

OMB NO. 1820-0030

Expires: 1/31/2023

**ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2022**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

Washington, DC 20202-2600

Public Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a currently valid OMB control number. The valid OMB control number for this collection is 1820-0030. Public reporting burden for this collection of information is estimated to average 14 hours per responses, and an average of 25 additional hours for responses reporting data related to significant disproportionality in a given year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit under 20 U.S.C. 1411 and 1419. If you have comments or concerns regarding the status of your individual submission of this form, please contact Jennifer Simpson at Jennifer.Simpson@ed.gov or at the Office of Special Education and Rehabilitative Services US Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

Respondents are required to submit information for Sections I-IV of the Annual State Application in order to receive a grant under Section(s) 611 and/or 619 of the Individuals with Disabilities Education Act. Respondents are required to provide the data in Section V pursuant to IDEA section 618(a)(3), which provides the Secretary authority to collect annual data on any information that may be required by the Secretary and 34 CFR §300.647(b)(7), which requires States to report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the "reasonable progress" flexibility in 34 CFR §300.647(d)(2), and the rationales for each, to the Department.

Section I

A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A of this Application.
2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2023. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A:

- a. Section II.A provides documentation of completion of all issues identified in the FFY 2021 conditional approval letter.
- b. As noted in Section II.A, the State has not completed all issues identified in the FFY 2021 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- a. The State previously submitted documentation of completion of all issues identified in the FFY 2021 conditional approval letter.
- b. The State is attaching documentation of completion of all issues identified in the FFY 2021 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- c. The State has not completed all issues identified in the FFY 2021 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Yes <i>(Assurance is given.)</i>	No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i>	Assurances Related to Policies and Procedures
✓		1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
✓		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
✓		3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
✓		4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
✓		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be

		achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
✓		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
✓		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
✓		8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
✓		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
✓		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
✓		11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
✓		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during

		the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
✓		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
✓		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E), as amended by the Every Student Succeeds Act; 34 CFR §300.156.
✓		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C), as amended by the Every Student Succeeds Act; 34 CFR §300.157.
✓		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); as amended by the Every Student Succeeds Act; 34 CFR §300.160.
✓		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
✓		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
✓		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
✓		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
✓		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education

		and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
✓		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
✓		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.</i>
✓		23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to: <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
		23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)
✓		24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
✓		25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.

B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
✓	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
✓	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
✓	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
✓	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State is providing the following certifications:

Yes	Certifications
✓	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of Education. With respect to the <i>Certification Regarding Lobbying</i> , the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
✓	2. The State certifies that certification in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §76.104 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
✓	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A)); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

D. Statement

I certify that the State of Florida can make the assurances checked as 'yes' in Section II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA, as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2023. (34 CFR § 76.104)

I, the undersigned authorized official of the

Florida Department of Education,
(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY 2022 funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name of Authorized Representative of the State: Richard Corcoran
Title of Authorized Representative of the State: Commissioner
Signature:
Date:

Section III

Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act—20 U.S.C. 1411(e)(5); 34 CFR § 300.171

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the FFY 2022 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7).) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).¹ The dollar amounts **listed in the Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

Enter whole dollar amounts (do not enter cents) in appropriate cells on the State’s Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State’s application.

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR § 300.704)

The Florida Department of Education, Bureau of Exceptional Student Education (Bureau) utilizes various methods to obtain input from local educational agencies (LEAs) regarding the distribution of funds for the activities described. The Bureau posts relevant items for public comment on the Florida Administrative Register <https://www.flrules.org/> and on the Florida Department of Education’s web site <https://www.fldoe.org/>. Additionally, the Bureau hosts and participates in regularly scheduled webinars to provide updates to which LEAs are invited to participate and provide feedback.

