

# 2007 ANNUAL REPORT



State Advisory Committee  
for the Education of Exceptional Students

This is one of many publications available through the Bureau of Exceptional Education and Student Services, Florida Department of Education, designed to assist school districts, state agencies which support educational programs, and parents in the provision of special programs. For additional information on this publication, or for a list of available publications, contact the Clearinghouse Information Center, Bureau of Exceptional Education and Student Services, K-12 Public Schools, Florida Department of Education, Room 628 Turlington Building, Tallahassee, Florida 32399-0400.

Telephone: 850.245.0477

Fax: 850.245.0987

SunCom: 205.0477

E-mail: [cicbiscs@FLDOE.org](mailto:cicbiscs@FLDOE.org)

Web site: <http://www.fldoe.org/ese/>

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Fax: 850.245.0987

SunCom 205.0477

E-mail: [cicbisc@fldoe.org](mailto:cicbisc@fldoe.org)

Web site: <http://www.fldoe.org/ese/clerhome.asp>

# State Advisory Committee for the Education of Exceptional Students



2007

# *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  
Kelly Purvis, Co-Chair  
Lew Cassels, Vice-Chair  
John Howle, Parliamentarian

Judy Miller, Chair, Nominating Subcommittee  
John Howle, Chair, By-laws Subcommittee

**Bureau of Exceptional Education and Student Services**

Bambi Lockman, Chief  
Michele Polland, Education Policy Analyst/SAC Liaison

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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/DOE).

(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/DOE (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 DOE 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 DOE in developing evaluations and reporting on data.
- Advise DOE in developing corrective action plans to address findings identified in federal monitoring reports under IDEA 2004, Part B.
- Advise DOE in developing and implementing policies relating to the coordination of services for children with disabilities.

DOE 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/DOE.

## Meeting Schedule and Major Topics

During 2007, the SAC held meetings on June 24-26 and November 7-9. Major presentation/discussion topics at each meeting included IDEA 2004 and the federal regulations, general education and exceptional student education 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 dispute resolution. 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 review of policy and technical assistance materials, were beneficial and that they had the opportunity to effect program change and improvement.

A formal evaluation conducted at the conclusion of the 2006-2007 term was unanimously positive in terms of the following:

- All members who responded, 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.
- 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.
- All members who responded rated the meetings as excellent ( ) or good (%), and felt that SAC is making a positive difference for students with disabilities.

Among many favorable comments were statements that “SAC cuts to the core of critical issues,” and “SAC is the lifeline for students with disabilities.”

(See Evaluation Summary available from BEESS.)

#### Annual Report

This *Annual Report* represents the organization and work of the Committee during 2007, 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

<b>State Advisory Committee for the Education of Exceptional Students Membership List 2006-2007</b>	
<p>Idelle Acosta-Kelley 2534 Crown Ridge Circle Kissimmee, FL 34744 Phone: 407.962.0199 (H) Email: <a href="mailto:idelle_kelley@yahoo.com">idelle_kelley@yahoo.com</a></p> <p><i>(Parent - Osceola County)</i></p>	<p>Denise Arnold, Bureau Chief Community Development Agency for Persons with Disabilities 4030 Esplanade Way, Suite 380 Tallahassee, FL 32399-0950 Phone: 850.488.3673 (W) Phone: 850.893.7926 (H) Fax: 850.922.6456 Email: <a href="mailto:denise_arnold@apd.state.fl.us">denise_arnold@apd.state.fl.us</a></p> <p><i>(Other state agency serving children with disabilities)</i></p>
<p>Zelda Carner, Ed.D., Chief Education Officer Educational Services of America 4496 Golf Ridge Drive Elkton, FL 32033 Phone: 305.793.8267 (W) Phone: 305.251.3558 (H) Fax: 305.251.7570 Email: <a href="mailto:zcarner@esa-education.com">zcarner@esa-education.com</a></p> <p><i>(Private schools and the Florida Association of Independent Special Education Facilities)</i></p>	<p>Lewellyn "Lew" Cassels 2865 N.W. 2<sup>nd</sup> Bunker Avenue Arcadia, FL 34266 Phone: 863.993.1524 (H) Fax: Email: <a href="mailto:songbirdlew@aol.com">songbirdlew@aol.com</a></p> <p><i>(Parent - DeSoto County)</i></p>
<p>Julie Clark 8541 Chisholm Road Pensacola, FL 32514 Phone: 850.476.2345 (H) Fax: Email: <a href="mailto:juliejclark@bellsouth.net">juliejclark@bellsouth.net</a></p> <p><i>(Parent - Escambia County)</i></p>	<p>Penny Collins, Director Exceptional Student Education Osceola County School District 805 Bill Beck Blvd. Kissimmee, FL 34744 Phone: 407.343.8718 (W) Phone: 407.870.7576 (H) Fax: 407.343.8775 Email: <a href="mailto:collinsp@osceola.k12.fl.us">collinsp@osceola.k12.fl.us</a></p> <p><i>(Administrator of programs for children with disabilities - large size district)</i></p>

<p>Lily de Moya 6820 SW 115 Street Miami, FL 33156 Phone: 305.666.1419 (H) Fax: 305.666.0910 Email: <a href="mailto:ldemoya@bellsouth.net">ldemoya@bellsouth.net</a></p> <p><i>(Parent - Miami-Dade County)</i></p>	<p>Terri Eggers, Director of Education Florida Department of Juvenile Justice 2737 Centerview Drive Tallahassee, FL 32399-3100 Phone: 850.922.5375 (W) Phone: 850.656.3257 (H) Fax: 850.921.5907 Email: <a href="mailto:terri.eggers@djj.state.fl.us">terri.eggers@djj.state.fl.us</a></p> <p><i>(State juvenile justice agency)</i></p>
<p>Enrique Escallon 4371 SW 150Court Miami, FL 33185 Phone: 305.718.4656 (W) Phone: 305.554.5364 (H) Fax: 305.718.4657 Email: <a href="mailto:enrique.escallon@suntrust.com">enrique.escallon@suntrust.com</a></p> <p><i>(Parent representative from the Florida Developmental Disabilities Council)</i></p>	<p>Randee Gabriel, Program Director Parent to Parent of Palm Beach County 1201 Australian Avenue Riviera Beach, FL 33404-6698 Phone: 561.842.3213 (W) Phone: 561.793.1984 (H) Fax: 561.863.4352 Email: <a href="mailto:rgabriel@arcpbc.org">rgabriel@arcpbc.org</a></p> <p><i>(Parent - Parent - Palm Beach County and Parent to Parent of Palm Beach County)</i></p>
<p>Angela Gilbert 1401 Park Avenue Titusville, FL 32780 Phone: 321.383.5644 (W) Phone: 321.427.6906 (H) Fax: Email: <a href="mailto:lab845@yahoo.com">lab845@yahoo.com</a></p> <p><i>(Parent - Brevard County)</i></p>	<p>Rosalind Hall, Director Exceptional Student Education and Student Services Levy County School District 480 Marshburn Drive Bronson, FL 32641 Phone: 352.486.5240 (W) Phone: 352.331.6952 (H) Fax: 352.486.5242 Email: <a href="mailto:hallr@levy.k12.fl.us">hallr@levy.k12.fl.us</a></p> <p><i>(Administrator of programs for children with disabilities - small size district)</i></p>
<p>Joni Harris 102 N.W. 93<sup>rd</sup> Street Miami Shores, FL 33150 Phone: 305.416.2109 (W) Phone: 305.757.9622 (H) Fax: Email: <a href="mailto:pbj102@aol.com">pbj102@aol.com</a></p> <p><i>(Parent - Miami-Dade County)</i></p>	<p>John Howle, Special Education Administrator Department of Corrections 2601 Blair Stone Road Tallahassee, FL 32399 Phone: 850.410.4405 (W) Phone: 850.878.0369 (H) Fax: 850.488.3476 Email: <a href="mailto:howle.john@mail.dc.state.fl.us">howle.john@mail.dc.state.fl.us</a></p> <p><i>(State adult corrections agency)</i></p>

