

# 2008 ANNUAL REPORT



State Advisory Committee  
for the Education of Exceptional Students

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# **State Advisory Committee for the Education of Exceptional Students**



2008

# ***ANNUAL REPORT***

Florida Department of Education  
Division of Public Schools  
Bureau of Exceptional Education and Student Services

**State Advisory Committee  
for the Education of Exceptional Students**

Penny Collins, Co-Chair  
Joni Harris, Co-Chair  
Lileana de Moya, Vice-Chair  
John Howle, Parliamentarian

Judy Miller, Chair, Nominating Subcommittee  
Enrique Escallon, Chair, By-laws Subcommittee

**Bureau of Exceptional Education and Student Services**

Bambi J. Lockman, Chief  
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# **State Advisory Committee for the Education of Exceptional Students**

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# **State Advisory Committee for the Education of Exceptional Students**

## *INTRODUCTION*

*“to provide policy guidance  
with respect to the provision  
of exceptional education and  
related services for Florida’s  
children with disabilities ...”*



## Introduction

The State Advisory Committee for the Education of Exceptional Students (SAC) is appointed by the Commissioner of Education, commensurate with the Individuals with Disabilities Education Improvement Act (IDEA 2004), to provide policy guidance with respect to the provision of exceptional education and related services for Florida's children with disabilities. The Committee operates under the auspices of the Bureau of Exceptional Education and Student Services, Florida Department of Education (BEESS/FDOE).

(See SAC Requirements of IDEA 2004 and SAC By-laws.)

### *Membership*

In compliance with IDEA 2004, Florida's State Advisory Committee was reconstituted to include the following representation:

- Parents of children with disabilities (ages birth through 26)
- Individuals with disabilities
- Teachers
- Representatives of institutions of higher education that prepare special education and related services personnel
- State and local education officials, including officials who carry out activities under Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act
- Administrators of programs for children with disabilities
- Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities
- Representatives of private schools and public charter schools
- Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities
- A representative from the State child welfare agency responsible for foster care
- Representatives from the State juvenile and adult corrections agencies.

The Chief of BEESS/FDOE (or his/her designee) serves as an *ex-officio* member of the SAC.

Additional representatives may be appointed at the sole discretion of the Commissioner of Education.

(See SAC Membership List.)

## *Responsibilities*

The State Advisory Committee has the following responsibilities:

- Advise FDOE of unmet needs within the state in the education of children with disabilities.
- Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities.
- Advise FDOE in developing evaluations and reporting on data.
- Advise FDOE in developing corrective action plans to address findings identified in federal monitoring reports under IDEA 2004, Part B.
- Advise FDOE in developing and implementing policies relating to the coordination of services for children with disabilities.

FDOE must transmit to the SAC the findings and decisions of due process hearings conducted pursuant to 34 CFR 300.507—300.519, or 300.530—300.534.

The SAC also performs those other duties assigned to it by BEESS/FDOE.

## *Meeting Schedule and Major Topics*

During 2008, the SAC held meetings on July 16–18 and October 6–7. Major presentation/discussion topics at each meeting included general supervision in Florida; the State Performance Plan and Annual Performance Report; state legislation and State Board of Education rules related to exceptional student education, federal and state funding, program-specific updates and resources, assessment, and monitoring; and Florida Alternate Assessment. Each meeting provided opportunity for Committee member updates, discussion of unmet needs, and coordination of services for children with disabilities, as well as for a Committee business session and public input.

(See Meeting Reports of respective meetings.)

## *Evaluation*

Informal evaluations conducted as part of each meeting were highly favorable in terms of meeting preparation and organization; resource materials; members' involvement, interaction, and networking; and availability and accessibility of Bureau staff. Members felt that SAC meetings and ongoing activities—such as providing input on rules, laws, and standards—allowed them the opportunity to effect program change and improvement.

Formal evaluations conducted at the conclusion of each meeting in 2008 term were unanimously positive in terms of the following:

- The majority of members who responded, in considering their participation on SAC, rated their opportunity to provide input to BEESS regarding the needs of children with disabilities as “excellent.” They felt that they had sufficient time to ask questions and provide comments and that issues important to them were discussed.
- The majority of all members who responded rated the Bureau Chief as “excellent” in terms of expertise/leadership of Florida’s ESE and student services programs, accessibility, and responsiveness to program needs and member issues and concerns; members were similarly favorable toward BEESS staff.
- Members felt that SAC is making a positive difference for students with disabilities.

(See Evaluation Summary available from BEESS.)

### *Annual Report*

This *Annual Report* represents the organization and work of the Committee during 2008 and includes a list of members, the minutes of all meetings, Committee by-laws, and federal requirements. For further information, contact any member of the Committee, or BEESS.



**State Advisory Committee  
for the Education of Exceptional Students**

*STATE ADVISORY  
COMMITTEE  
MEMBERSHIP LIST*



Florida Department of Education  
K-12 Public Schools  
Bureau of Exceptional Education and Student Services

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for the Education of Exceptional Students**

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2008**

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The State Advisory Committee is appointed by the Commissioner of Education in accordance with the Individuals with Disabilities Education Improvement Act (IDEA 2004 [20 USCS Chapter 33, as amended by Public Law 108-446]) and state requirements "to provide policy guidance with respect to special education and related services for children with disabilities in the state." All members are appointed for terms as specified in the Committee By-Laws, pending their continued eligibility and willingness to serve.



**State Advisory Committee**  
**for the Education of Exceptional Students**

*STATE ADVISORY  
COMMITTEE  
MEETING REPORT*

*July 16–18, 2008*



Florida Department of Education (FDOE)  
K-12 Public Schools  
Bureau of Exceptional Education and Student Services (BEESS)

**State Advisory Committee  
for the Education of Exceptional Students**

**St. Petersburg, Florida  
July 16–18, 2008**

**Meeting Report**

***WEDNESDAY, JULY 16***

**Orientation Meeting**

An orientation session for new members of the State Advisory Committee for the Education of Exceptional Students (SAC) was held, with the following in attendance:

*Members*

Dr. Brian Abrams  
Susan Davidson  
Enrique Escallon  
Angela Gilbert  
Johana Hatcher  
John Howle  
Janice Kane  
Judy Miller  
Bill Palmer  
Calley Ronso  
Tracy Stevens  
Gayle Zavala

Rene Johnson as designee for Denise Arnold  
Michael Lindsey as designee for Terri Eggers.

*FDOE/DPS/BEESS Representatives*

Bambi J. Lockman, Chief (SAC Member)  
Michele Polland, Educational Policy Analyst, Administration/Policy (SAC Liaison)  
Tonya Milton, Program Specialist, Administration/Policy  
Doris Nabi, Consultant

(See SAC Membership List 2008, SAC Designee List 2008, and SAC Representation Chart, *SAC Member Notebook*, Tab 2; Lockman biography, Tab 3; and BEESS Staff List, Tab 10.)

Michele Polland welcomed the group to the orientation session and invited members' self-introductions, which highlighted the diverse experience, expertise, and interests represented by SAC members. She then introduced Bambi Lockman, noting the broad range of education experience, accomplishments, and advocacy she brings to exceptional education and student services in Florida.

Ms. Lockman also welcomed the group and expressed her appreciation for the opportunity to work with SAC members, as well as their commitment to appropriately representing and improving education for all of Florida's exceptional students. She stressed the importance of their work, not just through Committee meetings, but also through ongoing input into policy development and review and sustained partnerships. Ms. Lockman indicated that the orientation session was intended to address the "basics" of exceptional education in the context of Florida's overall education system, with the subsequent regular meeting devoted to an update on and discussion of current issues.

## **Orientation**

(See IDEA Federal Regulations, *SAC Member Notebook*, Tab 2; and PowerPoint presentation and acronyms listing, Tab 3.)

The orientation presentation began with an overview of the roles and responsibilities of the Committee, including its purpose, functions, and membership requirements as defined by the Individuals with Disabilities Education Act (IDEA).

Ms. Lockman then addressed each of the following topics:

- Education in Florida
- Florida Department of Education
- Federal Education Laws
- Exceptional Student Education (ESE) in Florida
- State and Federal Funding for ESE
- Accountability and Assessment
- Governance and Legal Authority/Oversight
- Major Bureau Initiatives
- Resources

*(Topic highlights are summarized briefly below; see presentation for more detailed information.)*

## *Education in Florida*

Florida's K-20 education system has as its mission:

- To increase the proficiency of all students within one seamless, efficient system, by providing them with the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities
- To maintain an accountability system that measures student progress toward specified goals for highest student achievement, seamless articulation and maximum access, skilled workforce and economic development, and quality efficient services

In national comparisons of state education systems, Florida's schools rank among the top in the nation. Florida's public schools comprise 67 school districts; 3,923 schools; 2,652,684 students in grades prekindergarten through twelve; and 194,159 teachers.

## *Florida Department of Education*

The Bureau of Exceptional Education and Student Services is a unit in the Division of Public Schools, Florida Department of Education; other FDOE divisions that provide services to people with disabilities are Blind Services and Vocational Rehabilitation.

## *Federal Education Laws*

The No Child Left Behind (NCLB) Act of 2001 reauthorized the Elementary and Secondary Education Act (ESEA)—the main federal law affecting education from kindergarten through high school. It is built on four principles:

- Accountability for results
- More choices for parents
- Greater local control and flexibility
- Doing what works based on scientific research

Key concepts include academic achievement, standards-based reform, adequate yearly progress, highly qualified teachers, and accountability and flexibility. A key principle of NCLB is that schools should be accountable for the education of all of their students, including students with disabilities.

Enacted for purposes of "...ensuring children with disabilities and their families access to a free appropriate public education and improving educational results for these children," IDEA has the following purposes:

- Ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living
- Ensure that the rights of children with disabilities and parents of such children are protected
- Assist states, localities, educational service agencies, and federal agencies to provide for the education of all children with disabilities
- Assist states in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families
- Ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services
- Assess and ensure the effectiveness of efforts to educate children with disabilities

(See *IDEA 2004 Topic Briefs* for additional information and the *Federal Register*, August 14, 2006, for implementing regulations.)

### *Exceptional Student Education in Florida*

Florida's exceptional student education program serves 381,561 students with disabilities ages 3 to 21 years (14% of total population) and serves 130,795 students who are identified as gifted (5%).

Areas of Special Programs/Specially Designed Instruction include:

- Mentally Handicapped
- Speech/Language Impaired
- Specific Learning Disabilities
- Physically Impaired/Orthopedic Impaired
- Physically Impaired/Other Health Impaired
- Physically Impaired/Traumatic Brain Injury
- Deaf or Hard-of-Hearing
- Visually Impaired
- Emotional/Behavioral Disabilities
- Dual-Sensory Impaired
- Homebound/Hospitalized
- Gifted
- Autism Spectrum Disorder
- Developmentally Delayed (3–5 years old)
- Established Conditions (birth–2 years old)

Related Services include:

- Speech Therapy
- Language Therapy
- Physical Therapy
- Occupational Therapy
- Transportation

### *State and Federal Funding for ESE*

State support for ESE (\$3.6 billion) is provided through the Florida Education Finance Program (FEFP) in accordance with an established formula that includes base funding and weighted cost factors for designated programs. The FEFP and other state funding also support categorical programs to meet statewide program needs, including those in exceptional student education.

Federal support includes funds allocated through IDEA, Part B (\$598.4 million for excess costs of providing special education and related services to students with disabilities, ages 3–21), and IDEA, Part B, Preschool (\$18.2 million for costs of providing special education and related services to children with disabilities, ages 3–5). Up to 90 percent of these dollars flow through to districts as entitlement allocations, with the remaining dollars used to fund special programs and projects and state administration.

### *Accountability and Assessment*

The Sunshine State Standards (SSS) are Florida’s curriculum frameworks (Reading, Math, Science, Writing) that define what students should know and be able to do at various grade levels. The Florida Comprehensive Assessment Test (FCAT), part of Florida’s overall plan to increase student achievement by implementing higher standards, is administered to students in grades 3–11.

Some students with disabilities may utilize accommodations to “level the playing field” when taking the FCAT. Accommodations are adjustments to the presentation of questions, method of recording responses, schedule for administration of the assessment, or use of assistive devices to facilitate administration. Accommodations may not alter the underlying content being measured or negatively affect the assessment’s reliability or validity. Other students may require an alternate assessment.

Both NCLB and IDEA require that all students participate in state assessments, and schools and districts are held accountable for all student learning.

### *Governance and Legal Authority/Oversight*

Florida's exceptional education programs are governed by federal laws and regulations, including NCLB, IDEA, and Section 504 of the Rehabilitation Act of 1973; Florida Statutes, including Chapters 1000 through 1013 (K-20 Education Code); and State Board of Education Rules.

(See *Resource Manual Volume I-B*, the "Red Book," for excerpts of statutes and rules for special programs.)

Federal oversight of Florida's implementation of IDEA and related laws includes the following requirements:

- State Eligibility Document
- State Performance Plan (SPP)
- Annual Performance Report (APR)
- Federal Monitoring Visits
- Resolution of Compliance Issues

Florida's SPP addresses priority indicators, measurable and rigorous targets, and measurement. The SPP must be developed with broad stakeholder input and public dissemination and revised at least once every 6 years.

(See *Florida's Revised State Performance Plan for 2005–2010* [April 14, 2008].)

For each priority/indicator, the APP addresses measurement, measurable and rigorous targets, any changes, actual target data, and improvement activities/progress or slippage.

(See *Florida's Annual Performance Report for 2006–07* [April 14, 2008].)

State oversight and supervision include:

- IDEA Implementing Rules
- Special Programs and Procedures (SP&Ps—the guiding document for district exceptional education programs)
- Quality Assurance/Monitoring of School Districts
- Targeted Technical Assistance
- Dispute Resolution (local resolution efforts and administrative remedies, including mediation, state complaint, due process hearing request).

SAC has an important role in the governance and oversight of Florida's exceptional education program.