Additionally, the Bureau releases a weekly email called the “BESE Weekly” that informs LEAs of relevant updates, including those to rules, legislation, upcoming meetings, professional development opportunities and services offered by discretionary grant projects. The Bureau also collects information from LEAs via email at BESESupport@fldoe.org. LEAs also have the option to call the Bureau and speak with a liaison or specialist for additional information and support. The Bureau also hosts several in-person meeting opportunities for LEAs including the annual ESE Administrators Management Meeting or AMM, New ESE Directors Academy and the Summer ESE Institute, where relevant information is presented which are open for feedback and input. Bureau staff participates in various meetings throughout the state to provide updates and receive feedback from LEAs.

Information is also obtained by the Bureau/District Partners workgroup. The workgroup is comprised of a subset of exceptional student education administrators representing LEAs from varying population sizes and demographics i.e. small, rural and large.

Lastly, the Bureau’s State Advisory Panel provides meaningful input to the Bureau on these matters.

¹Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local educational agencies in writing of such State-imposed rules, regulations or policies. (20 U.S.C. 1407(a); 34 CFR § 300.199)

Section V

A. Maintenance of State Financial Support

Pursuant to the authority established in IDEA section 618(a)(3), each applicant for funds under section 611 must provide the following State fiscal data with a certification of its accuracy by the State budget office or an authorized representative thereof. Amounts should be shown in whole dollars and are for the State fiscal year (SFY). States may meet the maintenance of State financial support (MFS) requirement in IDEA section 612(a)(18) and 34 CFR § 300.163 on either a total or per capita basis. In order to complete Section V.A of the Application, States must provide in whole dollars the total amount of State financial support made available for special education and related services for children with disabilities during SFYs 2020 and 2021. However, if a State met the MFS requirement on a per capita basis, it **must** complete the first chart and then may also complete the second chart by providing, in whole dollars, the amount of State financial support made available for special education and related services per child with a disability during SFYs 2020 and 2021.

Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2020	TBD
SFY 2021	TBD

Per capita amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2020	TBD
SFY 2021	TBD

State Budget Officer or Authorized Representative (Printed Name)

Signature of State Budget Officer or Authorized Representative

Date

B. Significant Disproportionality²

In accordance with 34 CFR § 300.647(b)(7), each State must report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the “reasonable progress” flexibility in 34 CFR § 300.647(d)(2), and the rationales for each, to the Department. Under § 300.647(b)(7), rationales for minimum cell sizes that exceed 10 and minimum n-sizes that exceed 30 must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disproportionality based on race and ethnicity, in the identification, placement, or discipline of children with disabilities. Additionally, pursuant to the authority established in IDEA section 618(a)(3), each applicant must also provide the number of years of data it uses in making annual determinations of significant disproportionality. Each applicant must provide this information by completing and submitting the Significant Disproportionality Reporting Form.

All States completed and submitted the **Significant Disproportionality Reporting** Form with their FFY 2021 IDEA Part B application. After the initial submission of the Form, a State will only be required to submit the Form with any future annual IDEA Part B State applications if the State modifies its risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress, and rationales for each, or the number of years of data used in making annual determinations of significant disproportionality.

If your State has revised its Significant Disproportionality procedures or has any questions regarding Section V.B. of the grant application, please contact your OSEP State Lead before the Application due date.

² This collection is not intended to replace or duplicate the information collected through the Significant Disproportionality State Survey (Docket No. ED-2019-ICCD-0065; 1820-NEW). That survey will collect information that the Department will use to support States and LEAs in their efforts to comply with the statutory requirement at section 618(d) of the IDEA.

**Florida Department of Education (FDOE)
Bureau of Exceptional Student Education**

**State-Imposed Rules, Regulations and
Policies**

**Exceeding the Individuals with Disabilities Education Act
(IDEA) Summary of Requirements**

Section 300.199 of Title 34, Code of Federal Regulations, requires that states identify, in writing, to local educational agencies any state-imposed rule, regulation or policy that is not required under IDEA or the implementing federal regulations. Florida has statutes and rules that reflect school district obligations with regard to actions taken on behalf of students with disabilities that go beyond those required under IDEA or its corresponding regulations. These additional requirements are summarized below. A comprehensive list of Florida's statutes and rules pertaining specifically to exceptional student education (ESE) can be found at <https://www.fldoe.org/core/fileparse.php/7567/urlt/1BTOC.PDF>.