<p>Bob Jacobs, Education Team Manager  Advocacy Center for Persons with Disabilities, Inc.  1000 North Ashley Drive, Suite 513  Tampa, FL 33602  Phone: 813.973.8110 (H)  Phone: 813.233.2920 Ext. 212 (W)  Fax: 813.973.2861 (H)  Fax: 813.233.2958 (W)  Email: <a href="mailto:bj@advocacycenter.org">bj@advocacycenter.org</a></p> <p><i>(Other agency serving children with disabilities)</i></p>	<p>Leah Kelly, Executive Director  Student Support Services &amp; Exceptional Student Education  Broward County School District  600 Southeast 3<sup>rd</sup> Avenue, 8<sup>th</sup> Floor  Ft. Lauderdale, FL 33301  Phone: 754.321.2560 (W)  Phone: 954.474.2635 (H)  Fax: 754.321.2724  Email: <a href="mailto:leah.kelly@browardschools.com">leah.kelly@browardschools.com</a></p> <p><i>(Local education official/Homeless Assistance Act programs and the Florida Council of Administrators of Special Education)</i></p>
<p>Kathryn Krudwig, Ed.D., Faculty Administrator  NFPDP Regional Coordinator  Dept. of Exceptional Student and Deaf Education  University of North Florida  Building 9, Room 1130  4567 St. Johns Bluff Road South  Jacksonville, FL 32224  Phone: 904.620.1616 (W)  Phone: 904.223.0284 (H)  Fax: 904.620.1619  Email: <a href="mailto:kkrudwig@unf.edu">kkrudwig@unf.edu</a></p> <p><i>(Institution of higher education/special education and related services personnel preparation programs)</i></p>	<p>Theresa Leslie, Senior Management Analyst  Family Safety Program  Florida Department of Children and Families  1317 Winewood Blvd., Building 6, Room 145  Tallahassee, FL 32399-0700  Phone: 850.487.2005 (W)  Phone: 850.877.2319 (H)  Fax: 850.921.4958  Email: <a href="mailto:theresa_leslie@dcf.state.fl.us">theresa_leslie@dcf.state.fl.us</a></p> <p><i>(State agency/foster care)</i></p>
<p>Judy Lewis  1755 Tarpon Drive  Tallahassee, FL 32308  Phone: 850.383.0389 (H)  Fax: 850.383.8515  Email:</p> <p><i>(Parent - Leon County)</i></p>	<p>Michele Love  P.O. Box 3249  St. Augustine, FL 32085  Phone: 904.827.2622 (W)  Phone: 904.940.9437 (H)  Fax: 904.827.2218  Email: <a href="mailto:lovem@fsdb.k12.fl.us">lovem@fsdb.k12.fl.us</a></p> <p><i>(Parent - St. Johns County and the Florida School for the Deaf and the Blind)</i></p>

<p>Judy Miller, Director  Exceptional Student Education  Lake County School District  201 West Burleigh Blvd.  Tavares, FL 32778  Phone: 352.253.6610 (W)  Fax: 352.343.7817  Email: <a href="mailto:millerj@lake.k12.fl.us">millerj@lake.k12.fl.us</a></p> <p><i>(Administrator of programs for children with disabilities - middle size district)</i></p>	<p>Carlos Montas  1259 Continental Court  Tallahassee, FL 32304  Phone: 850.245.3092 (W)  Phone: 850.576.3397 (H)  Fax:  Email: <a href="mailto:carlos.montas@dep.state.fl.us">carlos.montas@dep.state.fl.us</a>  Email: <a href="mailto:montascarlos@hotmail.com">montascarlos@hotmail.com</a></p> <p><i>(Individual with disabilities)</i></p>
<p>Joanne Nelson, Director of Education  Charter School of Tampa Bay Academy  12012 Boyette Road  Riverview, FL 33569  Phone: 813.677.6700 (W)  Phone: 813.979.1157 (H)  Fax: 813.677.5467  Email: <a href="mailto:Joanne.nelson@tampa.yfcs.com">Joanne.nelson@tampa.yfcs.com</a></p> <p><i>(Charter schools and the Florida Association of Charter Schools)</i></p>	<p>Bill Palmer, Director  Division of Vocational Rehabilitation  Florida Department of Education  2002 Old St. Augustine Rd., Bldg. A  Tallahassee, FL 32301  Phone: 850.245.9399 (W)  Phone: 850.877.3959 (H)  Fax: 850.245.3316  Email: <a href="mailto:bill.palmer@vr.fl DOE.org">bill.palmer@vr.fl DOE.org</a></p> <p><i>(Vocational rehabilitation organization/transition services)</i></p>
<p>Debra Parramore  3674 Jericho Drive  Casselberry, FL 32707  Phone: 407.672.9887 (W)  Fax: 407.699.4209  Email: <a href="mailto:wscdpp@excite.com">wscdpp@excite.com</a></p> <p><i>(Parent - Seminole County)</i></p>	<p>Kelly Purvis  4046 Marlow Loop  Land O'Lakes, FL 34639  Phone: 813.996.0997 (W)  Phone: 813.996.0997 (H)  Fax: 813.996.0997  Email: <a href="mailto:kelly62974@hotmail.com">kelly62974@hotmail.com</a></p> <p><i>(Parent - Pasco County)</i></p>
<p>John Reiss  5225 NW 43 Road  Gainesville, FL 32606  Phone: 352.265.7220 Ext. 86288 (W)  Phone: 352.372.7292 (H)  Fax: 352.265.7221  Email: <a href="mailto:jgr@ichp.ufl.edu">jgr@ichp.ufl.edu</a></p> <p><i>(Parent - Alachua County and institution of higher education)</i></p>	<p>Sue Ross, Chief  Children's Mental Health  Florida Department of Children and Families  1317 Winewood Blvd., Bldg. 6, Rm. 290  Tallahassee, FL 32399-0700  Phone: 850.410.1177 (W)  Phone: 850.926.8226 (H)  Fax: 850.488-6886  Email: <a href="mailto:sue_ross@dcf.state.fl.us">sue_ross@dcf.state.fl.us</a></p> <p><i>(Other state agency serving children with disabilities)</i></p>

<p>Charlotte Temple 11106 Sail Point Lane Jacksonville, FL 32225 Phone: 904.358.1200 (W) Phone: 904.641.3400 (H) Fax: 904.358.3800 Email: <a href="mailto:cgctemple@alltel.net">cgctemple@alltel.net</a> Email: <a href="mailto:ctemple@arcjacksonville.org">ctemple@arcjacksonville.org</a></p> <p><i>(Parent - Duval County)</i></p>	<p>Evelys Ubiera, Transition Teacher Project ACCEPT Miami-Dade County School District 627 S.W. 27th Avenue, Rm. 1112 Miami, FL 33135 Phone: 305.237.6649 (W) Phone: 305.443.0073 (H) Fax: 305.237.6651 Email: <a href="mailto:ubierae@dadeschools.net">ubierae@dadeschools.net</a></p> <p><i>(Teacher - Miami-Dade County and the Florida Federation Council for Exceptional Children Teacher of the Year)</i></p>
<p>Bill Vogel, Ph.D., Superintendent Seminole County School District 400 East Lake Mary Blvd. Sanford, FL 32773-7127 Phone: 407.320.0004 (W) Phone: 407.869.5852 (H) Fax: 407.320.0281 Email: <a href="mailto:bill_vogel@scps.k12.fl.us">bill_vogel@scps.k12.fl.us</a></p> <p><i>(Local education official and the Florida Association of District School Superintendents)</i></p>	<p>Robyn Walker 1129 Golfview Drive Daytona Beach, FL 32114 Phone: 386.258.7434, ext. 209 (W) Phone: 386.252.8858 (H) Fax: 386.252.8858 Email: <a href="mailto:urunrob@aol.com">urunrob@aol.com</a> Email: <a href="mailto:robyn_walker@doh.state.fl.us">robyn_walker@doh.state.fl.us</a></p> <p><i>(Parent - Volusia County)</i></p>
<p>Shelly Weiss 1358 Lyndale Blvd. Winter Park, FL 32789 Email: <a href="mailto:sjweiss@mac.com">sjweiss@mac.com</a></p> <p><i>(Individual with disabilities)</i></p>	
<p>Bambi J. Lockman, Chief Bureau of Exceptional Education and Student Services Florida Department of Education 614 Turlington Bldg. 325 West Gaines Street Tallahassee, FL 32399-0400 Phone: 850.245.0475 (W) Fax: 850.245.0953 Email: <a href="mailto:bambi.lockman@fldoe.org">bambi.lockman@fldoe.org</a></p> <p><i>(State education official; ex officio)</i></p>	<p>Michele Polland, Educational Policy Analyst Bureau of Exceptional Education and Student Services Florida Department of Education 614 Turlington Bldg. 325 West Gaines Street Tallahassee, FL 32399-0400 Phone: 850.245.0475 (W) Fax: 850.245.0953 Email: <a href="mailto:michele.polland@fldoe.org">michele.polland@fldoe.org</a></p> <p><i>(SAC Liaison)</i></p>

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 to two-year terms through December 2007, pending their continued eligibility and willingness to serve.