### *Major Bureau Initiatives*

Major Bureau activities are focused on the following:

- SPP/APR/Indicators
- State Education Agency (SEA) Determination
- Local Education Agency (LEA) Determinations
- Early Intervening Services
- Monitoring
- Portal to Exceptional Education Resources (PEER)
- Administrative Rules
- Program Rules
- SP&Ps
- Florida Alternate Assessment
- Sunshine State Standards Access Points
- Discretionary Projects
- Response to Intervention (Rtl)
- Student Services

### *Resources*

(See *Meeting Resource Packet* for referenced documents; see presentation for listing of related Web sites.)

Following the orientation presentation, the meeting was adjourned. The SAC regular meeting commenced the next morning (see separate *SAC Meeting Report*.)

### **Executive Committee Meeting**

The proposed Executive Committee meeting was canceled.

## ***THURSDAY, JULY 17***

The State Advisory Committee for the Education of Exceptional Students (SAC) met in regular session with the following persons in attendance:

### *Members*

(See SAC Membership List 2008, SAC Designee List, and SAC Representation Chart, *SAC Member Notebook*, Tab 2.)

Dr. Brian Abrams  
Penny Collins  
Susan Davidson  
Lily de Moya  
Enrique Escallon  
Ranee Gabriel  
Angela Gilbert  
Dr. Rosalind Hall  
Joni Harris  
Johana Hatcher  
John Howle  
Dr. Bob Jacobs  
Janice Kane  
Leah Kelly  
Dr. Kathryn Krudwig  
Michele Love  
Judy Miller  
Joanne Nelson  
Bill Palmer  
Calley Ronso  
Tracy Stevens  
Bryan Vaughan  
Dr. Bill Vogel  
Robyn Walker  
Gayle Zavala

Rene Johnson as designee for Denise Arnold  
Michael Lindsey as designee for Terri Eggers

### *FDOE/DPS/BEESS Representatives*

(See BEESS Staff List, *SAC Member Notebook*, Tab 10.)

Bambi Lockman, Chief (SAC Member)  
Michele Polland, Educational Policy Analyst, Administration/Policy (SAC Liaison)  
Karen Denbroeder, Senior Educational Program Director, ESE Special Programs  
Information and Evaluation  
Jenny Harry, Program Specialist, Clearinghouse Information Center

Rethia Hudson, Program Specialist, Clearinghouse Information Center  
Dr. Kim Komisar, Senior Educational Program Director, Program Administration and  
Quality Assurance  
Tonya Milton, Program Specialist, Administration/Policy  
Doris Nabi, Consultant

*Other*

Tiffany Lankes, Staff Reporter, Herald-Tribune Media Group.

**Welcome, Roles and Responsibilities, Sunshine Law,  
Overview of Agenda/Resources**

(See Agenda, *SAC Member Notebook*, Tab 1; SAC Way of Work and Ground Rules and Roles and Responsibilities; IDEA State Advisory Panel Requirements; Issues Related to Government in the Sunshine, Public Records, and Code of Ethics; SAC Membership List 2008; SAC Designee List 2008; SAC Representation Chart; Committee Interests/Evaluation Survey; and Survey of Member Interests, Tab 2; Resources, Tab 10, *Notebook Pocket*, and separate *Resource Packet*.)

Bambi Lockman opened the SAC regular meeting by welcoming continuing and new members, many of whom had attended the prior day's orientation meeting. Again, she stressed the importance of the work that they do and the partnerships they represent.

Michele Polland reviewed Committee roles and responsibilities and emphasized that, as an advisory board to a state agency, the Committee is subject to state laws and requirements concerning "Government in the Sunshine," public records, and Florida's Code of Ethics, as detailed in their materials. She then reviewed the meeting agenda, correlating each session with related materials in the *SAC Member Notebook* and a separate *Resource Packet*.

Jenny Harry addressed the resources and services available to interested persons statewide through the Bureau's Clearinghouse Information Center, noting that FDOE products and publications, including the extensive loan collection of exceptional education and student services materials, are provided for free. Ms. Harry emphasized the BEESS Web site as a source for information in addition to displays and other outreach initiatives at conferences and other events.

Specific to Committee functions, Ms. Polland requested that members complete and return the "Survey of Member Interests," which would serve as a self-nomination form for SAC officer positions and committees in anticipation of appointments and elections during this meeting. She also requested that members complete the "Committee Interests/Evaluation Survey" at the conclusion of the meeting. Ms. Polland then reviewed travel and childcare reimbursement procedures. She also announced that the Southeast Regional Resource Center (SERRC) sponsored the Thursday luncheon and all breaks.

Penny Collins, SAC co-chair during 2007, also welcomed the group, after which members introduced themselves, described what they bring to the Committee, and shared their expectations. Following the introductions, Ms. Collins led a discussion of the established way of work and the ground rules. No changes were recommended. She concluded with a statement of SAC's importance to the Bureau and to programs statewide.

## **Bureau Update**

(See PowerPoint presentation, FDOE Memorandum: Disability History and Awareness Instruction, Governor's Commission on Disabilities 2008 Report, BEESS Resource Data 2008–2009, Federal Update: Proposed IDEA Amendments, 2008 SEA Profile, BEESS Federal and State General Revenue 2007–08 Discretionary Projects, Florida Rtl Update, Technical Assistance Paper: Guidelines for Implementation of the Revised Rule for Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities, Technical Assistance Paper: Guidelines for the Use of Manual Physical Restraint in Special Education Programs, A NIMAS Policy Brief: Progress on Implementation of the National Instructional Materials Accessibility Standard (April 2008), *SAC Member Notebook*, Tab 4; BEESS Staff List and BEESS Calendar, Tab 10; Mediation, Surrogate Parent, Florida Alternate Assessment, and BEESS Web Page resource documents and Clearinghouse Information Center Publications Index, *Notebook Pockets*. See also *Legislative Review 2008*, *Administrators' Management Meeting 2007 Data Book*, and *Exceptional Student Education Compliance Self-Assessment: Processes and Procedures Manual 2007–08* in separate *Resource Packet*.)

### *2008 Legislation*

Ms. Lockman began her extensive update with a report on 2008 legislation, including the 2008–09 education budget and finance-related legislation. She noted budget holdbacks and a decrease in funding for the Florida Education Finance Program (FEFP), and reviewed the base student allocation, guaranteed allocation, and program weights as they relate to exceptional student education (ESE). She then reviewed specific legislation related to “Next Generation” Sunshine State Standards (SSS), High School Grades, and Assessment. She noted legislation specific to students with disabilities:

- Senate Bill (SB) 1908—codifies legislative intent that Florida's kindergarten-grade 12 education performance accountability system will comply with the Individuals with Disabilities Education Act (IDEA)
- House Bill (HB) 1313—updates ESE terminology
- SB 856—designates the first weeks of October as “Disability History and Awareness Weeks”
- SB 988—creates a statewide Health Care Transition Task Force for Youth and Young Adults with Disabilities
- SB 2654—“Window of Opportunity Act” (Autism)

The last bill, SB 2654, is significant in that it authorizes the Agency for Health Care Administration to seek federal approval to provide home- and community-based services for persons with Autism Spectrum Disorder (ASD) and/or developmental disabilities. It also directs the Office of Insurance Regulation to establish a workgroup to develop and execute a compact relating to coverage for insured persons with developmental disabilities.

Committee discussion included questions related to the definition of terms used in the legislation and implications for school districts in regard to Medicaid reimbursement issues. Subsequent information was provided regarding a scheduled meeting of the Insurance Compact Workgroup (August 22, 2008).

Other legislation included in the update addressed bullying, virtual education, physical education, and ethics in education.

(See PowerPoint presentation and *Legislative Review 2008* for detailed information regarding all legislation.)

#### *Governor's Task Force on ASD*

This Task Force is charged with advancing public policy for research, screening, education, and treatment of autism; assessing the availability of insurance coverage for appropriate treatment of autism; and recommending a unified and coordinated agenda for addressing autism in Florida. Committees will address awareness, outreach, collaboration, early intervention and assessment of prevalence, current and future outlook, and costs. A Task Force report is due by March 20, 2009.

#### *Governor's Commission on Disabilities*

This Commission is charged with identifying barriers faced by persons with disabilities and the elderly and with developing recommendations to overcome those barriers in the areas of education, employment, independent living, and transportation. The Commission's report includes a series of recommendations regarding the education of students with disabilities. The Executive Director of the Commission is SAC member Bryan Vaughan.

(See PowerPoint presentation and *Encompassing All Floridians: Governor's Commission on Disabilities 2008 Report* for more detailed information.)

#### *Florida's Children and Youth Cabinet*

Created by HB 509, the Cabinet comprises fourteen agency directors and representatives of children and youth advocacy organizations and the governor. Its mission is "to ensure that the public policy of Florida relating to children and youth promotes interdepartmental collaboration and program implementation in order for services designed for children and youth to be planned, managed and delivered in a holistic and integrated manner to improve the self-sufficiency, safety, economic stability, health, and quality of life of all children and youth in Florida."

(See Web site at [http://www.flgov.com/youth\\_cabinet](http://www.flgov.com/youth_cabinet) for additional information.)

### *National Update*

Ms. Lockman continued her update with a focus on Florida's IDEA, Part B and IDEA, Part B, Preschool funding for 2008–09, and proposed changes to the IDEA regulations.

(See PowerPoint presentation and “Federal Update: Proposed IDEA Amendments.”)

### *State Update*

After reviewing the Commissioner's priorities for K-12 education, Ms. Lockman provided detailed information on Florida's students with disabilities, referencing the *2008 State Education Agency (SEA) Profile* as well as local education agency (LEA) profiles. She also presented extensive data on student achievement, noting trends toward increased numbers of students (including those with disabilities) performing at grade level or above.

### *State Performance Plan (SPP)/Annual Performance Report (APR)*

Ms. Lockman provided an update on Florida's SPP/APR, noting the development of a revised calculation guide as well as timelines for indicators. She reviewed major indicators, indicating for each whether or not targets had been met, including graduation rate, dropout rate, assessment, suspension/expulsion, least restrictive environment (LRE) ages 6–21 and ages 3–5/prekindergarten, parent involvement, disproportionate representation, 60-day timeline, Part C to Part B transition, transition IEPs, and postschool outcomes.

Committee discussion issues included the following:

- The definition of “completing education”
- Major concerns with the dropout rate
- The need for improved means of measuring parent involvement
- The impact on certain indicators of the lack of personnel to complete evaluations
- The need for better preparation and training of teachers for inclusion classrooms
- The ability of teachers to adapt curriculum
- Increased student performance with higher expectations and appropriate support
- Appropriate services to parents
- The changing roles of exceptional education professionals as intervention specialists

(See PowerPoint presentation, *Florida's Part B State Performance Plan for 2005-2010*, *Florida's Annual Performance Report for Part B of the Individuals with Disabilities Education Act (2008)*, and *Administrators' Management Meeting Data Book 2007* for more information.)

## **SERRC Luncheon**

Members participated in a luncheon sponsored by the Southeast Regional Resource Center.

## **Bureau Update (continued)**

### *Portal to Exceptional Education Resources (PEER)*

PEER was designed to provide a standardized process for the provision of exceptional student education services for all Florida school districts. When fully implemented, PEER will provide a resource for teachers to develop and track ESE processes required by federal law and state statutes. PEER will provide for the uniform development of individual educational plans (IEPs) for students with disabilities, services plans (SPs) for parentally placed private school students with disabilities, and educational plans (EPs) for students identified as gifted. Other ESE processes to be implemented over time include general education interventions, evaluation and reevaluation, eligibility, and manifestation determination meetings. In addition, ESE management tools for tracking and reporting will be available for use by educators and administrators.

Ms. Lockman provided an update on PEER implementation, including screen shots to illustrate various system capabilities.

### *ESE Program Rules*

Ms. Lockman noted the program rules adopted in 2006 for students in various disability programs (Deaf or Hard-of-Hearing, Physically Impaired/Orthopedic Impairment, Physically Impaired/Other Health Impairment, Physically Impaired/Traumatic Brain Injury, Emotional/Behavioral Disabilities, Autism Spectrum Disorder). She then reported the status of each of the additional proposed program rules, including Specific Learning Disabilities, Speech and Language, and Mentally Handicapped, as well as Math Access Points. She advised members to “stay tuned” for further rule development activities.

### *Discretionary Projects*

Ms. Lockman provided information on changes to discretionary projects resulting from a study by the Inspector General as well as a survey of districts and projects conducted by BEESS. To better address needs and recommendations, the Bureau is revising some existing projects and developing new project initiatives with a major goal of ensuring alignment of projects with the State Performance Plan.

### *Response to Intervention (Rtl)*

Ms. Lockman introduced Rtl as the practice of providing high-quality instruction/intervention matched to student needs and using learning rate over time and level of performance to make important educational decisions to guide instruction. She identified key practices as follows:

- Using research-based, scientifically validated interventions/instruction
- Monitoring student progress to inform instruction
- Making decisions based on data
- Using assessments for (1) universal screening, (2) progress monitoring, and (3) diagnostics

Essential components of Rtl implementation include a multi-tier model, a problem-solving method, and an integrated data collection/assessment system.

Ms. Lockman spoke to the need for Rtl in terms of school-based accountability, equitable outcomes for all students, the impact of No Child Left Behind (NCLB) and IDEA, Florida rules, and the national/state emphasis on reading and math. She emphasized the need to ensure that this is a general education initiative and addressed the status of Rtl in Florida. In providing an update on the state Problem Solving/Rtl initiative, Ms. Lockman discussed a detailed plan for what districts should do now and stressed the importance of a State Rtl plan to provide districts with the critical components, definitions, and applications of Rtl to support the development of a district plan. Ms. Lockman concluded with “next steps” and identified Web sites and other resources to assist in the implementation of Rtl.

(See PowerPoint presentation, *Florida Rtl Update*, and related Web sites: <http://www.rtinetwork.org/>, <http://serge.ccsso.org/index.html>, [www.nasdse.org](http://www.nasdse.org), and [www.florida-rti.org](http://www.florida-rti.org).)

