

Technical Assistance Paper for Exceptional Student Education (ESE)

- Educational services provided to exceptional students in virtual education programs are governed under section 1003.57, F.S., et seq., and all such services are to be provided in conformity with the Individuals with Disabilities Education Act (IDEA).
- If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program under Section 1002.37 or 1002.45, F.S., the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which include services comparable to those described in the student's IEP or EP from the previous school district, until the IEP team for the virtual program either:
 1. Adopts the student's IEP or EP from the previous school or school district, or
 2. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011-0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.
- When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with Section 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.
- When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with Section 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.
- There is specific content in rule that must be included in the written notice inviting the parents to the IEP team meeting. The IEP team must review and revise, as needed, the student's IEP in order to meet the student's needs in the virtual environment. The program will be responsible for implementing the student's IEP as written. If during the process of the review of the IEP, the program's IEP team has concerns about being able to meet the needs of the student, the department recommends that the program convene a "hybrid" IEP team meeting that includes representative from the school district in which the parent and student reside. The Individuals with Disabilities Education Act and corresponding state regulations, make provisions for parent participation in meetings via phone and video conferencing.

- IEP teams should follow the same guidelines for developing a quality IEP for online learning environments as they do for face-to-face learning environments. Regarding an online course, the team should consider the following questions:
 - What supports, services, accessible instruction materials (AIMs), assistive technologies and accommodations will the student need to be able to participate and progress in an online learning environment?
 - Are there AIMs, assistive technologies or accommodations that the student will need time to become proficient in using in order to be able to participate and progress in an online course?

- The law permits IEP teams to determine that an online course would be inappropriate for a student with an IEP and in this circumstance the online course requirement does not apply. If the IEP team decides that a student does not have sufficient time to become proficient in these tools to participate and progress in an online course for the coming school year, the IEP team should include goals, supports, services and AIMs in the IEP for the purpose of assisting the student to become proficient in the use of the technologies needed for future participation in an online course. The team may also consider the opportunity to take an online course in a physical school setting as a way to provide support. The IEP team will reconsider the student's ability to participate in an online course at the next IEP review.