# **State Advisory Committee**

**for the Education of Exceptional Students**

## *STATE ADVISORY COMMITTEE MEETING REPORT*

*June 24–26, 2007*



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

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

**St. Petersburg, Florida  
June 24-26, 2007**

**Meeting Report**

**Sunday, June 24**

State Advisory Committee for the Education of Exceptional Students (SAC) Co-Chairs Penny Collins and Kelly Purvis met with Bambi Lockman, Chief, BEESS, and Doris Nabi, Consultant, to review the agenda and materials in preparation for the Committee meeting. Michele Polland, SAC Liaison, BEESS, was unable to attend.

**Monday and Tuesday, June 25-26**

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

*Members*

(See SAC Member Notebook, Tab 2.)

Idelle Acosta-Kelley

Lewellyn "Lew" Cassels (6/25)

Penny Collins

Terri Eggers

Randee Gabriel

Angela Gilbert

Rosalind Hall

Joni Harris

Bob Jacobs

Leah Kelly

Kathryn Krudwig, Ed.D. (6/26)

Theresa Leslie

Bambi J. Lockman (*ex officio*)

Judy Miller

Joanne Nelson

Bill Palmer

Kelly Purvis

John Reiss

Charlotte Temple

Shelly Weiss

*Designees*

Jacky Egli for Zelda Carner  
Amy Yarbrough-Coltharp for John Howle  
Dee Crawford for Kathryn Krudwig (6/25)  
Mary Lou Hofmann-Sitten for Michele Love  
Nichole Murray for Sue Ross  
Tom McDowell for Dr. Bill Vogel

*Absent*

Denise Arnold  
Julie Clark  
Lily de Moya  
Enrique Escallon  
Judy Lewis  
Carlos Montas  
Debra Parramore  
Evlys Ubiera  
Robyn Walker

DOE Participants

Amy Albee, Division of Community Colleges  
Karen Denbroeder, BEESS  
Jenny Harry, BEESS  
Joyce Lubbers, BEESS

Others

Dr. Anne Chartrand, Southeast Regional Resource Center (SERRC)  
Lezlie Cline, Florida Center for Interactive Media, Florida State University  
Kelsey Gabriel, Student  
Stacey Hoaglund, Broward County Schools  
Doris Nabi, Consultant

**Welcome, Roles and Responsibilities, Agenda Overview**

(See *SAC Notebook*, Tab 1, State Advisory Committee.)

Co-Chair Kelly Purvis opened the meeting, welcoming members, reminding them of the posted “way of work,” and noting that the meeting agenda was derived from Committee input at the prior meeting. Co-Chair Penny Collins also welcomed members, and had persons attending as new members or designees introduce themselves, after which all members briefly re-introduced themselves to the group.

Bambi Lockman, Chief, BEESS, introduced staff in attendance and Dr. Anne Chartrand, representing SERRC. She did a walk-through of the agenda and related materials in the *SAC Member Notebook*, as well as other resources, noting the *Legislative Review 2007* and its summaries of all education-related bills.

## **Legislative/Bureau Update**

(See *SAC Notebook*, Tab 3, Legislative/Bureau Update [“Education Update” PowerPoint, U.S. DOE Correspondence, 2007 SEA Profile, Program Rules, BEESS Staff List, BEESS Calendar]; Tab 10, Resources.)

### Legislative Update

Ms. Lockman noted DOE priorities, including performance-based pay, teacher reform, revision of the Sunshine State Standards, continued secondary reform, DOE reorganization, and expanded access to higher education. She addressed budget highlights, including the K-20 education budget, a summary of K-20 operating funds, K-12 education appropriations (including a 3.28% overall increase), the Florida Education Finance Program (FEFP), and state categorical programs.

She also addressed selected 2007 legislation, including the Florida Teachers Lead Program, as well as high school graduation and juvenile justice education issues included in Senate Bill (SB) 2092. She reviewed the requirement in SB 1046 for a study on gifted services and programming provided to public school students in grades K-12, and the cap on funding of gifted programs grades 9-12 at 2006-07 levels; gifted education programs are now administered through the Bureau of Innovation, K-12 Public Schools. Ms. Lockman concluded the legislative update with a summary of bills including the Career Enhancement Act, High-Risk Offenders, Independent Living Transition Services, Suicide Prevention, and Voluntary Prekindergarten Education. (See PowerPoint presentation for detailed information.)

### Bureau Update

In this portion of her presentation, Ms. Lockman provided information on organizational changes within K-12 Public Schools and the Bureau, noting staff changes. She reviewed Florida’s IDEA allocation, noting a slight reduction in funding due to population changes. She provided data on programs for students with disabilities, including numbers and percentages in the various program areas, growth rate, graduation rate, standard diploma rate, dropout rate, postschool outcomes, placement settings, and risk ratios related to discipline and placement settings.

### *SEA Determinations*

Noting that IDEA requires that the U.S. DOE review each state’s annual performance report and other public information and determine whether it meets requirements, needs assistance, needs intervention, or needs substantial intervention, Ms. Lockman reviewed possible U. S. DOE actions consequent to each determination. (See PowerPoint presentation for additional details.) She shared Florida’s state determination of “needs assistance” (along with the majority of other states), referring members to correspondence from the Office of Special Education Programs indicating how such determinations were made.

Karen Denbroeder elaborated the U. S. DOE's findings relevant to the following indicators (see "Part B State Annual Performance Report (APR) for 2005-06," Tab 4, *SAC Notebook*):

Indicator 1

Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the state graduating with a regular diploma. *(State did not provide valid and reliable FY 2005 data.)*

Indicator 12

Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. *(State did not meet 100% compliance requirement; showed improvement from 29% to 32%—probably higher, but challenge is matching data across agencies.)*

Indicator 15

General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. *(Ninety percent compliance, slippage from FY 2004 data of 93%—challenge because Florida does not currently have reliable and valid data to track.)*

Indicator 16

Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. *(Florida is 100% in compliance, correcting "longstanding noncompliance.")*

Indicator 17

Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. *(Fifty percent compliance; progress from FY 2004 data—but also note that June 1, 2007, Progress Report indicates 100% compliance; special condition imposed on FY 2006 grant award removed.)*

*Discussion*

- In regard to Indicator 12, there are significant problems inherent to matching the disparate data systems of the Department of Health (DOH) and DOE, so the compliance percentage reported (32%) is highly questionable. The departments are working together to resolve these problems and better align the data systems for more accurate reporting.
- Stakes will be raised next year.
- BEESS staff and districts are working really hard and are developing a monitoring system to reflect indicators.
- Districts have to make sure data are accurate.

Ms. Lockman indicated that Florida's biggest challenge is the compliance indicator for Part C to Part B, because of different data systems between DOH and DOE and non-alignment of indicators; positive working relationships between the two agencies will be helpful in resolving this issue.

The Committee commended Ms. Lockman and BEESS staff on the state determination and ongoing efforts toward full compliance.

### *2% Regulations (Title I, 34 CFR Parts 200.-300.)*

These regulations allow states to develop modified academic achievement standards for a small group of students with disabilities (up to two percent of all tested students can be reported as proficient against modified achievement standards for AYP purposes). This allows states to consider developing another test for "gap" kids. There are many issues related to what type diploma such assessment would lead to, accommodations, etc.

### *Discussion*

- Intended to change means of assessment, not the content. Four states have modified academic achievement. This is not the FCAT, nor intended for the most delayed one percent of students with disabilities.
- Happy to see the issue on the table for "gap" kids and the impetus for research into who these kids are.
- FCAT is not a true indicator for many students, such as students who are severely emotionally disturbed and experience such angst around testing.
- How will this impact the waiver? Would this replace the portfolio, etc.?
- Would this lower expectations/standards?
- Does this lead to a standard diploma? (State determines what diploma.)
- What are the implications for curriculum and instruction?
- Will there be guidelines for IEP teams to make decisions, to promote consistency?