### *Recent Technical Assistance*

Ms. Lockman continued her update with information regarding recent technical assistance initiatives of the Bureau, including a Technical Assistance Paper (TAP) and related workshops on “Guidelines for Implementation of the Revised Rule for Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities.” This TAP addresses the rule’s relationship to Rtl, when a student should be referred for an evaluation to consider ESE eligibility, and whether the psychological evaluation must include a test of intellectual functions.

Another TAP, “Guidelines for the Use of Manual Physical Restraint in Special Education Programs,” developed with extensive field input over a lengthy period of time, addresses circumstances when restraint might be used, training that personnel should receive, recommended reference sources, recommended notification and reporting requirements, and monitoring of the use of restraint.

The proposed State Board of Education Rule, “Use of Reasonable Force by School Personnel,” was subsequently distributed to members. It was noted that the regulation would apply for all students, while the TAP was only advisory and for students in special education programs.

Extensive Committee discussion addressed the need for training of teachers and other personnel working with children (“If not trained, don’t restrain!”), application of the concept of dignity, teacher burnout, the need to model non-violence, the need for outside monitoring, the need for support for teachers in classrooms, the treatment of children with humiliation and abuse “in violation of the Geneva convention,” staff discretion in determining “behavior harmful to the learning environment,” and the need to protect children. While the Committee applauded the Department’s work on the guidelines, members felt that the rule should be more reflective of the TAP and took action in this regard in the subsequent Committee business session.

(See PowerPoint presentation; referenced TAPs; and proposed rule, “Use of Reasonable Force by School Personnel.”)

### *NIMAS and NIMAC*

Ms. Lockman concluded her report with an update on Florida’s implementation of the National Instructional Materials Accessibility Standard (NIMAS), a standardized file format that facilitates the conversion of textbooks to alternative formats for certain students, and the National Instructional Materials Access Center (NIMAC). It was noted that SEAs and LEAs have an obligation to provide accessible instructional materials in a timely manner to all children with disabilities who may need educational materials in accessible formats, not just those eligible to receive materials produced from files obtained through the NIMAC.

(See “A NIMAS Policy Brief: Progress on Implementation of the National Instructional Materials Accessibility Standard [April 2008].”)

Ms. Lockman concluded with her hope that members would take away from the meeting a better understanding of size and complexity of exceptional education issues in Florida and a greater awareness of the many efforts to improve programs for Florida’s students.

Ms. Collins announced that, based on interest forms submitted by SAC members, Janice Kane and Judy Miller were appointed as the Nominating Committee and would meet at the end of the day to prepare recommendations for SAC officer nominations.

## **Administrative Rules**

(See PowerPoint presentation; BEESS Administrative Rules Summary of Changes, May 2008; and Proposed Administrative Rules, *SAC Member Notebook*, Tab 5.)

Dr. Kim Komisar presented on proposed administrative rules in terms of background/requirements, process and timelines, and summary of changes. She addressed the reauthorization of IDEA and regulations effective October 2006 that require the following of all states:

- To ensure that any state rules, regulations, and policies conform to the purpose of IDEA;
- To identify in writing to school districts and the U.S. Department of Education any state-imposed rule, regulation, or policy that is not required by IDEA or the implementing regulations; and
- To minimize the number of rules, regulations, and policies to which the LEAs and schools are subject.

She reviewed the extensive rules development process, including legal advice, workshops, and opportunity for field review and input, with subsequent revisions based on stakeholder comments centered on (in addition to definitions and clarification of procedures) general education interventions, transition planning for students with disabilities, and inclusion of procedures for gifted students.

Dr. Komisar responded to members' questions after walking through a summary of changes for each of the following:

- IEPs
- Parentally placed private school students with disabilities
- General education interventions, identification, evaluation, placement
- Discipline procedures
- Surrogate parents
- Transferring exceptional students
- Definitions, Special Programs and Procedures (SP&Ps), ESE administrators

(See PowerPoint presentation; BEESS Administrative Rules Summary of Changes, May 2008; and Proposed Administrative Rules.)

## **ESE Monitoring 2007–08: Self-Assessment and the State Performance Plan**

(See Florida's Part B State Performance Plan Monitoring Priorities and Indicators, *SAC Member Notebook*, Tab 6; and *Exceptional Student Education Compliance Self-Assessment: Process and Procedures Manual, 2007–08*.)

Dr. Komisar then presented on ESE monitoring, including requirements, the monitoring process, and 2007–08 results.

## *Requirements*

IDEA requires each state “to monitor the LEAs...using quantifiable indicators in each of the priority areas, and using such qualitative indicators as are needed to adequately measure performance....”

The primary focus of federal and state monitoring activities is on improving educational results and functional outcomes for all children with disabilities and ensuring that states meet requirements under IDEA, with a particular emphasis on those requirements most closely related to improving educational results for children with disabilities.

## *Monitoring Process*

Dr. Komisar explored the relationship between procedural compliance and substantive compliance and the goals of the monitoring process in the following ways:

- Meaningful impact
- Valid, reliable data
- Accurate, consistent data tracking
- Incorporate SPP indicator teams’ targeted planning activities
- Timely identification of noncompliance
- Timely reporting to LEAs
- Timely correction of noncompliance
- Maximize limited resources

For 2007–08, the monitoring process is characterized as follows:

- Web-based self-assessment focusing on procedural compliance
- Aligned with the Office of Special Education Program’s (OSEP’s) related requirements
- Identifies and requires timely correction of noncompliance
- All 67 districts, Florida School for the Deaf and the Blind (FSDB), Department of Corrections, Developmental Lab Schools
- Reports (district by student, district by standard, state by standard)

She described “context setting” in terms of sample selection and instructions and validation and verification.

## *Results*

Dr. Komisar reviewed findings, noting the following as areas of noncompliance:

- Present level statements
- Goals and short-term objectives or benchmarks
- Alignment
- Measurable postsecondary goals

- Manifestation determination
- Functional Behavior Assessments (FBAs)/Behavior Intervention Plans (BIPs)
- Screenings, review of data
- Timely referral after consent
- Meets eligibility

Generally, all of the following are less likely to meet the standard when evaluated through a focused review rather than a straight IEP review:

Present level of academic achievement and functional performance that address the student's needs resulting from the disability:

- Measurable annual goals and short-term objectives/benchmarks designed to meet the student's needs that result from the disability
- Alignment among the present level statement, goals/objectives/benchmarks, and services

While there are more findings of noncompliance, there are also:

- "Tighter" and more explicit findings
- More correction (goal 100 percent)
- More timely correction (goal 100 percent)
- If "learning by doing" and "positive practice" work, more meaningful IEPs

### **Wrap-Up/Adjourn for Day**

Ms. Collins announced the Nominating Committee Meeting, and Ms. Polland announced arrangements for individual and group Committee photographs and suggested dinner arrangements.

### **Nominating Committee Meeting**

Janice Kane and Judy Miller met as the Nominating Committee to consider the self-nomination forms for Committee officers and prepared a report to be presented the following morning.

## ***FRIDAY, JULY 18***

Ms. Collins welcomed members back to the meeting and called for the report from the Nominating Committee.

### **Nominating Committee Report/Comments by Nominees**

Ms. Miller reported that, based on the completed surveys of member interests, the following self-nominated for the office positions indicated:

Co-Chair (parent): Joni Harris  
Co-Chair: Penny Collins  
Vice-Chair: Lily de Moya  
Parliamentarian: John Howle, Enrique Escallon  
By-Laws Committee: Enrique Escallon

Consequently, the Nominating Committee recommended the following slate, with any further nominations and subsequent action on election of officers to take place during the scheduled business meeting:

Co-Chair (parent): Joni Harris  
Co-Chair: Penny Collins  
Vice-Chair: Lily de Moya  
Parliamentarian: John Howle  
By-Laws Committee: Enrique Escallon

All of the nominees spoke to the group, sharing the background and experience they bring to the Committee and their expectations for its continuing direction and work.

### **LEA Determination Process**

(See PowerPoint presentation, *SAC Member Notebook*, Tab 7.)

Karen Denbroeder opened her presentation by stating that the FDOE must make annual determinations on each LEA's performance in meeting IDEA requirements and, as a result, LEAs are assigned to one of the following four "buckets" or categories of compliance:

- Meets requirements
- Needs assistance
- Needs intervention
- Needs substantial intervention

For 2008, elements include the following, with determinations based on data and information from the 2006–07 school year:

- Audit findings
- Indicators 9/10: disproportionality
- Indicator 11: 60-day timeline for evaluation
- Indicator 12: transition from Part C to Part B
- Indicator 12: progress from 2005–06
- Indicator 15: correction of noncompliance findings
- Indicator 20: timely and accurate data

Ms. Denbroeder then explained the compliance scoring procedures and rubric, reporting the following results:

- 35 of 67 school districts met requirements
- 31 of 67 school districts need assistance (17 for the second consecutive year)
- 1 school district needs intervention

Districts in need of assistance for two consecutive years have been advised of available sources of technical assistance and must report to FDOE on all sources they have accessed.

In Committee discussion, it was noted that the transition from Part C to Part B programs continues to be the biggest problem, with ongoing efforts between FDOE and the Florida Department of Health/Early Steps to resolve these. It was also suggested that discretionary funds be used to focus on specific needs as indicated by the LEA determination process.

### **Early Intervening Services (EIS)**

(See PowerPoint presentation, *SAC Member Notebook*, Tab 7.)

Districts may *choose* to use up to 15 percent of their IDEA funds to provide early intervening services. Districts are *required* to set aside 15 percent of IDEA funds for early intervening services.

Eleven districts were identified under early intervening services criteria and must address such services—including provision of professional development and educational and behavioral evaluations, services, and supports—in their grant funding applications. States are required to track by student those nondisabled children who receive these services and whether or not they ultimately are found eligible for special education and related services.

Committee discussion addressed the established “risk ratios,” the difference between criteria established in the indicators relevant to inappropriate identification/placement of students and those for early intervening services, and

how early intervening services requirements impact the availability of funds for services to students with disabilities. In response to expressed concerns regarding the perception that “labels drive services,” it was noted that “all children belong to everyone now,” and it is important that all children make progress. It was also noted that RtI efforts should ameliorate the need for early intervening services under these requirements.

### **Florida Alternate Assessment**

(See PowerPoint presentation and attachments, *SAC Member Notebook*, Tab 7; and Facts about the Florida Alternate Assessment brochure, *Notebook* pocket.)

The purpose of the Florida Alternate Assessment is to hold schools, districts, and states accountable for the achievement of all students, consistent with IDEA requirements that all students with disabilities be included in statewide assessment, and NCLB requirements that all students meet state expectations for reading, math, and science.

Students with significant cognitive disabilities may take the alternate assessment as long as the IEP team determines that all five of the following statements accurately characterize the student’s current educational situation:

- The student is unable to master the Sunshine State Standards even with appropriate and allowable course accommodations.
- The student’s demonstrated cognitive ability is the primary reason for the inability to master these standards.
- The student is participating in a modified curriculum based on competencies in the Sunshine State Standards Access Points for all academic areas.
- The student requires extensive direct instruction in academic and vocational competencies as well as domestic, community living, and leisure activities.
- The student has deficits in adaptive behavior, as demonstrated by the inability to function effectively and independently in everyday living skills (interpersonal and social interactions) across a variety of settings.

The Florida Alternate Assessment is based on the Sunshine State Standards Access Points for Students with Significant Cognitive Disabilities, which reflect key concepts with reduced level of complexity. These access points enable students with significant cognitive disabilities to access the general education curriculum and ensure access to academic skills and concepts that apply to same age peers. Each access point has three levels of complexity: Independent, Supported, and Participatory.

Created with the help of teachers, content area experts, professional test developers, and parents, the Florida Alternate Assessment includes four subjects: Reading (grades 3–10); Math (3–10); Writing (4, 8, and 10); and Science (5, 8, and 11). It is composed of 16 items in each content area, with each item having three questions, one at each level of complexity.

Ms. Denbroeder explained the scoring procedures, noting that after a field test, standard setting panels met to decide how scores will be used to determine the level of complexity in which the student is currently working and what scores will equal basic, proficient, and advanced performance at each of the three levels of complexity. These “cut scores” are being validated based on the spring 2008 statewide assessment. The performance levels are described as follows:

- *Basic*: Generally, students have little success with the challenging access points.
- *Proficient*: Students are having some success mastering the access points.
- *Advanced*: Students are very successful with the access points.

Individual student reports have been developed and sent to schools and districts to share with parents. It was noted that Florida Alternate Assessment results count toward the school and district’s making adequate yearly progress (AYP) under NCLB.

Ongoing efforts include administration manuals and training and item content and bias review. A new Curriculum and Assessment Support Project will focus on curriculum and instruction related to access points and support alignment between instruction and assessment.

Committee discussion addressed concerns regarding the “starting point” for administration of the assessment (for students functioning at a higher level, “participatory” is too low; for others, it engenders feelings of success); the need for additional information and follow-up for parents; the amount of time required of teachers in preparation and administration; and possible accommodations for assessment items on which performance might be influenced by a child’s specific disability (vision or physical impairment). Generally, it was agreed that the alternate assessment is a promising development in terms of expectations for students with significant cognitive disabilities.

(See PowerPoint presentation, Scoring Rubric, and Spring 2008 Florida Alternate Assessment Student and Parent Report [sample].)

## **SAC Business Meeting**

(See SAC By-Laws, Meeting Report [Draft, November 2007], SAC Committee Action Form, *SAC Member Notebook*, Tab 9.)

Ms. Polland and Ms. Collins convened the SAC Business Session, noting that a Public Comment opportunity was scheduled for 12:00 noon, and invited submission of any additional "Committee Action" forms. Members were reminded to complete their "Designee" and "Committee Interests/Evaluation" forms and to submit all necessary paperwork for travel and child care reimbursement in a timely manner.

The Committee took action as follows:

- Approved, with no changes, the Meeting Report of the November 2007 meeting
- Recommended that the next meeting be scheduled for October 9–10, 2008, in Tallahassee
- Elected unanimously the slate of officers as recommended by the Nominating Committee

(At this point, Ms. Harris and Ms. Collins assumed the chair for the remainder of the meeting.)

