism Spectrum Disorder
Kimberly.Crawford@fldoe.org

Assigned Program Specialists

- Lee Clark – Programs for Students with Emotional/Behavioral Disabilities

Lee.Clark@fldoe.org

- Cathy Bishop – Program Director

Cathy.bishop@fldoe.org

Preparation for Implementation

- Parent fact sheets
- Program contact meetings
April 24th in Tampa for ASD, DHH, and EBD
- Comprehensive Powerpoint, which includes all of the content discussed in this presentation is available at <http://www.firn.edu/doe/commhome/>
- The above website also contains links to the six revised program rules and Frequently Asked Questions (FAQ)