*In its subsequent business meeting, SAC took action to look at 2% regulations, "gap" kids, and available curriculum/diploma options and have information presented at its next meeting.*

### *Alternate Assessment*

Ms. Lockman continued her update with an extensive review of Florida's statewide alternate assessment, including test development and design, item specifications, and implementation timelines (see PowerPoint for detailed information). She emphasized the importance of district and teacher training and support for successful implementation of the assessment.

*Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students (SP&Ps)*

District school boards will approve an SP&P Addendum to be used in conjunction with previously approved documents, effective through June 30, 2008, to incorporate IDEA 2004 and regulations, as well as program rules revised by the State Board of Education. The addendum will cite applicable requirements pending final rules.

*General Supervision and ESE Program Rules*

Ms. Lockman reported on the status of exceptional student education general supervision rules, noting that drafts of revised rules had been developed and would be the subject of fall workshops, to which SAC members would be invited. She noted the revised program rules which become effective July 1, 2007, and Bureau efforts to ensure appropriate implementation of these (see copies in SAC *Notebook*). She also advised members of the status of development of additional revised rules, including mentally handicapped, visually impaired, specific learning disabilities, and speech/language impaired, as well as rules subject to technical changes. (See PowerPoint for additional details.)

Ms. Lockman continued her update with information on A++ legislation and major areas of interest (MAIs) required for students pursuing a standard diploma, refocusing of discretionary projects to determine priorities aligned with the State Performance Plan, the 2007 parent survey to determine the extent to which parents report that schools facilitated parent involvement as a means of improving services and results for children with disabilities, and third party cooperative agreements between the Division of Vocational Rehabilitation and school districts.

Ms. Lockman concluded with a detailed update on the ESE Web Process System (statewide IEP), including its development through the first two stages, and plans for system expansion. *A live demonstration of the system will be scheduled for the November SAC meeting.*

## **SERRC**

Following a luncheon sponsored by SERRC, Dr. Anne Chartrand gave a brief update on the Regional Resource Center Network and services provided by SERRC.

## **State Performance Plan Update/Florida's LEA Determinations**

(See SAC *Notebook*, Tab 4, "State Performance Plan Update" PowerPoint and Part B State Annual Performance Report for 2005-06.)

Karen Denbroeder provided a review of the State Performance Plan (SPP) and Annual Performance Report (APR), addressed early intervening services, and introduced a proposal for LEA determinations.

## SPP/APP

Florida submitted a revised SPP and APR on February 1, 2007; these are available on the Web at [www.fldoe.org/ese/](http://www.fldoe.org/ese/). The APR addresses progress/slippage occurring in 2005-06 for indicators with 2004-05 as the baseline year: graduation rate, dropout rate, participation and performance on assessments, suspension/expulsion rates, LRE, transition from Part C to Part B, postsecondary outcomes, correction of noncompliance, state complaint timelines, and timely and accurate data. Ms. Denbroeder reviewed for each of these the 2004-05 baseline, 2005-06 target, and actual 2005-06 data, indicating whether or not the target had been met. (See PowerPoint presentation for additional details.)

### *Discussion*

For Indicator 12, Transition from Part C to Part B, the actual 2005-06 data indicating that only 32% (of the targeted 100%) of children served by Part C who were found eligible for Part B had an IEP by their third birthday, fostered additional discussion of data problems inherent to reporting by DOH and DOE.

### Early Intervening Services

If the state determines, based solely on data, that a district has significant racial/ethnic disproportionality in identification, placement, or discipline, it must require such district to set aside and expend the full 15% of IDEA, Part B, funds for early intervening services.

Ms. Denbroeder explained that, in establishing criteria, risk ratios were calculated for each racial/ethnic group. Discussion centered on those for 2008-09, as follows:

- A risk ratio greater than 3.5 for newly-placed students with disabilities, mentally handicapped students, or students with emotional/behavioral disabilities (E/BD)
- A risk ratio greater than 2.5 or less than 0.3 for two or more placement settings (regular class, separate class, or separate environments); or
- A risk ratio greater than 2.5 based on the total out-of-school suspensions greater than 10 days in 2006-07.

(See PowerPoint presentation for additional details.)

It was projected that only 20-30% of districts would meet the racial/ethnic disproportionality targets, which would become more restrictive (3.0, 2.0-0.3, 2.0) in the subsequent year. It was explained that not meeting the 2008-09 compliance indicator would impact the district's second LEA determination and ultimately enforcement (depending on the level of determination).

## *Discussion*

There was extensive discussion as to whether the proposed risk ratios are too high, and should be reduced from 3.5 to 2.5, and the impact on districts should this happen.

Comments included:

- Criteria should be reduced from 3.5 to 2.5 for 2008-09. These kids are in the system now; if improperly placed, 3.5 risk ratio is not acceptable but a sad statistic. Two to three years are enough time to “move the needle” (the risk ratio).
- Proposed criteria are not aggressive enough; we have to strive for more and look at how we can do inclusion.
- Goals are aspirational—we need realistically high goals and some sense of the national picture.
- The targets can also be a reflection of how people view human potential, in IEP and in the classroom.
- We need to consider each child’s needs and opportunities for educational progress. Eligibility should not be based on race/gender, but data-driven.
- We need information on where districts are now in terms of meeting the proposed criteria.
- Such a change would be hard on districts; districts are doing everything they can on this issue, and we need to allow growth without undue stress.
- We need to be careful not to set the bar too high in a time of transition. Districts need assistance in how to identify and provide specialized services. Allow opportunity for the new model and training to take effect, and then tighten up.

It was proposed that, at its November meeting, SAC review where districts fall and look at additional data (before final SPP draft is done for February; this would not change the current SPP or APR).

*In its subsequent business session, SAC took action recommending to DOE/BEESS that criteria for determination of significant racial/ethnic disproportionality be revised as follows:*

- *For 2008-09, a risk ratio greater than **3.0** for newly placed students with disabilities, mentally handicapped students, or students with E/BD. (Other criteria unchanged.)*
- *For 2009-10, a risk ratio greater than **2.5** for newly placed students with disabilities, mentally handicapped students, or students with E/BD.. (Other criteria unchanged.)*

*The Committee also recommended that BEESS staff bring to the November meeting data on disproportionality by district.*

## LEA Determinations

Ms. Denbroeder continued her presentation with a proposal for local education agency (LEA) determinations, noting that states must follow a process similar to the U. S. DOE state determinations, and involve stakeholders such as SAC. She highlighted the requirements in terms of categories of performance, specified considerations, the appeals process, and enforcement. She then reviewed the proposed criteria for determinations, which include for this year transition from Part C to Part B; valid, reliable, and timely data; corrections of noncompliance within one year; and audit findings. For 2007-08, indicators include disproportionality; 60-day evaluation timeline; transition from Part C to Part B; secondary transition IEP requirements; correction of noncompliance within one year; and valid, reliable, and timely data. Beyond 2007-08, consideration of performance indicators in the determination process would include graduation rate, dropout rate, participation and performance in state assessment, LRE, parent perceptions of family involvement, preschool outcomes, and postsecondary outcomes. (See PowerPoint presentation for additional details.)

### *Discussion*

- Performance indicators proposed for “beyond 2007-08” (graduation rate, dropout rate, participation and performance in state assessment, LRE) should be considered *now*.
- LEA determinations are not intended to be “punitive.” They are an opportunity to highlight with districts any areas of concern. DOE will provide support to districts for improvement in areas of deficiency. The more we have data on ESE kids, the more each district has to look at ESE as “part of the mix.”
- LEA determinations may be political in the sense that, as part of the overall accountability and compliance system, they provide one more piece for superintendents and districts to have to take notice of and deal with. They can help us know where our weaknesses are so that we can resolve them.
- SAC will be important in helping build support.
- What districts are in what “buckets”? How do we know these are the right ones? How will the “bucket” affect allocation of resources?
- Any district should be able to correct noncompliance in a year’s time, or the system is broken.
- Just as OSEP is giving states a “heads up” and opportunity to get ready and focused, Florida will provide a similar opportunity to districts. Criteria will be tougher next year and in succeeding years. As these get more strict, it will be important not to overidentify and thus not help districts most in need. If 100% attainment is required, resources will be too spread out, with little impact.
- Part B to Part C Transition—DOH and DOE indicators don’t match; need to clean up data to provide a firm foundation. This would be a major accomplishment in one year. (See additional discussion.)