Enrique Escallon and Robyn Walker were appointed as the By-Laws Committee and requested to meet as necessary and bring forth any proposed changes to the next meeting, including one proposed by the Bureau for a change in the terms of members.

The meeting was then opened to public comment. There was no public comment.

Based on a proposed Committee action, members continued their discussion (see above) of the Bureau's TAP, "Guidelines for the Use of Manual Physical Restraint in Special Education Programs," and the proposed State Board of Education Rule, "Use of Reasonable Force by School Personnel," copies of which were distributed to members. After extensive comments, the Committee took action as follows:

The State Advisory Committee shall provide input on the proposed State Board of Education rule, "Use of Reasonable Force by School Personnel," via letter from the Committee to Marion Lambeth and other appropriate FDOE personnel, expressing support for the Bureau's TAP, "Guidelines for the Use of Manual Physical Restraint in Special Education Programs," and recommending that the proposed rule be revised to align with the guidelines (a copy of which is to be attached to the letter).

Based on a second proposed Committee action, members continued their discussion of disproportionality and established criteria ("risk ratios") in APR

indicators, LEA determinations, and Early Intervening Services determinations. A wide range of comments included concerns about the following issues:

- There is no acceptable level of inappropriate identification.
- Data indicate districts are moving in the right direction in terms of resolving disproportionality.
- While there should perhaps be a greater sense of urgency, Early Intervening Services requirements could place an undue burden on districts struggling financially to meet the needs of students with disabilities.
- Other funds are available to address the issue
- Audit findings included not one instance of inappropriate placement.
- Eligibility criteria might need to be reconsidered.
- With appropriate diversity training and utilization of Rtl, any disproportionality may be alleviated.

The discussion culminated in the suggestion that the option of a graduated system for identifying disproportionality be explored to reinforce the Committee's belief that there should be no inappropriate identification or placement based on race/ethnicity or other factors. The Committee took action as follows: The Bureau shall investigate a method for reducing the risk ratio cut point for disproportionality over time and bring information for consideration by the Committee to the October meeting.

With no further business to conduct, the co-chairs closed the business session.

Ms. Lockman closed the meeting by thanking members for their time, energy, and attention and expressing her appreciation for their support of the Bureau and their commitment to exceptional education programs.

The meeting was adjourned.

*Note: All materials referenced in this report are available, on request, through the Bureau of Exceptional Education and Student Services, 614 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400*

**State Advisory Committee**  
**for the Education of Exceptional Students**

*STATE ADVISORY  
COMMITTEE  
MEETING REPORT*

*October 5–7, 2008*



Florida Department of Education (FDOE)  
K-12 Public Schools  
Bureau of Exceptional Education and Student Services (BEESS)

**State Advisory Committee  
for the Education of Exceptional Students**

**Tallahassee, Florida  
October 5–7, 2008**

**Meeting Report**

***SUNDAY, OCTOBER 5***

State Advisory Committee for the Education of Exceptional Students (SAC) Co-Chairs Penny Collins and Joni Harris, along with Vice-Chair Lily de Moya, met with Bambi Lockman, Chief, and Michele Polland, Educational Policy Analyst, BEESS; and Doris Nabi, Consultant; to review the agenda and materials in preparation for the Committee meeting. The preliminary agenda was revised to accommodate Ms. Lockman's absence on the second day due to a death in her family, and the process for bringing forward Committee actions was reviewed.

***MONDAY, OCTOBER 6***

The State Advisory Committee met in regular session with the following persons in attendance:

*Members*

(See SAC Membership List 2008, SAC Designee List, and SAC Representation Chart, *SAC Member Notebook*, Tab 2.)

Denise Arnold (Day 2)  
Laurie Blades  
Penny Collins  
Susan Davidson  
J.T. Davis (Day 1)  
Lileana de Moya  
Jacqueline Egli  
Enrique Escallon  
Carin Floyd  
Ranee Gabriel  
Dr. Rosalind Hall  
Joni Harris  
Johana Hatcher  
John Howle

Dr. Bob Jacobs  
Janice Kane (Day 1)  
Leah Kelly (by telephone Day 1)  
Dr. Kathryn Krudwig  
Judy Miller  
Joanne Nelson  
Kelly Purvis  
Calley Ronso  
Tracy Stevens (Day 2)  
Charlotte Temple  
Bryan Vaughan  
Dr. Bill Vogel (by telephone Day 1)  
Gayle Zavala

Kirk Hall as designee for Bill Palmer  
Kristina Hartman as designee for John Howle  
Michael Lindsey as designee for Terri Eggers

*FDOE/DPS/BEESS Representatives*

(See BEESS Staff List, *SAC Member Notebook*, Tab 10.)

Bambi J. Lockman, Chief (SAC Member)  
Michele Polland, Educational Policy Analyst, Administration/Policy (SAC Liaison)  
Cathy Bishop, Senior Educational Program Director, Exceptional Student Education  
(ESE) Program Development and Services  
Heather Diamond, Program Specialist, ESE Program Development  
Jenny Harry, Program Specialist, Clearinghouse Information Center  
Dr. Kim Komisar, Senior Educational Program Director, Program Administration and  
Quality Assurance  
Marie Lacap, Program Specialist, Special Programs Information and Evaluation  
Joyce Lubbers, Program Supervisor, ESE Program Development  
Tonya Milton, Program Specialist, Administration/Policy  
Sheryl Sandvoss, Program Specialist, ESE Program Development  
Doris Nabi, Consultant

*Other*

Martha Asbury, Chief, Bureau of Contracts, Grants, and Procurement; Management  
Services; FDOE  
Tom McDowell, Guest

*By Conference Call*

Office of Special Education Programs, U. S. Department of Education

Sheila Friedman  
Nancy Treusch  
(Additional district personnel participated on the call.)

## **Welcome, Overview of Agenda, Introductions, Roles and Responsibilities**

(See Agenda, *SAC Member Notebook*, Tab 1; SAC Way of Work and Ground Rules and Roles and Responsibilities; IDEA State Advisory Panel Requirements; Issues Related to Government in the Sunshine, Public Records, and Code of Ethics; SAC Membership List 2008; SAC Designee List 2008; SAC Representation Chart, Tab 2; SAC Business Session Materials, Tab 8; Evaluation Form, Tab 9; Resources, Tab 10; Brochures, *Notebook Pocket*; and separate manual, *School-Based Enterprise Development: Planning, Implementing, and Evaluating*.)

Joni Harris and Penny Collins, SAC Co-Chairs, opened the regular meeting by welcoming members and providing the opportunity for brief self-introductions. Michele Polland thanked the group for being there and addressed Committee membership, roles, and responsibilities. She emphasized that, as an advisory board to a state agency, the Committee is subject to state laws and requirements concerning "Government in the Sunshine," public records, and Florida's Code of Ethics, as detailed in their materials.

Ms. Polland walked through the revised agenda, noting that the morning session would address critical elements of general supervision in anticipation of an afternoon conference call with the Office of Special Education Programs (OSEP), U.S. Department of Education. She reviewed the changes to the remaining schedule, pointing out that the agenda was developed in response to Committee input, and correlating each item with resource materials in the *SAC Member Notebook*. She highlighted the Bureau's publication, *Disability History and Awareness: A Resource Guide (Notebook, Tab 6)*, and commended SAC member J. T. Davis for his role in the implementation of 2008 legislation for the "reaffirmation of the local, state, and federal commitment to the full inclusion in society of, and the equal opportunity for, all individuals with disabilities."

In anticipation of the Committee business session, Ms. Polland noted the availability for review of due process hearing orders and other items for consideration. She emphasized the *BEESS Weekly Memo* and the Bureau Web site as ongoing sources of information. She pointed out the important role of the Committee in sharing information with their respective constituent groups and in representing statewide needs. Ms. Polland concluded with a brief update on actions taken by the Committee in its prior meeting regarding reasonable force and local education agency (LEA) determinations, indicating that these topics would be discussed more fully during the Bureau update.

Ms. Harris reviewed the Committee's way of work and ground rules. She then presented Kelly Purvis with a gavel in recognition of her service as co-chair of the Committee during the prior year.

## Critical Elements of General Supervision/Overview

(See PowerPoint presentation, SAC Memorandum regarding OSEP Conference Call, AMM 2008 Databook, 2008 SEA Profile, and Calculation Guide for Florida's Annual Performance Report, *SAC Member Notebook*, Tab 3.)

Bambi Lockman introduced the general supervision requirement of the Individuals with Disabilities Education Act (IDEA) 2004 and emphasized that an integrated system must be an ongoing process accountable for improving educational results and functional outcomes and for ensuring that public agencies meet program requirements.

She briefly addressed the following eight interlocking components, or “puzzle pieces,” of the integrated system (see PowerPoint presentation for more detailed information):

1. State Performance Plan (SPP)—the blueprint for systems change and the foundation for Bureau's work toward improved results; utilizes stakeholder involvement and ensures public accountability.
2. Policies, Procedures, and Effective Implementation—rules and policies are aligned with IDEA; implemented by local programs, include methods to detect and correct noncompliance, include interagency agreements and memoranda of understanding.
3. Data on Processes and Results—include collection and verification, examination and analyses, reporting (through state and local performance reports), status determination, and improvement; making sure right questions are being asked.
4. Integrated Monitoring Activities—use multiple methods and data sources to monitor every program, every year; utilize stakeholder involvement; include investigations for compliance and program improvement.
5. Effective Dispute Resolution—informs monitoring activities; effectiveness is periodically evaluated and essential to ensure that students and families understand their rights.
6. Improvement, Correction, Incentives, and Sanctions—explicit state authority to enforce rules, policies, and procedures; range of formalized strategies and/or sanctions for enforcement with written timelines; determine annually the status of local programs.
  - State Education Agency (SEA) Determination—along with the majority of states, Florida is assessed as “needs assistance” (second year)

- Local Education Agency Determinations—for 2008, based on selected performance indicators; 41 Florida districts met requirements, 32 districts need assistance (17 for second year), and 1 needs intervention.
7. Targeted Technical Assistance and Professional Development—internal and external technical assistance and professional development support improvement and correction directly linked to SPP and Annual Performance Report (APR); discretionary projects are important component.
  8. Fiscal Management—IDEA funds are distributed in accordance with federal requirements and are aligned to the SPP/APR (Part B, \$598,437,209. and Part B Preschool, \$18,170,242.).
    - Coordinated Early Intervening Services (EIS)—districts are required to set aside 15 percent of IDEA funds for early intervening services if certain criteria related to identification, placement, and suspension and expulsion are met; must track by student those non-disabled children who received these services and whether or not they ultimately were found eligible for special education and related services.

*OSEP's Continuous Improvement and Focused Monitoring System*

OSEP will conduct a verification visit in Florida on November 17–21, 2008, that examines its general supervision system, data system, and fiscal management and conducts focused monitoring of its early childhood transition (Part C to Part B). SPP Indicator 12 requires that 100 percent of children served and referred by Part C prior to age 3 and who are found eligible for Part B have an IEP developed and implemented by their third birthday. While progress has been made through concerted efforts, including partnering and data matches between FDOE and the Department of Health (DOH), the timeline still poses problems, especially given funding and staffing issues in districts. Current activities include five districts/Early Steps offices piloting a problem-solving process, districts implementing new strategies/procedures to verify more timely transition, and national projects facilitating a pilot activity.

Prior to its verification/monitoring visit, OSEP will conduct a stakeholders' conference call (scheduled during the afternoon session of this SAC meeting), and continue regular conference calls with FDOE staff on critical elements. Onsite activities will include meeting with state staff; verification of data submitted in the SPP/APR; document reviews; and focused monitoring in at three LEA sites—Marion, Flagler, and Leon School Districts. Following the visit, Florida will receive a letter describing the analysis, any findings of noncompliance, and required next steps.

## **Critical Elements of General Supervision: Policies, Procedures, and Effective Implementation; Integrated Monitoring Activities; and Effective Dispute Resolution**

(See PowerPoint presentation, distributed as handout, for more detailed information specific to each of the following topics.)

Dr. Kim Komisar continued the presentation on general supervision with information related to the following three components:

- Policies, Procedures, and Effective Implementation
- Integrated Monitoring Activities
- Effective Dispute Resolution

### *Policies, Procedures, and Effective Implementation*

Policies and procedures include ESE administrative rules, ESE program rules, additional rules, and Policies and Procedures for the Provision of Specially Designed Instruction and Related Services to Exceptional Education Students (SP&Ps). Dr. Komisar gave an extensive history of the revision of Florida's ESE administrative rules in compliance with IDEA 2004 regulations effective December 2006, noting that these rules should be effective pending clarification on selected requirements requested by the Joint Administrative Procedures Committee of the legislature.

Dr. Komisar provided an update on ESE program eligibility rules, which includes the following:

- Those scheduled for consideration by the State Board of Education in October 2008 (intellectual disabilities, specific learning disabilities)
- Those already revised, which would require technical revision following adoption of the administrative rules (physically impaired/orthopedic impairment, other health impairment, traumatic brain injury; autism spectrum disorder; deaf or hard-of-hearing; emotional/behavioral disabilities)
- Those in development and proposed to go before the Board in May/June 2009 (speech impairments, language impairments)
- Other rules to be developed in 2009 (dual sensory impairments, developmental delays).

An additional rule will be proposed for statewide assessment. Districts submit SP&Ps every three years for approval by FDOE; the deadline is extended for 2008–09 pending adoption of ESE administrative rules.

### *Integrated Monitoring Activities*

Dr. Komisar provided an overview of the integrated monitoring system, noting that the system accomplishes the following:

- Addresses major areas of compliance
- Ensures timely correction of noncompliance
- Draws upon all available state and district data
- Supports districts' general supervision plans for program improvement and correction of noncompliance
- Drives decision-making regarding monitoring and system improvement, including incentives and sanctions
- Incorporates SPP indicator team activities, dispute resolution corrective actions, monitoring processes, and as appropriate, other state level initiatives or areas of concern

She elaborated on the 2008–09 system, which includes ESE compliance self-assessment and onsite monitoring and technical assistance as required (Level 1, all districts; Level 2, targeted districts; Level 3, selected districts). General supervision plans include expansion of a Web-based system for monitoring self-assessment.