Florida Statutes

- Section 1002.20, Florida Statutes (F.S.), indicates that school district personnel may not object to the attendance of an adult of a parent's choice at any meeting. Such meetings include, but are not limited to, meetings related to: exceptional education eligibility; individual educational plan (IEP) or individual family support plan development; transition from early intervention services to other services; development of postsecondary goals related to transition for a student with a disability; and other issues that may affect the educational environment, discipline or placement of a student with a disability. Parents and school district personnel must sign a document at the end of these meetings that states whether parents have been prohibited or discouraged by school district personnel from inviting an adult of the parent's choice.
- Section 1002.39, F.S., requires that the school district notify the parent of a student with a disability of all options available pursuant to the McKay Scholarship for Students with Disabilities Program. This must be accomplished by April 1 of each year and within 10 days after an IEP meeting.
- Section 1002.391, F.S., provides additional information for supports and programs available to students who are deaf or hard of hearing who meet requirements for participation in an auditory-oral education program.
- Section 1002.394, F.S., permits that Family Empowerment Scholarship Program funds awarded to an eligible student with a disability may be used for following purposes:
 - Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.
 - Curriculum as defined in subsection (2).
 - Specialized services by approved providers or by a hospital in this state which are selected by the parent.

- Section 1003.01, F.S., includes in the definition of special education and related services, including those services provided by a certified listening and spoken language specialist.
- Section 1003.4203, F.S., requires that each student's IEP must identify the Career and Professional Education (CAPE) Digital Tool certificates and CAPE industry certifications the student seeks to attain before high school graduation.
- Section 1003.4282, F.S., permits an IEP team to determine that participation in the online course required for graduation with a standard diploma would be inappropriate for a student. Additionally, this section establishes additional graduation options for certain students with disabilities and requires that any change to the high school graduation option specified in the student's IEP must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in section 1003.572, F.S.
- Section 1003.55, F.S., requires that a communication plan be used by an IEP team for a student who is deaf or hard-of-hearing.
- Section 1003.57, F.S., requires the following:
 - School districts must use the definitions included in the statute to describe the instructional setting of a student with a disability, to include a definition of inclusion.
 - School districts must provide information to the parent of a student with a sensory impairment, including information describing the Florida School for the Deaf and the Blind and all other available programs.
 - School districts shall inform the parent of a student with a physical or developmental disability of all available services that are appropriate, in addition to the services agreed to in a student's IEP.
 - A receiving school district must review a student's IEP within 10 business days following receipt of notification that an exceptional student has been placed in a private residential care facility by the Department of Children and Families or its contracted lead agency, the Agency for Persons with Disabilities, or the Agency for Health Care Administration.
 - Once every three years, each school district and school shall complete a Best Practices in Inclusive Education assessment and include the results in the school district's ESE policies and procedures.
 - At the initial meeting of a student's IEP team, the school district must provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five ESE support levels for a full-time student.
 - Each full-time virtual instruction program under sections 1002.37 or 1002.45, F.S., must fulfill the obligations of a school district for public school exceptional students who are enrolled in a full-time virtual instruction program.
 - Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.
 - School districts must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.
- Section 1003.5715, F.S., requires that the FDOE adopt separate consent forms that school districts must use for specific actions in a student's IEP. Those actions include administration of the Florida Standards Alternate Assessment and instruction in the state's access points standards and placement of a student in an ESE center (unless this is a placement related to an alternative educational setting in response to violations related to weapons, drugs or

serious bodily injury). School districts may not proceed with these actions without parental consent unless the school district documents reasonable efforts to obtain the parental consent and the parent has failed to respond or the school district obtains approval through a due process hearing.