- SAC is one of the last groups to review; pending any final changes, an implementation plan will be put together internally then shared with superintendents.
- Will there be incentives as well as sanctions?
- How do monitoring and determinations match? Need to look at regular education monitoring also and put all in one picture—would have more district buy-in.
- What determines “needs intervention” vs. “needs assistance”? What is the degree/severity of missing an indicator (how much did you miss it by?). Is this a data issue or a program issue?
- Need to look at other district data systems. This involves more than just ESE—some data reporting we don’t control. (Need pay raise for data clerks!)
- What gets counted gets attended to; data will get better because consequences are attached.
- How will *Sunshine Connections* play into data?
- AMM should include a session on LRE and assessment. Identify districts with high inclusion and high performance as “stars.” Provide incentives, such as mentors.
- The LEA profile is useful, but need to add a visual representation of progress monitoring—like the United Way thermometer.
- A Web system for sharing improvement plans for indicators is being tested.
- Need to “pick the brains” of districts doing well. Consider learning collaboratives—expertise may be within the state. We’re in it together and can help each other to move forward.
- Inclusion issues—students may attend private school because public school teachers can’t adapt curriculum: inclusion is not getting done because teachers have to educate students they know nothing about. They need support through their teacher preparation and from districts.
- It is a terrible waste of potential when students are put into exceptional education when they don’t really need to be there.
- The next SAC meeting can address inclusion resources and training, teacher preparation, accommodations and modifications, and the services of the Florida Inclusion Network.
- Need a clear picture across the state, perhaps through a teacher survey?
- Teachers “have to, have to, have to.” They face unbelievable demands (AYP, ESOL, etc.). It’s more than just a training issue. Veteran teachers are as overwhelmed as new ones and we need to determine how to support them.
- The SPP update is not exclusionary—just some barometers of how we’re doing. We wouldn’t be here if not making a difference. But we have to make it real, focus on what’s happening in the classroom, how kids and teachers are doing.

### **SAC Member Updates**

(See *SAC Notebook*, Tab 1, State Advisory Committee; Tab 6, Member Updates.)

SAC members shared informal updates, including the mission/purpose of their respective constituent groups, and accomplishments, issues, or concerns related to students with disabilities. Those representing agencies and organizations also

addressed major program initiatives and major relevant 2007 legislative outcomes. Updates included the following:

Bob Jacobs—Advocacy Center for Persons with Disabilities  
Amy Yarbrough-Coltharp—Florida Department of Corrections  
Terri Eggers—Florida Department of Juvenile Justice  
Jacky Egli—Private Schools; Florida Association of Independent Special Education Facilities  
Nichole Murray—Children's Mental Health, Florida Department of Children and Families  
Charlotte Temple—Parent; Duval County  
Leah Kelly—Florida Council of Administrators of Special Education  
John Reiss—Parent; Alachua County  
Dee Crawford—Personnel Preparation Programs, Institutions of Higher Education  
Mary Lou Hofmann-Sitten— Parent, St. Johns County/FSDB  
Bill Palmer—Division of Vocational Rehabilitation, DOE  
Joanne Nelson—Florida Association of Charter Schools.

(The meeting was adjourned for the first day.)

### **Postsecondary Options and Outcomes**

(See *SAC Notebook*, Tab 7, "Postsecondary Options and Outcomes" PowerPoint and Articulation Coordinating Committee Transition Survey.)

Amy Albee, Coordinator of Outreach and Access, Division of Community Colleges, DOE, gave a breakdown of Florida community college students with disabilities, reporting that during the 2005-06 academic year, there were 12,351 documented students with disabilities in the system, and outlined postsecondary program and diploma options. She also reviewed the various documentation requirements for technical centers, community colleges and state universities, noting that for the latter two, IEPs and 504 plans are not accepted. There was extensive Committee discussion of re-evaluation requirements, the burden of which is on parents, and the need for postsecondary representatives to be involved in IEP meetings. Ms. Albee also reported on postsecondary outcomes for special diploma graduates, students with an FCAT waiver, and other students with disabilities in the community college system. She emphasized the importance of getting students and parents prepared for transition, discussed applicable Family Education Rights and Privacy Act (FERPA) which prohibit release of student information to a third party, and reviewed available accommodations.

Ms. Albee also reported the results of a transition survey for students with disabilities indicating the extent of training for faculty/staff and the scope of transition services (see PowerPoint presentation and report of results in *SAC Member Notebook*). She identified obstacles for students in transition from secondary to postsecondary education, including the documentation requirements discussed previously; the limitations of the special diploma option; lack of self-advocacy and self-determination

skills by students, as well as their not wanting to self-identify, not being familiar with auxiliary learning aids, and not knowing what accommodations to use and what will benefit them in the classroom; and lack of knowledge of the differences between IDEA and ADA provisions. She concluded with suggestions for both secondary and postsecondary institutions to improve the transition process for students with disabilities. Bambi Lockman commented on the opportunities represented by Florida's development of a comprehensive transition plan, and upcoming meetings with college and university deans.

### **Recruitment and Retention of Exceptional Student Education (ESE) Teachers in Florida**

(See *SAC Notebook*, Tab 8, "Recruitment and Retention of ESE Teachers in Florida" PowerPoint and Listing of Courses of Study/Courses Leading to Endorsement by the State University System.)

Lezlie Cline, Professional Development Partnership/Florida Center for Interactive Media, Florida State University, presented on the recruitment and retention of ESE teachers in Florida. Her presentation included a review of No Child Left Behind/Highly Qualified Teacher (HQT) requirements, Florida's revised HQT Plan, and the percent of classes not taught by HQTs. She provided an update on recruitment activities for all teachers, including a public awareness campaign, "People Recruit People," seamless e-transition into teaching, and expanding opportunities. Such opportunities include revisions to teacher preparation rules, increased connections to military personnel and their spouses, the Critical Teacher Shortage Student Loan Forgiveness and Tuition Reimbursement Programs, and alternative certification programs. Recruitment and retention activities for ESE teachers are supported by BEESS and through a U. S. DOE State Personnel Development Grant. Recruitment activities include a para-to-teacher initiative and Florida Speaker's Bureau; retention activities, guided by teacher input and other research, include mentoring and induction programs, the Virtual ESE Online Distance Learning Program, Weekends with the Experts, tuition support, tutoring and fee assistance for the state certification exam, and online study modules for certification exams. Professional Development Alternatives for Exceptional Student Educators (PDA-ESE), a BEESS initiative developed to deliver specialized training for teachers of student with disabilities, utilizes online modules and local facilitators to provide state accessible professional development. Other BEESS discretionary projects also support professional development. (See PowerPoint for detailed information.)

### **SAC Business Session**

(See *SAC Notebook*, Tab 9, SAC Meeting Report [December 4-6, 2006] and SAC By-laws Subcommittee Report [August 29, 2006].)

Co-Chairs Purvis and Collins convened the SAC Business Session, opening the floor for public comment. (There was no public comment.)

The Committee took action as follows:

- Approved the Meeting Report of the December 4-6, 2006, meeting.
- Approved revisions to the SAC By-laws as proposed by the SAC By-laws Subcommittee in their report of their August 29, 2006, teleconference.
- Recommended to DOE/BEESS that, in regard to indicators for LEA determinations, criteria for determination of significant racial/ethnic disproportionality be revised as follows:
  - For 2008-09, a risk ratio greater than **3.0** for newly placed students with disabilities, mentally handicapped students, or students with emotional/behavioral disabilities. (Other criteria unchanged.)
  - For 2009-10, a risk ratio greater than **2.5** for newly placed students with disabilities, mentally handicapped students, or students with emotional/behavioral disabilities. (Other criteria unchanged.)
- Recommended that BEESS staff bring to the November meeting data on disproportionality by district.
- Tabled, pending further information, discussion of its prior recommendation that, in regard to rule revision for Special Programs for Student Who Are Mentally Handicapped, the Bureau change the designation from “mentally handicapped” to “cognitively impaired.” *(The draft rule, incorporating all public input, was subsequently distributed to members; the rule uses the term, “intellectual disabilities.”)*
- Recommended that SAC work collaboratively with the Florida Interagency Coordinating Council for Infants and Toddlers (FICCIT) on mutual issues related to Part C through all appropriate means.
- Recommended that DOE consider adding to the SAC membership a representative of the Department of Health, identified by the agency, to represent Part C.
- Requested continued updates on 2% regulations, “gap” kids, and available curriculum/diploma options, with information to be presented at its next meeting.
- Directed the Chairs to send a letter to the Commissioner of Education commending Bambi Lockman and the BEESS staff for their responsiveness and great job in sharing information.