### *Effective Dispute Resolution*

Dr. Komisar emphasized that effective dispute resolution facilitates resolution at the local level; supports child-centered, non-adversarial problem solving; and ensures timely resolution and meaningful correction. She reviewed the major topics of parent/district requests for assistance, intervention, or information. Mediation is provided at no cost by the Bureau and is confidential and voluntary for both parties. State complaints may be filed in writing by any individual or organization on behalf of one or more students, and resulting investigations must be completed within 60 days. State complaints may be addressed through voluntary early resolution agreements. Corrective actions are required for noncompliance. Due process hearings are conducted on FDOE's behalf by the Division of Administrative Hearings and have a 45-day timeline for completion.

### **Critical Elements of General Supervision: Fiscal Management**

(See PowerPoint presentation, distributed as handout, for more detailed information specific to each of the following topics.)

Martha Asbury continued the presentation on critical elements of supervision with an extensive presentation on fiscal management of federal grant programs. She reviewed the variety of sources for federal and state requirements and identified as infrastructure requirements the areas of fiscal, property, contracts and grants, program, and records management.

Systems management involves three major systems: financial management, inventory, and procurement. Ms. Asbury reviewed in detail the seven basic requirements of financial management:

- Financial reporting
- Accounting records
- Internal controls
- Budget control
- Allowable cost
- Source documentation
- Cash management

She emphasized the importance of documentation and internal controls in safeguarding the compliance and integrity of programs. She further examined the principle that costs must be necessary, reasonable, allocable, and legal, noting examples of questionable expenditures, such as cell phones for personal use. Ms. Asbury examined cash management, procurement, the role of cost/price, and contract administration. She concluded with information regarding inventory management—including equipment location, custody, and security—and records and systems necessary to prevent loss, damage, theft, and unauthorized use, and to provide for appropriate disposition.

### **Sponsored Networking Luncheon**

Meeting participants enjoyed a networking luncheon sponsored by the Southeast Regional Resource Center (SERRC).

### **Critical Elements of General Supervision: State Performance Plan, Data on Processes and Results**

(See PowerPoint presentation, Critical Element Data Collection Systems, and Projected Timelines for Annual Performance Report Data, distributed as handouts, for more detailed information specific to each of the following topics.)

Marie Lacap addressed Florida's use of data to determine progress in achieving SPP targets, to provide districts with tools for improvement planning, and for public reporting. She stressed SAC's important role in providing input on measurements, SPP targets, and criteria for district determinations.

Ms. Lacap reviewed the SPP as a six-year plan and the Annual Performance Report as an annual report on progress toward meeting SPP targets; based on these, the U.S. DOE makes state-level determinations and the FDOE makes district-level determinations. Referencing materials in the session handouts and the Calculation Guide, AMM Databook, and SEA Profile included in the *SAC Member Notebook* (Tab 3), Ms. Lacap provided a status report (that included targets, methods of calculation, changes, comparative data across years, and whether or not the target was met) on each of the following indicators:

- *Indicator 1:* Graduation Rate (target of 39.8 percent, met)
- *Indicator 2:* Dropout Rate (target of 4.25 percent, not met)
- *Indicator 3:* Assessment (targets: participation rate, 96 percent, met; proficient in reading, 38 percent, not met; proficient in math, 40 percent, not met); encouraging trends in increased proficiency were noted
- *Indicator 4:* Suspension/Expulsion (target: 11.9 percent districts with significant risk ratio, met)

*There was significant Committee discussion of the impact of zero tolerance policies and the suspension/expulsion data, including the need for disaggregated data by district and type incident. Members were referred to district reports available online on the FDOE Web site.*

- *Indicator 5:* LRE Ages 6–21 (targets: 56.9 percent removed from regular class less than 21 percent of day, met; 22.3 percent removed for greater than 60 percent of day, met; 2.7 percent served in separate environment, met)
- *Indicators 6 and 7:* LRE Ages 3–5, Pre-K Performance (baselines to be established)
- *Indicator 8:* Parent Involvement (targets being revised; percent of survey respondents who report that schools facilitate parent involvement as means of improving services and results for children with disabilities)

*There was significant Committee discussion of the parent survey data, including a request for disaggregated response rate/results data by district for the next meeting. The Committee also discussed barriers to responses—including Web site access and parent fears of lack of confidentiality and possible consequences—and suggestions for improved response rates.*

- *Indicators 9 and 10:* Disproportionate Representation (target: 0 percent of districts, met)
- *Indicator 11:* 60-Day Timeline (Target: 100 percent of referred students evaluated within timeline, not met)
- *Indicator 12:* Part C to Part B data (100 percent of eligible children have an IEP by age 3, not met)
- *Indicator 13:* Transition IEPs (target, 100 percent have IEP with measurable annual goals and transition services to reasonably enable attainment of postsecondary goals, not met)

*In consideration of declining compliance, Committee discussion addressed the expanded data base, with all districts now reporting on this item as part of their self-assessment, and the fact that 76 percent of reviewed IEPs were found noncompliant with the requirement for measurable annual IEP goals. Training and assistance are being directed to improvement in this area.*

- *Indicator 14:* Post-school Outcomes (target 56.5 percent of youth are employed/continuing education within one year of leaving school, new baseline established)

## **Conference Call with the Office of Special Education Programs, U.S. Department of Education**

Sheila Friedman and Nancy Treusch of OSEP facilitated the conference call. SAC members Dr. Bill Vogel and Leah Kelly; Anne Chartrand of SERRC; and representatives of Flagler, Leon, and Marion Counties joined the meeting by telephone.

Ms. Friedman introduced the verification visit, noting that Florida is one of twelve states being visited on the basis of historical performance and compliance and SEA determination under IDEA Parts B and C. She indicated that the visit is designed to verify the effectiveness of the state's systems for general supervision, data collection, and fiscal management, as well as systems for improving child and family outcomes and protecting their rights. Besides verifying information in the SPP and APR, the visit will conduct focused monitoring activities at the LEA/school district level related to early childhood transition. Verification will also use other information obtained through weekly calls with Bureau staff.

Ms. Friedman indicated that the purpose of the conference call is to obtain input regarding these designated "big systems" from the perspective of Florida's State Advisory Committee, including strengths and challenges, and invited comments on the following topics.

### *General Supervision System*

(Identification and correction of noncompliance, dispute resolution, etc.)

Co-chair Harris, representing parents of students with disabilities (Miami-Dade), commented on the extensive data collection activities of the FDOE—the amount of data, including information for parents, and how open the state is to disseminating that data.

Dr. Vogel, Superintendent of Seminole County Schools, one of Florida's largest school districts (65,000 students), commented that districts feel very positive regarding the communication and resolution of matters between BEESS and the districts. Tom McDowell, former ESE director in Seminole, spoke to clear and concise reporting procedures; data requested in a timely fashion; the opportunity to review data reports for errors; opportunities for related inservice through regional and state meetings; ongoing opportunities for input to BEESS, which is always well-received; and—most importantly—established policies and procedures and cooperation in ensuring timely and accurate reports.

Ms. Friedman acknowledged comments regarding the strengths of Florida's data system. She asked for comments regarding identification and correction of noncompliance and challenges for LEAs, as well as dispute resolution and handling of complaints.

Co-chair Collins, representing ESE directors in large districts (Osceola), noted that the SPP indicators were introduced to districts with lots of staff development, meetings, and telephone conferences. Expectations were shared and districts' five-year plans were returned with suggestions. Each year these are being monitored, and BEESS staff are working with districts on the collection and review of data. Much effort is expended to meet the indicators and to give guidance to districts in this regard. BEESS staff who have specialized expertise are responsive to the need for assistance on specific indicators, and have provided a lot of effort and support for improvement.

Dr. Kathryn Krudwig of the University of North Florida, representing the state university system and personnel development programs, spoke to the way BEESS had focused discretionary projects as a seamless, thorough way to support districts in meeting indicators. She also addressed the solution-oriented alliance across projects that looks at data for each region, acknowledging that efforts are driven by district needs and districts can't "fall through the cracks." These efforts represent increased capacity to work with districts on meeting indicators.

Ward Spisso, ESE Director in Leon County, asked for specifics regarding the district visits and was advised that OSEP staff would be in touch with him individually within the week.

Leah Kelly, representing ESE directors in very large districts (Broward), responded to Ms. Friedman's request that members share any challenges by noting the diversity in Florida districts in terms of size and population. There are concerns about the establishment of accountability and compliance thresholds—for example, dispute resolution or disproportionality—that are equitable across districts. There are different ways of "drawing the line" and many different factors that may have an impact, such as a large population of autistic students. These factors make it more difficult for larger districts to attain such thresholds.

Enrique Escallon, representing parents (Miami-Dade), spoke to the challenges of reduced services imposed by funding cuts—for example, with psychologists reduced from 12 to 10 months, children are waiting for identification for services. Resources have to be optimized.

Dr. Vogel addressed two additional challenges. First, the federal government's decision that the Florida Alternate Assessment did not meet standards (when some students had already been assessed) imposed a very short timeline for correction. That mandate and change in direction caused a huge burden on all districts.

Second, the tremendous increase in the number of students with autism in Florida poses a challenge. IDEA has not responded with appropriate funding support for this fastest-growing population. IDEA funding is not following student needs. While the state is providing support, district funding cuts (estimated at 6.5 percent) are very much an issue. Classes for students with autism may serve only three or four

students, and behavior analysts are needed. Lack of resources may affect student outcomes. IDEA money is needed to provide support for students with autism.

Ms. Friedman asked members to consider comments related to other areas of interest, such as fiscal management or early childhood transition. She noted that OSEP's tracking of parent calls and other constituent calls from Florida would also provide them with some insight into dispute resolution or other areas of concern.

Dr. Rosalind Hall, representing ESE directors in small and rural districts (Levy), addressed parent calls in Florida. She stated that FDOE was always supportive, listening to parent concerns, then contacting the district, and working with the parent and the district in a collaborative effort to resolve concerns. Mediation is a critical focal point, and the outcome is always to better meet the needs of students.

Ms. Friedman acknowledged the strength of Florida's mediation system, noting that the resolution of parent issues is taking place at the local level.

Co-chair Harris, pointing out that "our meetings don't usually sound like this," shared with OSEP staff a recent evaluation of the State Advisory Committee in which members rated as "excellent" their opportunity to provide input to the Bureau about the needs of children with disabilities. The SAC felt that issues important to them are discussed and that everyone has a chance to be heard. They also rated the BEESS chief and staff as excellent in terms of expertise and leadership of Florida's programs, accessibility, and responsiveness to program needs, member issues, and member concerns. Members felt that, to a high degree, SAC is making a positive difference for students with disabilities. Ms. Harris commented on FDOE's efforts to bring issues to the Committee, to reach out, and to solicit input, citing as an excellent example SAC input into the rulemaking process.

Co-chair Collins spoke to timeliness and management of IDEA grants to the districts, commenting on the availability of specific application guidelines, procedures, and directions, as well as the assistance of BEESS staff, to ensure that funds are distributed in a timely manner and services to students are not delayed. Districts are well informed regarding the appropriate use of funds and effective fiscal management, and FDOE staff "make sure they follow the rules," as programs are thoroughly monitored by knowledgeable auditors. She concluded that, "we can always use more funds, but BEESS helps us make effective use of the monies we have."

Ms. Collins also commented positively about the "unbelievable" amount of information and data given to SAC members, district directors, parents, and agencies. She observed that the Committee actively gathers information, explores issues, and provides input into proposed legislation and rules.

Ms. Friedman directed the conversation to the SPP as the basis for state and local efforts, especially those indicators focused on student performance, graduation,

dropout, post-school outcomes, least restrictive environment, and preschool outcomes. She asked for comments on how the Bureau has helped improve performance in those areas or what challenges persist.

Judy Miller, representing ESE directors in medium-sized districts (Lake), responded that education in Florida has long had a focus on student achievement, as measured by the Florida Comprehensive Assessment Test (FCAT) and the Florida Alternate Assessment. She thanked the Bureau for efforts in sharing the indicators and in communicating “what we’re measured against.” Similarly, districts and schools share these with teachers and parents. While graduation and dropout rates may be more important to high schools, people at all levels are interested in increased student achievement regardless of how it is measured. Districts are always looking for supportive educational activities that will help each one of the areas in the performance indicators.

Transition from Part C to Part B has caused some consternation. Although appropriate programs are available, some parents do not keep scheduled appointments, which would ensure that the children are served by their third birthday; or, parents may elect not to enroll their children.

Ms. Miller also addressed the structure of the State Advisory Committee. Recalling some committees that were much more adversarial, she noted that SAC members do not always agree, but through the leadership of the Bureau and the committee structure, they do work collegially toward solutions. It is a diverse committee, and members certainly do not hold the same opinions but can come together in a forum that allows them to disagree and still like and respect each other. She also noted the great success of the unique requirement that a parent and an ESE director co-chair the Committee. This arrangement helps ensure that everyone has the opportunity to be heard.

Ms. Miller also commented on dispute resolution. She indicated that, while there will always be differences of opinion as to how a dispute should be resolved, it is important to go through all the steps since, in the end, the school system still has to provide educational services to the child and the parents. It is imperative that the school and the family be able to continue a relationship and communicate in the interests of the best education for the child. She noted the role that FDOE plays in working with the district and parents to understand the issues and what is being provided. Further, the FDOE ensures that if this resolution fails after all parties are heard, then other procedures are available.

In terms of data collection, Ms. Miller spoke to “gathering tons of data” but the frustration of always being one year behind. Since “data are only as good as what we enter,” districts must continue to work with programs and information systems specialists to make sure all are up-to-date on requirements, just as they must work with auditors on the resolution of any data problems.