- Section 1003.5716, F.S., requires the following:
 - Beginning not later than the first IEP to be in effect when the student enters high school, attains the age of 14, or when determined appropriate by the parent and the IEP team, whichever occurs first, the IEP must include the following statements that must be updated annually:
 - a statement of intent to pursue a standard high school diploma and a Scholar or Merit designation, as determined by the parent; and
 - a statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements, including but not limited to, a portfolio which meets the criteria specified in State Board of Education rule. The IEP must also specify the outcomes and additional benefits expected by the parent and the IEP team at the time of the student's graduation.
 - Any change in a student's measurable postsecondary goal in the IEP must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in section 1003.572, F.S.
- Section 1003.572, F.S., requires that private instructional personnel who are hired or contracted by parents must be permitted to collaborate, observe or provide services to a student in the public educational setting. The school principal and instructional personnel must agree to the time and location of such an activity. This provision of private instructional personnel by a parent does not constitute a waiver of the student's right to a free appropriate public education. A school district may neither impose any additional requirements beyond those specified in this statute nor charge any fees.
- Section 1003.573, F.S., requires schools to notify parents of any incident of restraint or seclusion of their child with a disability and submit a report of the incident to the FDOE.
- Section 1003.575, F.S., requires that if an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, the assessment must be completed within 60 school days after the IEP team's recommendation.
- Section 1004.55, F.S., provides for the establishment of seven regional autism centers who are charged with providing relevant technical assistance, training and support specific for students, families, schools, LEAs and other state agencies specific to autism spectrum disorder.
- Section 1006.03, F.S., provides for state established diagnostic and learning resource centers for exceptional student education to support LEAs with fulfilling the requirements including those specific to child find, parent and community outreach, professional development and training and assistive technology.
- Section 1006.04, F.S., provides for a state established multiagency network for students with emotional and behavioral disabilities to support the provision of relevant technical assistance, services and programs.
- Section 1008.212, F.S., permits an IEP team to recommend to a district superintendent that a student with a disability receive an extraordinary exemption from participation in a statewide, standardized assessment when certain conditions or circumstances exist. The law stipulates procedures that must be followed in order to request approval for an extraordinary exemption from the commissioner of education.

- Section 1008.22, F.S., requires signed consent from a parent for a student to receive classroom instructional accommodations that would not be available or permitted on a statewide, standardized assessment and acknowledge in writing that he or she understands the implications of such instructional accommodations. Additionally, this section permits the following:
 - An IEP team may determine that the results of a statewide, standardized assessment do not accurately measure a student's abilities and thereby allow the results to be waived for the purpose of receiving a course grade or a standard diploma.
 - An IEP team, with the consent of a parent, may determine that a student should not be assessed based upon medical documentation from a physician that indicates that the student is a student with medical complexity. The district school superintendent may approve a one-year exemption from participation in a statewide assessment. Procedures are established for those districts seeking approval by the commissioner for a one- to three-year or permanent exemption for a student with medical complexity.
- Section 1011.62, F.S., requires that, in order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an ESE program and at least once every three years by personnel who have received approved training.

Florida Administrative Code (F.A.C.)