In the ensuing Committee planning session, all members had the opportunity to suggest top issues to be addressed by SAC. The following issues were identified:

- Inclusive strategies—How well are these working? Are teachers receiving the information, time, and resources for implementation? Do teachers have ongoing support? How are teachers enabled to adapt curriculum?
- 2% rule—look at meeting the needs of students
- Paperwork reduction
- Teacher support available at the building level
- Transition into college—new ideas for the field
- Teacher retention—improve the mentoring system
- Increased access to teacher preparation for low incidence populations statewide
- Consideration of differentiated instruction
- *Work* reduction (vs. paperwork reduction) outside the instructional process
- Postsecondary requirements for eligibility—use IEP; don't require clinical evaluation at school exit
- Teacher retention—where are ESE teachers going? What percentage of ESE teachers are leaving the field, moving to general education? What happens to teachers who get endorsements? What keeps ESE teachers in the field? What percentage of students with disabilities were served in mainstream (2005-06 and 2004-05), impacting their performance on assessments?
- Preservice and inservice training on inclusion
- Restraint and inclusion of students with disabilities
- Increase in dual enrollment of students with disabilities
- Increase in discretionary project services to juvenile justice education facilities
- Ongoing dialogue with juvenile justice education facilities and districts
- Improve linkages with community colleges and state university system; work with offices for students with disabilities; improve transition through this process
- Effects of merit pay system on teachers of students with disabilities
- What happens after RtI? What long-term effects will RtI have on students with disabilities?
- Impact of third-grade retention on dropout rates
- Transition of assistive technology with the student to postsecondary settings—need additional information
- Employment issues.

From these issues, the following were identified as priority topics for subsequent meetings, at the discretion of DOE, with possible consideration of ad hoc discussion of topics on the evening before the regular meeting:

- Transition—Part C to Part B and “big transition”; practical ideas for effective implementation
- Teacher retention and recruitment—best practices; recommendations on what SAC can do to help
- Inclusion
- Disproportionality
- Restraint and seclusion.

Ms. Purvis thanked the group for their commitment and participation, thanked DOE staff, and reminded members that they would be surveyed regarding continued membership on the Committee.

Ms. Collins conducted a plus/delta evaluation of the meeting, with the following outcomes:

*Positives*

- Rich exchange of ideas
- Participation of BEESS Chief and staff
- Effectiveness of committee chairs
- Meeting notebooks and other resources
- Dissemination of prior minutes in advance of meeting
- Location and food
- Prepaid rooms for parents.

*Considerations for improvement*

- Prepaid rooms for all members
- Room set-up (hollow square)
- Microphones on all tables.

The meeting was adjourned.

*Note: All resources referenced in this report are available on request from the Bureau of Exceptional Education and Student Services.*



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

## *STATE ADVISORY COMMITTEE MEETING REPORT*

*November 7–9, 2007*



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

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

Residence Inn in Tallahassee, Universities at the Capitol  
600 West Gaines Street  
Tallahassee, Florida

**November 7 and 8-9, 2007  
Meeting Report**

**Wednesday, November 7**

State Advisory Committee for the Education of Exceptional Students (SAC) Co-Chairs Penny Collins and Kelly Purvis, along with Parliamentarian John Howle, 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.

**Thursday and Friday, November 8 and 9**

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

**Members**

(See *SAC Member Notebook*, Tab 2, State Advisory Committee [Committee Membership/Designee Lists].)

Idelle Acosta-Kelley  
Denise Arnold  
Zelda Carner  
Penny Collins  
Lily de Moya  
Enrique Escallon  
Ranee Gabriel  
Rosalind Hall  
Joni Harris  
John Howle  
Bob Jacobs  
Kathryn Krudwig, Ed.D.  
Bambi J. Lockman (ex officio)  
Michele Love  
Judy Miller  
Joanne Nelson  
Kelly Purvis  
Sue Ross  
Charlotte Temple

Evelys Ubiera  
Robyn Walker  
Shelly Weiss

*Designees*

Matthew Guse for Terri Eggers  
Donni Sorrell for Bill Palmer  
Tom McDowell for Dr. Bill Vogel

*Absent*

Lew Cassels  
Julie Clark  
Angela Gilbert  
Leah Kelly  
Theresa Leslie  
Judy Lewis  
Carlos Montas  
Joanne Nelson  
Debra Parramore  
John Reiss

DOE/BEESS Participants

(See *SAC Member Notebook*, Tab 3, Bureau Update [BEESS Staff List].)

Cathy Bishop  
Ginny Chance  
Karen Denbroeder  
Heather Diamond  
Jenny Harry  
Marilyn Hibbard  
Patricia Howell  
Dr. Kim Komisar  
Dr. Karen Morris  
Michele Polland  
Sheryl Sandvoss

Others

Dr. Anne Chartrand, Assistant Director, Southeast Regional Resource Center (SERRC)  
Dr. Kimberly Crawford, Assistant Professor, Department of Communication Sciences and Disorders, Western Carolina University  
Sally Golden-McCord, Children's Medical Services, Department of Health  
Cheryl Liles, Director, Florida Inclusion Network  
Adam Miller, Florida Developmental Disabilities Council  
Doris Nabi, Consultant  
Ashley Ocampo, Family Network on Disabilities (PTI), Region 1  
Tammy A. Thompson, Florida Institute of Family Involvement

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

(See *SAC Member Notebook*, Tab 2, State Advisory Committee [Way of Work and Ground Rules/Roles and Responsibilities, IDEA Excerpt, Committee Membership/ Designee Lists, Acronyms, SAC Member Survey]; and Tab 1, Agenda.)

Co-Chairs Kelly Purvis and Penny Collins opened the meeting, welcoming members, and leading an activity which allowed guests and members to briefly introduce themselves to the group. They remarked on the effectiveness of meeting planning and the extent to which DOE staff have members' needs in mind, commending especially Michele Polland for her work with the Committee.

Ms. Polland noted that this would be the final meeting of the Committee as currently constituted, and that all members had the opportunity to apply for reappointment, with such appointments to be made by Dr. Eric Smith, who would assume the position of Commissioner of Education as of December 1, 2007.

Following general announcements, Ms. Polland reviewed the meeting agenda, which was developed with input from SAC members; the Committee's roles and responsibilities and way of work, noting the importance of the Committee's advisory role; other contents of the *SAC Member Notebook*; and additional resource materials, including those requested by members.

## **Bureau Update**

(See *SAC Member Notebook*, Tab 3, Bureau Update [Bureau Update PowerPoint, BEESS Staff List, BEESS Calendar, *Learning Opportunities for Your Child Through Alternate Assessments*, Certification and Highly Qualified Requirements for Exceptional Student Education Teachers in Florida, Memorandum #04-63: Competencies for Technology Specialists, Portal to Exceptional Education Resources (PEER)]; Tab 10, Resources [Clearinghouse Information Center Publications List]; Front Pocket [Surrogate Parents materials].)

Ms. Polland introduced Bambi Lockman, Chief, BEESS, noting her recent honors, including appointment to the Governor's Commission on Persons with Disabilities, and election to the Board of the Directors of the National Association of State Directors of Special Education (NASDSE).

Ms. Lockman expressed her appreciation to the Committee for their commitment and support of the Bureau, as well as their advocacy on behalf of students with disabilities. In her Bureau update, Ms. Lockman addressed No Child Left Behind (NCLB) legislation, general supervision requirements and their implications for states, and program updates.