Bryan Vaughan, Executive Director of the Governor's Commission on Disabilities, noted the Commission's recommendation to the Governor that a secondary transition program for students with disabilities be based in community colleges.

See the following excerpt from the Commission's report of the complete recommendation:

Governor's Commission on Disabilities  
Recommendation A-2

*The Commission recommends that the Governor consider the issuance of an Executive Order that requires the Commissioner of Education to initiate the following: Have the Florida Department of Education, Division of Public Schools, and the Division of Community Colleges develop a strategic plan for implementation of a comprehensive research-based statewide transition program at each community college that offers (1) inclusive educational opportunities for students with disabilities in a degree-seeking program; (2) inclusive educational, vocational, and community-based living training opportunities for students with disabilities who are not eligible for acceptance into degree programs; and (3) educational and clinical opportunities for college-level students interested in careers devoted to working with persons with disabilities.*

Such a transition program would address the lack of uniformity of services available across the state, and the lack of a standardized curriculum for 18- to 22-year-old students with more severe disabilities. Mr. Vaughan reported that the Governor is very excited about the opportunity to maximize the potential of each student in this way and commended the Bureau for working diligently with the Commission on this initiative. He said he would "echo the others" in terms of the work of the Committee; as all agencies are doing more with less, new ideas will help kids across the spectrum.

Ms. Friedman requested additional information, and Ms. Lockman indicated that a copy of the Commission's report would be available in OSEP's materials.

As the time allocated for the conference call ended, Ms. Friedman thanked Committee members for their participation and invited them to share any additional thoughts with her via e-mail at [sheila.friedman@ed.gov](mailto:sheila.friedman@ed.gov); by telephone at (202) 245-7349; or by facsimile at (202) 245-7614. She wished the Committee luck as it continues to move forward.

Ms. Lockman concluded this session by thanking the Committee and indicating she was "definitely humbled" by their comments.

## **Bureau Update**

(See PowerPoint presentation, Disability History and Awareness: A Resource Guide, Certification Requirements for Teachers of Students with Autism Spectrum Disorders, Federal and State General Revenue: 2008-09 Discretionary Projects, *SAC Member Notebook*, Tab 6; Bureau Staff List, Bureau Calendar, List of Acronyms, and Publications Index, Tab 10; Brochures—Clearinghouse Information Center and Florida’s Assistive Technology Assessment Competencies Web Site—*Notebook* pocket).

The meeting resumed with Ms. Lockman’s update, themed “It’s a Jungle Out There.” She addressed the following topics (see PowerPoint presentation and related materials for more detailed information):

### *Federal Legislation*

- Higher Education Opportunity Act (HEA)—has several provisions that expand opportunities for students with disabilities
- Americans with Disabilities Act (ADA) amendment—expands the definition of “disability” and expands civil rights and inclusion of persons with disabilities

### *2008 Florida Legislative Update (discussed at length in prior meeting)*

- HB 1313—updates ESE terminology and “people-first” language
- SB 856—establishes first weeks of October as “Disability History and Awareness Weeks” (J. T. Davis and the Florida Youth Council were instrumental in passage of legislation; see resource guide in materials)
- SB 988—establishes a DOH statewide Health Care Transition Task Force for Youth and Young Adults with Disabilities; report is due January 1, 2009
- SB 2654—creates “Windows of Opportunity Act,” seeking expanded services for persons with autism spectrum disorder (ASD) or developmental disabilities and establishes an insurance compact for such persons

For 2009, legislative hot topics will include gifted, “one stop” access to services for persons with autism and the right to appeal under IDEA.

### *State Initiatives*

- Commissioner’s K-12 Priorities—include standards, early learning, differentiated accountability, college readiness, science, articulation, college system transition, resource alignment, school grades, supplemental educational services, bullying, ethics, grading, alternative credit, teacher quality, school leadership, physical education, and Next Generation High School.

- Florida’s Differentiated Accountability Pilot Program—aligns and integrates Florida’s “school grading” accountability with No Child Left Behind accountability; delivers support to schools through five regions.
- Support to Low-Performing Schools—major funding sources will be redirected to such schools, including IDEA funds for regional Response to Intervention (RtI) and Positive Behavioral Support (PBS) facilitators.
- Bright Beginnings—will provide a strong foundation in reading and math for children in voluntary prekindergarten education through third grade through child expectations/standards, assessment tools, personalizing instruction, and parental involvement; Project Scope will provide support.
- Assessment (SB 1908)—college readiness will be assessed and remediation provided; end-of-course assessments are being developed (these are stressful for exceptional education students); norm-referenced tests are eliminated at the state level; FCAT Writing will be revised; concordant study of High School Competency Test is in progress; computer-based FCAT will be mandatory by summer 2010, with implications for IEP teams and appropriate accommodations for students with disabilities.

*Note: Committee discussion of provisions regarding who should be tested generated questions about McKay Scholarship Program students, on which Ms. Lockman will seek clarification.*

- Florida Alternate Assessment—related activities include training of trainers, content/bias review, item specifications for new development, accommodations and recommendations, Web-based ordering, practice materials, booklets (test, passage, response), administration manuals, a science field test, a discretionary project to support alternate assessment and related instruction, and peer review. The 2009 administration is scheduled for January 12 to February 27, 2009.
- Task Forces and Commissions—Governor’s Task Force on Autism Spectrum Disorders will recommend a “unified and coordinated agenda for addressing autism in Florida” (report by March 20, 2009); Governor’s Commission on Disabilities recommends ways to overcome barriers faced by persons with disabilities and the elderly in the areas of education, employment, independent living, and transportation (report June 2008); Florida’s Children and Youth Cabinet is charged to “ensure that public policy promotes interdepartmental collaboration and program implementation in order for services to be planned, managed, and delivered in a holistic and integrated manner to improve the self-sufficiency, safety, economic stability, health and quality of life of all children and youth in Florida” (ongoing reports). Ms. Lockman represents exceptional education on all of these. See respective Web sites for additional information.

## *Bureau Initiatives*

Ms. Lockman continued her presentation with an update on ESE administrative rules and program rules, SP&Ps, and other rules (see PowerPoint presentation and Dr. Komisar presentation above), highlighting the following:

- Eligibility for Visually Impaired Rule—major changes effective March 1, 2008
- Challenge Grant Rule—aligned with statutory language; proposed for October 2008 consideration by State Board of Education
- Speech/Language Rule—work renewed with new staff member; anticipate action in winter/spring 2009
- Eligibility for Gifted—under review; significant FDOE interest; potential legislation
- Special Diploma, Statewide Assessment of Students with Disabilities—rule development anticipated this fall/winter
- Other Program Rules—will require revision based on new administrative rules
- Prekindergarten Disabilities, Developmental Delay 3 to 5, Dual Sensory Impaired, Center for Autism and Related Disabilities (CARD)—rule development “on the horizon”

Of special note was the proposed rule, “Standards for the Use of Reasonable Force.” The Committee reviewed this rule at its last meeting and provided input to the Department, expressing support for the Bureau’s Technical Assistance Paper (TAP), “Guidelines for the Use of Manual Physical Restraint in Special Education Programs,” and recommending that the proposed rule be revised to align with the guidelines. Ms. Lockman reported that the Committee’s action had significant impact, bringing to the table issues related to students with disabilities, many of which were also discussed during a public hearing on August 26, 2008. BEESS proposed rule revisions aligned with the TAP, and the proposed rule is currently under legal review.

*Committee discussion continued as to whether there should be a separate rule and/or legislation for students with disabilities, and J. T. Davis offered to share additional information with the Committee based on extensive research in Florida.*

Ms. Lockman reviewed the guidance contained in the TAP and spoke to ongoing technical assistance activities.

Other topics addressed in the Bureau update included:

- FCAT Waiver—TAP, forms, and technical assistance are being revised.

- Course Descriptions—these are being revised to align with access points and changes to Sunshine State Standards.
- Certification Endorsements—
  - ASD is being revised to update terminology. When to require the endorsement is an issue for both ESE and general education personnel. Endorsement options are available for teachers, and BEESS is working with districts in developing add-on programs.
  - Severe/Profound Disabilities endorsement will be required by 2011. This is a big issue with consideration being given to whether to suspend the requirement or to rewrite the rule, especially regarding curriculum and standards/access points.

### *Project Activities*

- BEESS Project Tracking System (PTS) for Discretionary Projects—integrated system will track performance/activities and provide improved accountability for results.
- Response to Intervention (Rtl)—key findings of a national survey indicate that implementation is primarily a joint effort of general and special education; the majority of districts use it for all students, primarily at the elementary level and in reading, although it is being expanded to other areas and grade levels; most districts indicate no additional staff. (See subsequent presentation on Florida’s State Rtl Implementation Plan.)

*Committee comments centered on the need to incorporate appropriate training into preservice programs for education personnel.*

- Secondary Transition—SPP transition indicators are being used to improve what we do; Project 10 (Transition Education Network) will support effective transition practices statewide. (See subsequent presentation.)
- Portal to Exceptional Education Resources (PEER)—the “computerized IEP” project is currently deployed in 8 districts/lab schools with 4 additional sites in process; it continues to be a challenging process.
- Florida Medicaid Tracking System—Internet-based system is nearing completion and has many advantages for districts.
- Accessible Instructional Materials (AIM)—required under both IDEA and the No Child Left Behind Act (NCLB), to provide access to the general curriculum and accountability for the academic progress of all students.
- Technology Services—IDEA 2004 focuses on technology, including accommodations; assistive and instructional technology; and universal design for learning. BEESS supports an extensive statewide technology network that includes a Florida Diagnostic and Learning Resources System (FDLRS) Technology Coordinating Unit (FDLRS/TECH), FDLRS Regional and

Associate Center Technology and Assistive Technology Specialists, a statewide loan library, and specialized resource centers for the hearing impaired and the visually impaired.

- National Instructional Materials Accessibility Standard (NIMAS) and National Instructional Materials Access Center (NIMAC)—provide a standardized file format for use by publishers in creating accessible materials and house the collection; materials may be accessed through the Florida Instructional Materials Center for Visually Impaired (FIMC).
- Personnel Development Partnerships—part-time personnel in each of 9 university regions will refocus and consolidate activities to address most critical shortages statewide.

### *Student Services*

- Medicaid Reimbursement—federal legislation adversely affects reimbursement for schools; other provisions are unchanged.
- Family Educational Rights and Privacy Act (FERPA)—U.S. Department of Education has proposed clarifying regulations that defer more discretion to local officials in evaluating threats and require districts to have policies and procedures to protect educational records; TAP is being revised.

Ms. Lockman concluded her presentation with her regret that she could not stay through the remainder of the meeting due to a family emergency. She again stated her appreciation for the Committee's hard work and continued support as exceptional education moves forward.

With reminders from the co-chairs regarding preparation for the next day's sessions, the meeting was adjourned for the day.

## **TUESDAY, OCTOBER 7**

### **Transition Update**

(See PowerPoint presentation and Increasing Family Involvement in Transition Focus Groups Survey, *SAC Member Notebook*, Tab 7; Guidance for Implementing Secondary Transition: Core Beliefs, Vision, and Mission, and *School-Based Enterprise Development: Planning, Implementing, and Evaluating* [handouts].)

Joyce Lubbers provided a transition update that included the context for transition in terms of federal, state, and local policy and effective practices, as well as IDEA 2004 accountability mandates. She reviewed SPP and APR requirements and each of the following transition indicators (see PowerPoint presentation for additional detail):

- Percent of youth with IEPs graduating from high school with a regular diploma (target met)
- Percent of youth with IEPs dropping out of high school (target not met)
- One hundred percent of youth aged 16 and above have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals (target not met)
- Percent of youth who had IEPs are no longer in secondary school, and who have been competitively employed, enrolled in postsecondary education, or both, within one year of leaving high school (new baseline being established)

*Discussion again centered on the fact that failure to meet the IEP indicator was not necessarily a lack of transition services, but an issue with the way IEP goals are written and assessed. Training and follow-up are anticipated to correct this situation.*

In regard to post-high school outcomes, it was noted that Florida is unique in having the Florida Education and Training Placement Information Program (FETPIP). It was requested that more disaggregated data be brought to the next meeting (such data are also available on the FETPIP Web site).

Ms. Lubbers addressed the use of transition indicators to improve services and a model for extending transition research. She noted that the challenge is to link what is learned from transition research with practices in schools and communities. She presented *Guidance for Implementing Secondary Transition* (GIST) as a resource (process, model, structure, system) for secondary educators to facilitate continuous improvement of secondary transition education and services, noting that SAC members had been involved in its conceptual development, and that topical work-groups were developing content. SAC members were requested to respond to a survey related to GIST core beliefs, vision, and mission, which was included in their materials. Then SAC members were apprised of GIST rollout and implementation plans.

*Committee comments addressed the valuable resources available through prior projects, the need for home-school collaboration, and an emphasis on attainable goals. Also discussed were the need for a process to prepare students for transition by knowing how to make real choices in terms of possibilities and their strengths and the need for support for families in the transition process.*

Ms. Lubbers also provided an update on the Transition Steering Committee—again, noting SAC involvement—and restructuring of transition projects, including Project 10. This new project will support initiatives for capacity building, interagency collaboration, transition legislation and policy, and student development and outcomes. The project will feature a regional network, Web-based training and ongoing electronic communication, and increased collaboration and accountability. Ms. Lubbers concluded with information on the OSEP grant, “Increasing Family Involvement in Transition,” which would conduct focus groups in six Florida regions with diverse representation. She requested members’ input on both the most important questions to be addressed in the focus groups (see survey, Tab 7), and persons recommended to participate.

*Members were very interested in these, and requested that followup information from the focus groups be provided to the Committee.*

See PowerPoint presentation for contact information.

### **Intellectual Disabilities Rule**

(See PowerPoint presentation and Notice of Proposed Rule, *SAC Member Notebook*, Tab 5.)