- Rule 6A-1.0943, F.A.C., describes the following:
 - The criteria IEP teams apply to determine whether a student with a disability will participate in the statewide alternate assessment.
 - The criteria applied by the commissioner to determine whether a student with a disability is eligible for consideration for exemption from participation in a statewide, standardized assessment under extraordinary circumstances or when a student has been determined to be a student with medical complexity.
- Rule 6A-1.0955, F.A.C., requires that the district to inspect and review the education transfer of records of the student and shall comply with a request within a reasonable period of time, but in no case more than thirty days after the request has been made.
- Rule 6A-1.09963, F.A.C., requires that the decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all graduation requirements for a standard high school diploma. The decision must be noted on the IEP.
- Rule 6A-6.03013, F.A.C., requires that reevaluation must occur at least every three years for students who are deaf or hard-of-hearing and shall include, at a minimum, an audiological evaluation, and, if appropriate, any other formal evaluations addressed in the student's initial evaluation. In addition, a screening for Usher's syndrome must be administered to each student who is deaf or hard of hearing at least once during grades 6-12.
- Rule 6A-6.03014, F.A.C., requires that reevaluation shall occur at least every three years for students with visual impairments and must include a medical eye examination within the last

calendar year, a comprehensive assessment of skills known to be impacted by visual impairment, and, if appropriate, any other formal evaluations addressed in the student's initial evaluation. In addition, districts are required to register students with visually impairments with the Florida Instructional Materials Center for the Visually Impaired.

- Rule 6A-6.03022, F.A.C., requires that, for a student with a dual sensory impairment, reevaluation must occur at least every three years and must include a functional hearing assessment; an assessment of social development; the evaluation of receptive and expressive communication by a speech and language pathologist; a functional vision evaluation; a learning media assessment; and, if appropriate, an orientation and mobility assessment and a sign language assessment. Additionally, students with dual sensory impairments must be included in the state's annual census report in the national child count of children and youth who are both deaf and blind and must be registered to receive materials from the Florida Instructional Materials Center for the Visually Impaired.

- Rule 6A-6.03028, F.A.C., requires the following:
 - A school must provide notice to a parent at least 10 days in advance of an IEP meeting, if the purpose of the meeting is to review or change the IEP related to administration of the Florida Standards Alternate Assessment, access points instruction or ESE center school placement. The meeting may be convened prior to the tenth day if the parent consents after receipt of the notice.
 - For students who are deaf or hard-of-hearing, the IEP team must use a communication plan that is incorporated by reference in this rule to address the student's language and communication needs.
 - Before a student with a disability attains age 14, in order to ensure quality transition planning and services, IEP teams must begin the process of identifying the transition services needs of students with disabilities to include the following:
 - A statement of intent to pursue a standard high school diploma pursuant to sections 1003.4282(1)-(9) or section 1003.4282(10), F.S.;
 - The preparation needed for the student to graduate from high school with a Scholar or Merit designation; and
 - The need for information in self-determination and self-advocacy.
 - IEPs in effect for students beginning at age 16 must include a statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how a student will meet graduation requirements. Outcomes and additional benefits expected by the parent and the IEP team must also be included in the IEP.
 - If a student is pursuing a career and professional education digital tool certificate or industry certification, the IEP must include this information.
 - Changes to postsecondary or career goals made by the IEP team must be approved by the parent (or the adult student) and are subject to an independent review by an individual selected by the parent as provided in section 1003.572, F.S.
 - The parent (or the adult student) must approve changes to the graduation options specified in the IEP or the waiver of statewide, standardized assessment results recommended by the IEP team.