In terms of NCLB reauthorization, she noted that Florida had submitted comments addressing the following issues:

- multiple new requirements
- insufficient funding

- lack of understanding regarding the range of disabilities
- lack of acknowledgment of small and rural districts
- lack of recognition of professional development needs, especially as related to Response to Intervention (RtI) and Positive Behavior Support (PBS) initiatives
- accountability for students with disabilities within the growth model
- inconsistent alignment with IDEA
- challenging scope of the proposed data system.

Ms. Lockman then provided an overview of an integrated general supervision system under IDEA which constitutes a way of work for the Bureau in improving educational results and functional outcomes, and ensuring that public agencies meet program requirements. She addressed each of the “big eight” components of the system (see PowerPoint for detailed information regarding these):

- the State Performance Plan (SPP), the “blueprint for systems change,” and the Annual Performance Report (APR), which addresses progress relative to defined performance and compliance indicators and established targets
- Policies, Procedures, and Effective Implementation, including IDEA rulemaking requirements and the status of Florida’s general supervision rules and program rules
- Data on Processes and Results, including data on participation and performance of students with disabilities in the Florida Comprehensive Assessment Test (FCAT) and alternate assessments
- Effective Dispute Resolution, including mediation, complaint resolution, and due process hearings
- Integrated Monitoring Activities, including multiple methods and data sources to monitor every program every year, and continuous examination of performance for compliance and results
- Improvement, Correction, Incentives, and Sanctions based on State Educational Agency (SEA) and Local Educational Agency (LEA) determinations
- Targeted Technical Assistance and Professional Development, directly related to the SPP, to correct noncompliance and improve results, including such initiatives as the Problem Solving/RtI Project; the \*Physical Restraint Workgroup; Secondary Transition; Residential Services; Certification, Highly Qualified Teachers, and Personnel Development; Teacher Recruitment and Retention; Competencies for Technology Assessment; and Technical Assistance Papers (TAPs) and other resources
- Fiscal Management, including IDEA Part B and Part B/Preschool funding and district use of funds for early intervening services, with fiscal management (distribution and use, monitoring, and timely obligation/liquidation of funds) now included in OSEP verification visits.

*\*The draft Technical Assistance Paper on Physical Restraint will be sent to SAC for review and input.*

Ms. Lockman continued her presentation with an update on Standards and Assessments, including detailed information on access points, expectations embedded in the Sunshine State Standards for students with significant cognitive disabilities which provide access to the general education curriculum by reflecting the core intent of the standard with reduced levels of complexity; alternate assessment; and expanded FCAT accommodations. She also addressed the “2% regulations” which allow states to report as proficient on modified achievement standards up to 2 percent of the total assessed population, noting that no decision had yet been made regarding Florida’s participation.

Ms. Lockman concluded with status information regarding the Portal to Exceptional Education Resources; continued access to a free appropriate public education through age twenty-one for students who have earned a GED credential; the National Instructional Materials Accessibility Standard (NIMAS) for persons who are blind or have other print disabilities, including problems with Florida’s compliance, and the National Instructional Materials Access Center (NIMAC); foster care issues, including necessary infrastructure for local problem solving between school districts and community based care organizations; resources for surrogate parents (see meeting handouts); and issues related to Medicaid and schools.

## **SERRC**

Following a luncheon sponsored by SERRC, Dr. Anne Chartrand gave a brief update on the Regional Resource Center Network and services provided by SERRC.

### **Annual Performance Report (APR): Florida’s Progress on the State Performance Plan Targets**

(See *SAC Member Notebook*, Tab 5, APR/SPP Targets [Annual Performance Report: Florida’s Progress on the State Performance Plan Targets PowerPoint Presentation, Florida’s Part B State Performance Plan Monitoring Priorities and Indicators, APR Template Draft, Part B Annual Performance Report for 2006-07 Stakeholder Input Form].)

Karen Denbroeder provided an overview of the APR, which reports on performance toward target for the twenty indicators in the SPP, and the annual submission due February 1, 2008. After addressing the report format and elements, she previewed indicator highlights including the following (see PowerPoint for detailed information):

- graduation and dropout rates, including options for reporting graduation rates (see subsequent Committee action)
- assessment
- discipline
- educational environments, 6-21 and 3-5
- preschool outcomes
- family involvement

- disproportionality
- evaluation timeline
- Part C to Part B transition
- secondary transition IEP
- postschool outcomes
- correction of noncompliance
- state complaint timeline
- due process timeline
- early resolution
- mediation
- accurate and timely data.

*Committee discussion regarding family involvement addressed the parent survey and whether it is too extensive; whether data might be skewed based on nature of student's disability; use of evaluation mechanisms other than surveys, and possible linkages to Parent Center Web sites. There was some concern that parents don't always feel welcome in the schools.*

*Committee discussion regarding disproportionality labeled the department's finding that no districts were disproportionate due to inappropriate identification as "confusing," given risk ratios and no delineation of other reasons; indicated a need for data by district; questioned what impact Rtl might have; and indicated that universities could help in looking at this issue.*

Committee members were given the "Part B Annual Performance Report (APR) for 2006-07 (FFY 2006) Stakeholder Input" form and asked to provide by mid-January feedback relevant to indicators regarding targets, discussion of improvement activities completed and explanation of progress or slippage, and revisions to proposed targets/improvement activities/timeline/resources for subsequent years.

### **Exceptional Student Education (ESE) Administrative Rules**

(See SAC Member Notebook, Tab 4, ESE Administrative Rules [Proposed Administrative Rules PowerPoint Presentation, Proposed Administrative Rules Compilation]; Draft Proposed Administrative Rules Comment Form.)

Dr. Kim Komisar addressed the proposed ESE Administrative Rules with a description of the purpose of revisions and the rule development process. She then provided for each of the following rules an overview of proposed changes (see PowerPoint for detailed information):

- Rule 6A-6.03028, FAC  
Development of Individual Educational Plans for Students with Disabilities
- Rule 6A-6.030281, FAC

Development of Services Plans for Students with Disabilities Enrolled in Private School by Their Parents and Provided with Specially Designed Instruction and Related Services by the Local School Board

*Committee discussion noted the need for technical assistance to parents of such students, and members indicated they would share information on the kinds of questions parents ask to facilitate such assistance.*

- Rule 6A-6.0331, FAC  
Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction
- Rule 6A-6.03311, FAC  
Procedural Safeguards for Students with Disabilities
- Rule 6A-6.03312, FAC  
Discipline Procedures for Students with Disabilities
- Rule 6A-6.03314, FAC  
Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents
- Rule 6A-6.0333, FAC  
Surrogate Parents
- Rule 6A-6.0334, FAC  
Temporary Assignment of Transferring Exceptional Students
- Rule 6A-6.03411, FAC  
Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students

Dr. Komisar outlined next steps in the rule development process, and invited input from the Committee, providing a form for that purpose. Committee members commended the effort to clarify language, especially for parents.

(The meeting was adjourned for the first day.)

**ESE Program Rules**

(See *SAC Member Notebook*, Tab 6, ESE Program Rules [Speech and Language Impairments Rule Revision Update PowerPoint Presentation, Specific Learning Disabilities Rule Revision Update PowerPoint Presentation, *Florida Rtl Update* Newsletter, Special Programs for Students Who Are Mentally Handicapped PowerPoint Presentation, Special Programs for Students Who Are Visually Impaired PowerPoint Presentation, *Florida Administrative Weekly* (November 9, 2007) Excerpts—Proposed Rules: Exceptional Student Education Eligibility for Students

Who Are Visually Impaired, Specially Designed Instruction for Students Who Are Homebound or Hospitalized].)

Co-Chair Collins introduced Cathy Bishop and commended her and her staff on the extensive program development rule process, including involvement of stakeholders throughout the state. Mrs. Bishop introduced program staff and a consultant who reviewed the proposed rules as summarized below (see respective PowerPoint presentations and handouts for detailed information). Overall themes were the goals of NCLB and IDEA, prevention rather than “waiting for children to fail,” and access to general education.

Dr. Kimberly Crawford provided an update on speech and language impairments rule revisions, with special attention to issues of standardized testing and *cognitive referencing* (discrepancy model)—the unfounded notion that cognition limits language development so that language cannot exceed cognitive performance levels. She addressed work to date and the organization of the draft rule, noting the separation of language and speech disorders, into the following components: definitions, activities prior to referral, evaluation, and criteria for eligibility.