Sheryl Sandvoss reviewed activities in the development of the ESE Eligibility for Students with Intellectual Disabilities (InD) Rule, which will be presented to the State Board of Education in October 2008. The rule is changed from Special Programs for Students Who Are Mentally Handicapped and combines the established distinct eligibility categories of educable mentally handicapped, trainable mentally handicapped, and profoundly mentally handicapped into the single category of “intellectual disabilities.” This change is to encourage schools to focus on the individual strengths and needs of the student while diminishing the effect the student’s “label” may have on educational decisions. In addition, the change is consistent with currently accepted terminology and practice and conforms the rule language to statutory changes in the 2008 legislative session.

Ms. Sandvoss addressed the proposed definition of intellectual disabilities, evaluation procedures, criteria for eligibility, and documentation of determination of eligibility. She indicated that next steps would include technical assistance on parental involvement for adaptive behavior, academic functioning commiserate with comparable intellectual functioning, documentation of determination of eligibility, and other implementation issues, especially as these relate to no longer using the “educable,” “trainable,” and “profound” classifications.

*Committee comments indicated that some are excited about the change in the rule and greater flexibility in addressing students' needs and functioning levels and placing them for appropriate instruction and services; others felt that the change is a move in the right direction but still not the most appropriate designation for this population of students. It was noted that services do not change, only the labels. It was also noted that terminology could be a major issue in educating parents and might also create confusion in eligibility for services across state and federal agencies, especially where "mental retardation" is used as a designation. The new rule will necessitate changes in IEP forms and data systems.*

### **SAC Business Meeting**

(See SAC Meeting Report [July 16 and 17-18, 2008], SAC By-laws, Committee Action Form, and Committee Designee Form, *SAC Member Notebook*, Tab 8, and SAC Meeting Evaluation Form, Tab 9.)

Co-chairs Collins and Harris conducted the business session in which the Committee took the following action:

- Approved, with no changes, the report of the July 16–18, 2008, meeting
- Approved proposed changes in by-laws, Article IV.C, Term of Membership, as proposed in the prior meeting
- Proposed a 2009 meeting schedule to include a meeting the last week of June (St. Petersburg or other similar location) and the first week of November (Tallahassee), with meeting travel scheduled in consideration of school schedules (i.e., weekday travel to the summer meeting, but Sunday travel for the fall one)

Committee members proposed the following as topics for subsequent meetings and additional information:

- OSEP Visit Update
- Legislative Update
- SPP/APR—data on transition and suspension rates and expulsion rates
- Budget Status and Related Fiscal/Program Issues
- Reasonable Force/Restraint Rule and Issues
- Assessment Update—Senate Bill 1908, end-of-course assessments and their impact on students with disabilities, FCAT waiver, why **either** FCAT **or** FAA?
- Transition Follow-up and Updates—including presentations by adult services agencies (Vocational Rehabilitation, Agency for Persons with Disabilities, Blind Services, Mental Health, etc.), compliant IEPs, FETPIP and information regarding students with disabilities in postsecondary education and employment, the Higher Education Opportunity Act and its provisions, GIST work group updates
- Special Diploma Rules
- Response to Intervention

In anticipation of a quick adjournment following the afternoon presentations, the co-chairs then conducted a “plus/delta” evaluation. Members noted as **positives** the hotel location and accommodations, including wireless access in the meeting room; the knowledge, organization, and work of BEESS staff; and the wealth of data and other resources provided to the Committee. **Negatives** included the lack of public transit to the hotel location and nearby restaurant facilities and the accessibility of microphones for member comments. The suggestion was made for BEESS to pre-arrange dinner plans based on member responses to the meeting announcement.

The meeting then broke for a networking luncheon sponsored by SERRC.

### **Public Comment**

The meeting was opened for public comment, as scheduled, but there was none.

### **Response to Intervention in Florida**

(See PowerPoint presentation and Statewide Response to Instruction/Intervention [Rtl] Implementation Plan, *SAC Member Notebook*, Tab 4.)

Heather Diamond gave a “tour” of the Rtl Implementation Plan as follows:

#### *Purpose*

- Facilitate successful implementation of Problem-Solving/Rtl.
- Formalize and coordinate statewide efforts.
- Build upon the successes of Reading First (RF) and Positive Behavior Support (PBS) implementation which have reduced special education referral rates and office discipline referrals.
- Provide districts with the critical components to support the development of district plans.

#### *Alignment with Existing Initiatives*

- The basic elements of Rtl, required by NCLB and IDEA, are included in all broad-based initiatives for schools striving to meet Adequate Yearly Progress (AYP).

#### *Parent Involvement*

- Meaningful and effective involvement is critical.
- Parents must understand that Rtl is relevant and beneficial to all students, regardless of placement; it seeks to find out what specific instruction and interventions work best for their child; it is not a categorical system that students must progress through laterally to become eligible for special education; it does not override other rights under IDEA.

### *Foundation Beliefs/Maximum Benefits to Students*

- Scientific, research-based instruction is delivered by highly qualified personnel.
- Reliable, valid, and instructionally relevant assessments are used.
- The problem-solving method is used to make decisions based on a continuum of student need.
- Data are used to guide instructional decisions.
- Professional development and follow-up modeling and coaching are provided to ensure effective instruction at all levels.
- Leadership is vital.
- All students and their families are part of one proactive and seamless system.

### *Impact of Rtl Implementation*

- Maximum effect of core instruction for all students
- Targeted instruction and interventions for at-risk learners
- Significant improvements in pro-social behaviors
- Reduction in over-representation of diverse student groups in low academic performance, special education, suspension/expulsion, and alternative education
- Reduction in referrals for special education
- Overall improvement in achievement rates

### *State Responsibilities*

- Establish and facilitate teams to obtain ongoing stakeholder input and build capacity to sustain implementation over time.
- Align terminology and requirements across related initiatives: reading, math, behavior, school improvement, and student progression.
- Provide online training courses.
- Collaborate with parent centers to disseminate resources for families.
- Revise statutes, rules, and policies to support implementation.
- Develop and disseminate technical assistance regarding gifted, English Language Learners (ELL), assessment accommodations, pre-service efforts and teacher qualifications, secondary implementation, and special education eligibility.
- Provide Web-based self-assessment and planning tools for districts.
- Evaluate and report the effects of Rtl.

### *District Responsibilities*

- Based on self-assessment results, and in conjunction with the student progression plan and K-12 comprehensive reading plan, develop an Rtl implementation plan organized around building consensus, infrastructure, and implementation.
- Ensure that plans also address how current resources will be used, additional resources needed, and how stakeholders will be involved and educated.

### *Current Activities*

- Dissemination of State Plan
- Statewide projects funded through the FDOE
- Collaborative partnerships
- Technical assistance and tools
- Professional development activities

### *Tools to Support Districts, Schools, and Pre-service Institutions/State Infrastructure*

- State Management Team—provide leadership and facilitate policy-level changes to support implementation of effective educational practice.
- State Transformation Team—analyze progress toward statewide efforts, recommend actions for improvement, and support District Based Leadership Teams to build the capacity of districts to implement evidence-based practices and to establish integrated Rtl academic and behavior systems in each school.
- District Based Leadership Team—provide leadership, advisement, and training at the district level and assist schools in their implementation efforts.
- School Based Leadership Team—develop a school implementation plan. The school based team will become “trainers” and “coaches” for the school staff and will be responsible for schoolwide implementation.
- Advisory Group—provide on-going stakeholder input.

### *Future Activities*

- Laws and rules related to student progression and school improvement
- Policies related to student progression, reading plans, compliance with IDEA, alternative education, ELL, juvenile justice, gifted education, district assistance and intervention plans, district improvement plans, charter school requirements, private school collaboration, and data management

### *Funding Considerations*

- Consideration of fiscal needs (release time, substitutes, registration fees, etc.)
- District responsibilities and flexibility
- Potential funding sources:
  - Title I, Title II, Title III
  - Reading First Grants
  - IDEA
  - Research-based Reading Instruction Allocation
  - Annual School Improvement Allocations

### *Application of Rtl to ELL*

- Current research is promising that Rtl will decrease the number of ELLs who are inappropriately referred to and placed in special education.

### *Application of Rtl to Special Education Eligibility*

- School teams use student progress data as part of the evaluation process to determine eligibility.

### *National Resources to Support District and School Implementation*

- [www.nasdse.org](http://www.nasdse.org)
  - Building and District Implementation Blueprints
  - Current research (evidence-based practices) that support use of Rtl
- [www.rtinetwork.org](http://www.rtinetwork.org)
  - Blueprints to support implementation
  - Monthly Rtl Talks
  - Virtual visits to schools implementing Rtl
  - Webinars

*Committee comments addressed the need for collaboration with private schools in the implementation of Rtl.*

## **Specific Learning Disabilities Rule**

(See PowerPoint presentation, Managing Complex Change, SLD—Survey of Technical Assistance Questions, and Notice of Proposed Rule, *SAC Member Notebook*, Tab 5.)

Ms. Diamond continued her presentation with a review of activities in the development of the Specific Learning Disabilities (SLD) Rule, which will be presented to the State Board of Education in October 2008. The rule is revised to change the procedures related to the identification and determination of eligibility for students with SLD. Eligibility will no longer be based on a formula-based discrepancy between the student's intelligence quotient (IQ) score and achievement test scores. Instead, districts will be required to provide interventions via a problem-solving method and measure the student's response to those interventions in order to make instructionally-relevant decisions and match resources, services, and interventions to student needs. Eligibility decisions will be based on the RtI process.

She addressed the organization of the rule, which includes:

- Definition
- General Education Intervention Procedures and Activities
- Evaluation
- Criteria for Eligibility
- Documentation of Criteria of Eligibility
- Implementation

### *Definition*

- Manifests in difficulties affecting ability to listen, speak, read, write, and/or do mathematics
- Associated conditions may include, but are not limited to, perceptual disabilities, dyslexia, dyscalculia, and dysgraphi
- Not primarily the result of environmental, cultural, or economic factors

### *General Education Intervention Procedures and Activities*

- To ensure that lack of progress is not due to lack of appropriate instruction
- Data that demonstrate that the student was provided appropriate instruction delivered by qualified personnel in general education settings
- Data-based documentation, provided to parent, of repeated measures of achievement at reasonable intervals, graphically reflecting student's RtI during instruction

### *Parent Consent for Evaluation Requested*

- Student has not had adequate response to intervention (or)
- Effective interventions require sustained and substantial effort (and)
- Whenever referral is made
- Adhere to timelines in general rule unless mutual agreement to extend

### *Criteria for Eligibility*

- Does not achieve adequately in one or more of the major areas
- Does not achieve adequately based on Rtl process **or** Rtl process and pattern of strengths and weaknesses
- Findings not primarily result of other factors
- Team must include: general education teacher, person qualified to conduct and interpret individual diagnostic examinations, and district designee
- At least one observation in typical learning environment

### *Documentation of Determination of Eligibility*

- Written summary of group's analysis
- Basis for determination, noted behavior during observation, and medical findings
- Rtl data confirming performance discrepancy, rate of progress, and educational need
- Effects of other factors
- Interventions, support provided, duration, frequency, and student data
- Parent involvement
- Signatures of agreement

### *Implementation*

- SP&P must identify applicable criteria school-by-school
- Rtl process **or**
- Rtl process and relevant pattern of strengths and weaknesses

Effective July 1, 2010, all schools will apply criterion #1 above (*Criteria for Eligibility*); for schools using criterion #2 above, a description of relevant pattern must be included in a written summary.

Committee members were asked to identify technical assistance needs related to implementation of the new rule by completing a survey included in their materials.

Follow-up conference calls with district SLD supervisors and regional meetings will also address implementation needs.

Ms. Diamond concluded with a consensus-building tool on managing complex change that defined various outcomes when any of the following factors is missing in an attempt to bring about significant change: vision, skills, incentives, resources, action plan.

*Committee discussion centered on the lack of definition for “adequate response to intervention” and “adequate achievement” in consideration of grades, levels, outside assessments, etc. It was noted that there is no formulaic cutoff point, and that training would be provided through case studies for teams. In response to the question, “What happens when nothing is working?” it was emphasized that students can get help at any time in the eligibility process. Questions were also raised about 504 students, those who are able to compensate for a lack of ability, and about assistive technology and accommodations, which are also interventions.*

*Concern was expressed regarding the lack of better coordination with speech and language services. A question regarding the involvement of the ESE teacher led to a discussion of the changing roles of ESE teachers and their integral role in the school in ensuring that all students are appropriately served.*

### **Closing Comments**

Co-chairs Harris and Collins made final announcements, thanked the members for their participation, and wished them safe travels home. Ms. Polland closed the meeting by reminding members of reimbursement procedures and to forward to her any materials intended for distribution to the Committee. It was noted that the APR due February 1 would be sent to the Committee in advance for comment; prompt responses were encouraged. She thanked the members and officers, especially the co-chairs, as well as BEESS staff, for a very productive meeting.

The meeting was adjourned.

*Note: All materials referenced in this report are available on request through the Bureau of Exceptional Education and Student Services, Florida Department of Education, 614 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400.*



**State Advisory Committee  
for the Education of Exceptional Students**

*STATE ADVISORY  
COMMITTEE  
BY-LAWS*



Bureau of Exceptional Education and Student Services  
K-12 Public Schools  
Florida Department of Education

**STATE ADVISORY COMMITTEE  
FOR THE EDUCATION OF EXCEPTIONAL STUDENTS**

**BY-LAWS**

**Article I. Name:**

The name of the Committee is the State Advisory Committee for the Education of Exceptional Students (“State Advisory Committee,” “Committee,” or “SAC”).

**Article II. Authority:**

The SAC exists by authority of Florida’s participation in the Individuals with Disabilities Education Improvement Act (IDEA 2004), Part B, as amended by Pub. L. 108-446. It is established in accordance with the provisions of 20 U.S.C. Chapter 33, 1412(a)(21) and 34 CFR 300.167—300.169, with members appointed by the Commissioner of Education.

**Article III. Purpose:**

The purpose of the SAC is to provide policy guidance with respect to the provision of exceptional education and related services for Florida’s children with disabilities.