- An interpreter must be provided for an IEP team meeting that is attended by the parent or the student if that service is needed.
- Consent must be obtained from the parent for a student to receive instructional accommodations that would not be permitted on the statewide assessments, and the parent must acknowledge, in writing, that he or she understands the implications of such accommodations.
- Districts must provide a parent with information regarding the implications of nonparticipation in statewide, standardized assessments when an extraordinary exemption or an exemption based on the medically complexity of the child is granted.
- School districts are required to make a good faith effort to assist the student to achieve the goals and objectives or benchmarks listed in the IEP.
- For a student identified as gifted and who is also identified as a student with a disability the following must occur:
 - The IEP shall address the gifted and disability-related needs of the student.
 - The strengths, needs and services associated with the student's giftedness must be addressed in the student's IEP.
 - The statement of the student's present levels of academic achievement must include the student's strengths, interests and needs beyond the general curriculum that result from the student's giftedness.
 - The IEP must include a statement of measurable annual goals that result from the student's giftedness.
- The IEP team must consider the following when addressing a student's need for extended school year (ESY) services:
 - Whether there is a likelihood that significant regression will occur in critical life skills related to academics or for prekindergarten children with disabilities-developmentally appropriate pre-academic skills, communication, independent functioning and self-sufficiency, and social or emotional development or behavior.
 - Whether the student is at a crucial stage in the development of a critical life skill or an emerging skill and a lapse in services would substantially jeopardize the student's chances of learning that skill.
 - Whether the nature or severity of the student's disability is such that the student would be unlikely to benefit from their education without the provision of ESY services.
 - Extenuating circumstances pertinent to the student's current situation that indicate the likelihood that a free appropriate public education would not be provided without ESY services.
- Rule 6A-6.0331, F.A.C., requires the following:
 - Districts must develop and implement a multi-tiered system of support that integrates a continuum of interventions for students who need additional support to succeed in the general education environment.
 - Districts must request parental consent to evaluate a student within 30 days of a school-based team's determination that a student in kindergarten through grade 12

has responded to intensive interventions, but that the level of intensity and resources to sustain growth or performance is beyond that which is accessible through general education, or that the student has not made adequate growth given effective core and intensive individualized instruction. The parent and the school may agree to another plan.

- When there is documentation or evidence that a student in kindergarten through grade 12, or a child age three to kindergarten-entry age who is enrolled in a school district-operated prekindergarten program, may be a student with a disability in need of special education and related services, and a parent requests an evaluation to determine if their child is eligible for special education and related services, the school district must, within 30 calendar days, either obtain consent for the evaluation or provide a notice of refusal, unless the parent and the school agree otherwise in writing.
 - When a child age three to kindergarten-entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resource Center, and based on the results of the screening it is suspected that the child may be a child with a disability in need of special education and related services, within 30 calendar days of making that determination, the school district must request consent from the parent to conduct an evaluation. The parents and the school may agree to another timeline in writing.
 - When a parent requests an evaluation, the district must within 30 days obtain consent for the evaluation or provide the parent with written notice, explaining the district's refusal to conduct the evaluation.
 - Parental consent is required with regard to administration of the Florida Standards Alternate Assessment, instruction in the state's access points standards and ESE center school placement (unless the placement is related to an alternative educational setting in response to violations related to weapons, drugs or serious bodily injury).
 - Districts must use state-adopted forms to obtain consent for the above-mentioned actions.
 - Within 10 days of a parent indicating in writing on a consent form that the parent does not consent to an above-mentioned action, the school district must either develop and implement a new placement or instruction and assessment procedures in accordance with a new IEP, or must request a due process hearing. During the pendency of any due process hearing or court proceeding, the student must remain in the current educational assignment, unless the parent and district agree otherwise.
- Rule 6A-6.03311, F.A.C., provides that the right to notice of a meeting is retained as a shared right of the parent and the student upon the transfer of rights of a student who reaches the age of 18, and that a copy of procedural safeguards must be provided to the parent when a school district superintendent recommends to the commissioner that an extraordinary exemption for a given statewide assessment be granted or denied.
 - Per the Office of Special Education Program's (OSEP's) Differentiated Monitoring and Support Report dated December 18, 2020, Florida is currently revising Rule 6A-

6.03311(4) and (5)-Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities, in accordance with OSEP's conclusions to ensure IDEA requirements are addressed with respect to: matters that can be the subject of a mediation; the parties to mediation; and that a State complaint may allege that a public agency, as defined in 34 C.F.R. § 300.33, has violated a requirement of Part B of IDEA or the IDEA Part B regulations.

- Rule 6A-6.03313, F.A.C., requires that for a student identified as gifted and who is also identified as a student with a disability, the procedural safeguards for students with disabilities apply.