*Committee discussion requested more specificity regarding the terms “significant” and “persistent,” as well as case history requirements. Members were concerned that practitioners understand the intent of the changes, and that children not be excluded from needed services.*

Heather Diamond provided background and context for revision of the specific learning disabilities rule, including work to date, and reviewed the organization of the draft rule into the following components: definition, general education intervention procedures prior to eligibility determination, evaluation, the multidisciplinary team, and criteria for eligibility. It was noted that, with proposed rule changes, Florida would join three other states in prohibiting an eligibility model based on a severe discrepancy between achievement and intellectual ability; and requiring response to intervention (RtI) data, including documentation of specific instructional interventions, support provided, duration, frequency, and student data confirming a performance discrepancy, rate of progress, and educational need.

*Committee members discussed the elimination of IQ testing as a requirement of the process (although it could still be recommended) and the impact on not only students with learning disabilities but those who may be potentially gifted; they requested further information regarding other states’ approaches.*

Sheryl Sandvoss presented draft rule revisions for special programs for students who are mentally handicapped, noting the proposed terminology change from *mentally handicapped* to *intellectual disabilities*; elimination of *educable*, *trainable*, and *profound* classifications; draft definitions; criteria for eligibility; and evaluation procedures. She also addressed next steps in the rule revision process.

*Extensive committee discussion addressed implications of the change in terminology, with specific concerns related to prior SAC recommendations for the use of the term “cognitive disabilities;” consistency with professional practice across education, rehabilitation, other social services, and medicine; the possible creation of administrative barriers to services; and the need for extensive technical assistance. The committee requested follow-up information regarding various terminology and justification of that selected.*

*Committee discussion also addressed concerns regarding the elimination of the various classifications and how this might impact placements, students’ self-esteem, class size, effectiveness of instruction, teacher preparation, and certification requirements. It was noted that service delivery is determined by IEP teams based on the needs of students, not labels, and that the proposed action could improve flexibility in placements; it was agreed that such action would require a change in thinking and extensive information dissemination and technical assistance.*

*These issues were revisited during the Committee business meeting, with action taken as documented in that section of this report.*

Ms. Sandvoss also presented the draft proposed rule for special programs for students who are visually impaired, including definition, activities prior to referral, procedures for student evaluation and re-evaluation, criteria for eligibility (medical and educational), and supportive services. She indicated the proposed rule would be submitted to the State Board for approval in December, to become effective March 1, 2008.

*An excerpt from the Florida Administrative Weekly noticing hearings on the proposed rules for programs for visually impaired and for homebound-hospitalized was distributed.*

Co-Chair Purvis again commended staff on their extensive work on the rules, and Committee members for their involvement in the process.

### **Update on Part C/Transition to Part B**

(See SAC Member Notebook, Tab 7, Part C/Transition to Part B [Transition PowerPoint Presentation, Technical Assistance Paper: Transition from Early Steps to the School District Prekindergarten Program for Children with Disabilities or Other Programs].)

In followup to issues raised at the prior SAC meeting, Marilyn Hibbard and Sally Golden-McCord provided an update on IDEA Part B and Part C State Performance Plan indicators (see PowerPoint presentation). Relevant to transition, it was noted that, while work on the indicators had built great collaboration between DOE and the Early Steps Program, Children’s Medical Services, Department of Health, there were persisting issues related to the requirement that all children exiting Part C receive timely transition planning to support the child’s transition to preschool and other

appropriate community services by their third birthday. Issues include notification, changes in related forms, and other transition requirements, as well as confidentiality requirements, incompatibility of reporting systems, and accuracy of data. Efforts to improve data sharing between Part C and Part B were presented, including verification activities in thirty-two districts reporting minimal compliance and the “lessons learned” from these, as well as state-level and regional technical assistance activities.

Shared accomplishments regarding the respective SPP indicators for child outcomes were presented; results of these included strengthened collaboration at the state and local levels, expanded joint evaluation teams, and expected improved child performance.

*Committee discussion centered on incentives for improvement through the OSEP state and district determinations process and consequent resources and sanctions. An attendant need for personnel with the prekindergarten disabilities certification endorsement, and the availability of scholarships for this purpose, was noted.*

### **Inclusive Practices in Florida: Past, Present, and Future**

(See *SAC Member Notebook*, Tab 8, Inclusive Practices [Inclusive Practices in Florida PowerPoint Presentation].)

In response to the Committee’s request for information regarding inclusion in Florida, Cheryl Liles presented an historical perspective on the IDEA least restrictive environment (LRE) provision and trends toward inclusive classrooms (regular class placements vs. resource room, separate class, other separate environment). It was noted that students with mild disabilities are more likely to be educated in general education classes than students with moderate to severe disabilities; students with significant cognitive or emotional disabilities are more likely to be educated in special classes; and the majority of all students with disabilities have access to the general education curriculum. Ms. Liles discussed the impact of national and state initiatives (NCLB, SPP, access points, class size reduction), and described “what works in Florida” at the district, school, and classroom levels.

Heather Diamond continued the presentation with information related to the SPP indicator regarding LRE for students ages 6-21; activities with targeted districts based on placement data; and a cycle of data analysis and intervention activities designed to assist districts in meeting indicator targets for FAPE in the LRE, and to establish an integrated model for high LRE/student achievement correlation.

The presentation concluded with “success stories” from Miami-Dade and Volusia Counties, and a delineation of future challenges, including inclusion of students with significant cognitive or behavioral disabilities, capacity-building at district levels, and continuing collaborative efforts. (See PowerPoint presentation for more detailed information.)

## **SAC Business Meeting**

(See *SAC Member Notebook*, Tab 9, SAC Business Session [Draft Meeting Report June 24-26, 2007; SAC By-Laws; SAC Committee Action Form].)

Co-Chairs Purvis and Collins convened the SAC Business Session, opening the floor for public comment. Ashley Ocampo, a Leon County parent and Project Director, Region I Parent Training Center, representing the Family Network on Disabilities, spoke to proposed rules requirements that districts have a “reasonable” time to respond to parents, noting that this requirement is open to interpretation and needs further clarification.

The Committee took action as follows:

- Approved the Meeting Report of the June 24-26, 2007, meeting.
- Endorsed proposed changes to all ESE program rules except the rule for special programs for students who are mentally handicapped (see further action below).
- Recommended that the terminology in the program rule for “mentally handicapped” be changed not to “intellectual disabilities” but to “cognitive impairment.” (See also reports from meetings of June 24-26, 2007, and December 4-6, 2006.)
- Recommended that, for purposes of the State Performance Plan/Annual Performance Report, graduation rate be calculated as the percentage of students exiting school who received a standard diploma (standard diploma/exiters).
- Approved a 2008 schedule to include meetings on June 24-26 (St. Petersburg) and November 6-7 (Tallahassee), with a possible spring meeting to be determined by BEESS.

Members were reminded to submit their surveys regarding continuing appointment to the State Advisory Committee, and to complete the written Committee evaluation form.

Ms. Lockman presented members with plaques in recognition of their service to education for students with disabilities, noting that they were her first official committee. She expressed her appreciation to “an amazing group” with whom it was a pleasure to work and whose input she appreciated. She urged all the members to consider continuing service to the Committee. In turn, Co-Chairs Purvis and Collins recognized the leadership of Ms. Lockman and Ms. Polland.

The co-chairs conducted a plus/delta evaluation of the meeting, during which the meeting agenda, presenters, materials, and responsiveness of BEESS staff were commended. The meeting space was assessed as great, although the new hotel was noisy and needed improvements, especially in the area of food service.

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 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 ("DOE") 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 DOE in developing evaluations and reporting on data.
4. Advise the DOE in developing corrective action plans to address findings identified in federal monitoring reports under IDEA 2004, Part B.
5. Advise the DOE in developing and implementing policies relating to the coordination of services for children with disabilities.

DOE 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 DOE. 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/DOE (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:

SAC members initially shall be appointed to two-year terms. Subsequent appointments shall be for a one-year term. There shall be no term limits.

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 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 DOE, 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 DOE/BEESS 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:

DOE/BEESS 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 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 DOE 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, DOE/BEES by appropriate action of the Committee. Upon approval by DOE, 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 2/3 vote of the members present.



# **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).

**Individuals with Disabilities Education Improvement Act  
State Advisory Panel Provisions (continued)**

(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.





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

ESE 10839