**A. Duties:**

SAC duties include:

1. Advise the Florida Department of Education (“FDOE”) of unmet needs within the State in the education of children with disabilities.
2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities.
3. Advise the FDOE in developing evaluations and reporting on data.
4. Advise the FDOE in developing corrective action plans to address findings identified in federal monitoring reports under IDEA 2004, Part B.
5. Advise the FDOE in developing and implementing policies relating to the coordination of services for children with disabilities.

FDOE must transmit to the SAC the findings and decisions of due process hearings conducted pursuant to 34 CFR 300.507—300.519, or 300.530—300.534.

The SAC shall also perform those other duties assigned to it by the Bureau of Exceptional Education and Student Services (BEESS).

B. Report:

By February 1 of each year the SAC shall submit for the preceding calendar year an annual report of its proceedings to the FDOE. This report must be made available to the public in a manner consistent with other public reporting requirements of IDEA 2004, Part B.

**Article IV. Membership:**

A. Composition of the SAC:

The SAC shall be comprised of members who are representative of the State's population, and who are involved in, or concerned with, the education of children with disabilities.

Special rule. A majority (51%) of the members of the Committee must be individuals with disabilities, or parents of children with disabilities ages birth through 26. (20 U.S.C. 1412(a)(21))

Members of the SAC shall include, but not be limited to:

1. Parents of children with disabilities (ages birth through 26)
2. Individuals with disabilities
3. Teachers
4. Representatives of institutions of higher education that prepare special education and related services personnel
5. State and local education officials, including officials who carry out activities under Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act
6. Administrators of programs for children with disabilities
7. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities
8. Representatives of private schools and public charter schools

9. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities
10. A representative from the State child welfare agency responsible for foster care
11. Representatives from the State juvenile and adult corrections agencies.

The Chief of BEESS/FDOE (or his/her designee) shall serve as an ex-officio member of the SAC.

Additional representatives may be appointed at the sole discretion of the Commissioner of Education.

B. Appointment:

All members shall be appointed by the Commissioner of Education.

C. Term of Membership:

Individuals who serve as the official representative of a state agency shall serve for a term consistent with their continued employment in the designated official capacity, and the continued endorsement of the sponsoring agency.

All other members initially shall be appointed to three year terms. Subsequent appointments shall be for a two year term. There shall be no term limits.

Members who represent other agencies, organizations, or institutions must have the official endorsement of that entity.

D. Resignation:

Any member may resign at any time by giving written notice to the Commissioner of Education with a copy to the Chairperson of the SAC. A resignation will take effect on the date of the receipt of the notice. The acceptance of the resignation shall not be necessary to make it effective.

E. Termination of Membership:

Membership may be terminated by the Commissioner of Education for any member who no longer qualifies as a representative of the category for which he/she was appointed, or for other just cause including failure to carry out the responsibilities assumed by acceptance of membership.

If a member is absent from three (3) consecutive regularly-scheduled SAC meetings, his/her membership will be reviewed by the Executive Committee at

a regular- or specially-called Executive Committee meeting. Such review shall be placed on the agenda of the Executive Committee meeting by the Chairperson after prior written notice of at least ten (10) calendar days is given to the SAC member. If membership is terminated, any such termination may be appealed to the Executive Committee.

If the Executive Committee votes to recommend termination of membership for cause, a letter conveying this recommendation shall be forwarded to the Commissioner of Education unless the SAC member shall, within ten (10) calendar days after the vote of the Executive Committee, submit a written request to the Chairperson for a full hearing by the SAC. If this request is made, the matter shall be placed on the SAC agenda and heard at the next regularly-scheduled SAC meeting.

F. Appointments to Fill Vacancies:

Any vacancy created through resignation or termination of a member shall be filled by appointment by the Commissioner of Education of a person who represents the appropriate constituency for the remainder of the former member's approved term.

G. Designees:

Members unable to be in attendance for a regular meeting may designate an alternate person to attend for them. Notification must be provided to the Chairperson, in writing, stating the name of the designee. Attendance at a regularly-scheduled SAC meeting by a designee shall constitute a missed meeting by the member. The designee must represent the same constituency, agency, and/or organization as the SAC member for whom he/she is attending.

Designees shall be accorded voting privileges on all items requiring SAC action at the meeting in which they are serving as an alternate.

H. Compensation:

The SAC membership shall serve without compensation, but the State must provide appropriate travel advances or reimburse the SAC membership for reasonable and necessary expenses for attending meetings and performing duties.

1. Members will be reimbursed for travel and per diem expenses at official State rates.
2. Members will be reimbursed for child care and/or respite care expenses necessary to their participation in SAC activities upon submission of a properly-executed invoice/voucher.

I. Conflict of Interest:

Members shall avoid conflicts of interest in regard to SAC activities.

1. No SAC member shall at any time seek personal gain or benefit, or appear to do so, from membership on the SAC.
2. Each SAC member must declare to the SAC a conflict of interest statement, whenever such conflicts occur, specifying any association with individuals, agencies, and/or organizations that might be directly impacted by activities and discussion of the SAC. Prior to any vote on an issue in which a SAC member has a vested relationship or interest, the SAC member who has such conflict of interest shall declare it and shall abstain from discussion and voting on the issue.
3. All policy decisions are made at SAC meetings. No individual or subcommittee can speak for the full SAC or act for the SAC unless specifically authorized by the Committee to do so. Each SAC member must respect the rights of the SAC as a whole and represent policies and procedures of the SAC when appearing in public as a representative of the SAC. When presenting views and opinions contrary to SAC policies, or for which the SAC has no official position, the member must make clear that such views are given as an expression of personal opinion, not that of the SAC.

- J. As an advisory board to a state agency, SAC is subject to state laws and requirements concerning Government in the Sunshine (Section 286.011, *Florida Statutes*; Article 1, Section 24(b), *Florida Constitution*), Public Records Law (Chapter 119, *F.S.*; Article 1, Section 24(a), *Florida Constitution*), and the Code of Ethics (Chapter 112, *F.S.*; Article II, Section 8, *Florida Constitution*).

**Article V. Officers and Staff:**

A. Officers:

The officers of the SAC are as follows: Co-Chairpersons (2), of whom one must be a parent of a child with a disability; Vice-Chairperson; and Parliamentarian.

These officers and the Chairpersons of the SAC subcommittees shall constitute the membership of the SAC Executive Committee.

B. Term:

Officers will serve for a term of two (2) years and may succeed themselves in office only once for an additional one-year term.

C. Election of Officers:

The SAC Nominating Subcommittee shall recommend a slate of nominees, one or more per office, to the SAC membership at a regularly-scheduled meeting. Officers will be elected by a majority vote of the membership.

D. Vacancy:

The SAC shall fill a vacancy in any office from existing SAC membership. Prior to the next regularly-scheduled meeting of the SAC, the Nominating Subcommittee will meet and prepare recommendations for consideration by the SAC membership. At the next regularly-scheduled SAC meeting, the membership will vote from the Nominating Subcommittee's slate to fill the unexpired portion of the officer's term.

E. Removal from Office:

Any officer may be removed by appropriate action of the SAC when, in their judgment, the best interest of the SAC would be served thereby. Such action, if taken, requires a two-thirds vote of the SAC members present and voting at a regularly-scheduled SAC meeting. Said officer has the right to an appeals process.

F. Duties of the Officers:

1. Duties of the SAC Co-Chairpersons:

- a. To preside at and conduct all meetings of the full SAC and meetings of the Executive Committee.
- b. To develop, with FDOE, agenda items for meetings of the SAC and Executive Committee.
- c. To appoint and remove at will all subcommittee chairpersons.
- d. To ensure that the duties of the SAC as described in Article III are carried out.
- e. To promote the SAC's continuous cooperative working relationship with agencies of state government in exercising their responsibilities to children with disabilities.

- f. To serve as the official spokesperson for the SAC in all activities, which the SAC may deem proper and at those times when it is necessary for an opinion to be expressed for the SAC.
  - g. To provide guidance to FDOE/BEES staff in interpreting and carrying out SAC activities.
  - h. To appoint and terminate subcommittees, as necessary.
2. Duties of the SAC Vice-Chairperson:
- a. To carry out the duties of the Chairperson in the absence of either of the Co-Chairpersons.
  - b. To assist the Co-Chairpersons in monitoring the activities of the SAC subcommittees and other groups established by the SAC or the Co-Chairpersons of the SAC.
  - c. To carry out other duties as delegated by the Co-Chairpersons.
3. Duties of the SAC Parliamentarian:
- a. To assist the Co-Chairpersons with implementation of *Robert's Rules of Order*, when needed to conduct an efficient meeting and to ensure an equal opportunity for each person to express his/her opinion.
  - b. To ensure the Committee's compliance with these by-laws.

G. Staff:

FDOE/BEES shall provide staff support to the Committee to include, but not be limited to, minute taking and transcription; administrative support; printing; mailing; and coordination of meeting locations, dates and times.

**Article VI. Committees:**

- A. Executive Committee: The Executive Committee shall be comprised of the Co-Chairpersons, Vice-Chairperson, Parliamentarian, and Chairpersons of the SAC subcommittees. The Executive Committee's duties shall be:
- 1. To serve in an overall advisory capacity to the SAC.
  - 2. To take any emergency action deemed necessary by a majority of the committee on behalf of the SAC. Any such actions, whether in meetings or

conference calls, shall be reported to the full SAC for the purpose of vote, approval, or disapproval at the next regularly-scheduled SAC meeting.

3. To monitor the work of the SAC subcommittees.

- B. Nominating Committee: At the time of the bi-annual election, the Executive Committee of the SAC shall consider all members who, through completion of a Committee Interest Form or other self-nomination, have expressed interest in serving in this capacity, and from these elect up to five (5) members to serve as the Nominating Subcommittee. The Co-Chairpersons shall appoint the Chair of the Nominating Subcommittee. The Nominating Subcommittee shall be responsible for presenting a slate of candidates to the full SAC for the elective officers. For any vacancies, the Nominating Subcommittee shall also present a list of potential applicants for the SAC to the membership, ensuring that the composition of the SAC continues to be representative of the State, and maintains the representation cited in Article IV (A).
- C. Ad hoc committees can be formed to serve a particular need and to aid the SAC in its operation. Membership of these committees shall be appointed by the SAC Co-Chairpersons in consultation with other members.

**Article VII. Meetings:**

- A. The SAC shall meet as often as necessary to conduct its business, including regularly-scheduled meetings at least two (2) times per year.
- B. All meetings of the SAC and its committees shall be open to the public.
- C. A quorum for a SAC meeting shall be over thirty-three percent (33%) of the appropriate membership, including designees.
- D. The Chairpersons are members of all committees.
- E. All Committee meetings and requests for agenda items must be announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend. Meetings shall be advertised in the *Florida Administrative Weekly*. The FDOE online calendar and other media outlets as appropriate shall be used with meetings listed at least ten (10) calendar days in advance on the Florida DOE website.
- F. Interpreters and other necessary services must be provided at Committee meetings for members or participants.
- G. Official minutes must be kept on all SAC and Executive Committee meetings. Minutes must be approved by the SAC and must be made available to the public upon request.

- H. Any action required or permitted to be taken by the SAC under these by-laws shall require a majority vote (51% or more) of those members present and voting for passage of said action, unless otherwise required by these by-laws. Should there be a need for specific SAC business at a time other than a regularly-scheduled meeting, the Chairperson may seek a SAC decision through telecommunication or mail.
- I. The SAC and its subcommittees shall follow, in all cases involving parliamentary procedure, *Robert's Rules of Order*, most recent edition, when such rules do not conflict with the provisions of these by-laws. The rules may be suspended by a two-thirds (2/3) vote of the members present and voting at any meeting of the SAC or its subcommittees.
- J. Each regularly-scheduled SAC meeting shall provide an opportunity for public input at a scheduled time on the noticed agenda. Time limits may be imposed at the discretion of the Chairperson. Individuals may be heard at other times during the meeting at the discretion of the Chairperson.

#### **Article VIII. Committee Action**

Items presented to the Committee for action shall be proposed in writing, including a statement of the issue, background and rationale as appropriate, and recommended action.

#### **Article IX. By-Laws:**

These by-laws shall be recommended to the Chief, FDOE/BEESS by appropriate action of the Committee. Upon approval by FDOE, they shall be in force.

Amendments to the by-laws require the submission of a written proposal at a regularly-constituted meeting, with action taken on the proposal at the next regular meeting. Should the action require a vote, passage requires a vote of two-thirds of the members present and voting.

Amendments may be proposed by any member, including ex-officio, of the SAC.

Any provision of the by-laws may be suspended by a two-thirds (2/3) vote of the members present and voting.



**State Advisory Committee**  
**for the Education of Exceptional Students**

*STATE ADVISORY  
COMMITTEE  
REQUIREMENTS OF  
THE INDIVIDUALS WITH  
DISABILITIES  
EDUCATION ACT  
(IDEA 2004)*



**Individuals with Disabilities Education Improvement Act**  
**(20 U.S.C. Chapter 33)**  
**State Advisory Panel Provisions**

Sec. 1412. STATE ELIGIBILITY.

(a) IN GENERAL.—A state is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:

(21) STATE ADVISORY PANEL.—

(A) IN GENERAL.—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.

(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population, and be composed of individuals involved in, or concerned with, the education of children with disabilities, including—

(i) parents of children with disabilities (ages birth through 26);

(ii) individuals with disabilities;

(iii) teachers;

(iv) representatives of institutions of higher education that prepare special education and related services personnel;

(v) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);

(vi) administrators of programs for children with disabilities;

(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

(viii) representatives of private schools and public charter schools;

(ix) not less than 1 representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;

(x) a representative from the State child welfare agency responsible for foster care; and

(xi) representatives from the State juvenile and adult corrections agencies.

(C) SPECIAL RULE.—A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities (ages birth through 26).

(D) DUTIES.—The advisory panel shall—

(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.





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Florida Department of Education  
Dr. Eric J. Smith, Commissioner  
313036