

# 2006 ANNUAL REPORT



State Advisory Committee  
for the Education of Exceptional Students

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



2006

# *ANNUAL REPORT*

Florida Department of Education  
K-12 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 2006, the SAC held meetings on January 10-11, June 26-27, and December 4-6. 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

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.

## Annual Report

This *Annual Report* represents the organization and work of the Committee during 2006, and includes a list of members, the minutes of all meetings, Committee by-laws, and federal requirements. For further information, contact any member of the Committee, or BEESS.



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

## *STATE ADVISORY COMMITTEE MEMBERSHIP LIST*



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

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<p>Shelly Weiss 1358 Lyndale Blvd. Winter Park, FL 32789 Fax: 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*

*JANUARY 10–11, 2006*



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

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

**Meeting Report  
January 10-11, 2006**

The State Advisory Committee for the Education of Exceptional Students (SAC) met in Tallahassee on January 10-11, 2006, with the following persons in attendance:

Members:

(See SAC Membership List, Tab 2, *SAC Member Notebook*.)

Idelle Acosta-Kelley  
Zelda Carner, Ed.D. (Day 2)  
Lewellyn "Lew" Cassels  
Julie Clark  
Penny Collins  
Lileana "Lily" de Moya  
Randee Gabriel  
Angela Gilbert  
Rosalind Hall  
Joni Harris  
John Howle  
Stacy Justiss  
Leah Kelly  
Kathryn Krudwig, Ed.D.  
Theresa Leslie  
Judy Lewis  
Bambi J. Lockman (*ex officio*)  
Michele Love  
Judy Miller  
Joanne Nelson  
Kelly Purvis  
Charlotte Temple  
Lynda U. Thabes, DVM  
Evelys Ubiera (Day 1)  
Bill Vogel, Ph.D. (Day 1)  
Robyn Walker  
Michele "Shelly" Weiss

Designees:

(See SAC Designees List, Tab 2, *SAC Member Notebook*.)

Denise Arnold for Shelly Brantley  
Matthew Guse for Terri Eggers  
Sylvia Smith for Gary Weston  
Donni Sorrell for Bill Palmer  
Jarret Stone for Sue Ross

Absent:

Carlos Montas  
Debra Parramore

Department of Education (DOE) Staff:

Matt Carson, Assistant General Counsel (Day 1)  
Carrie Fraser, Executive Director, K-12 Legislative and Public Affairs (Day 1)  
Cheri Pierson Yecke, Ph.D., Chancellor, K-12 Public Schools (Day 1)

DOE/Bureau of Exceptional Education and Student Services (BEES) Staff  
(See BEES Staff Directory, Tab 5, *SAC Member Notebook*.)

Eileen Amy  
Cathy Bishop (Day 2)  
Lezlie Cline (Day 1)  
Karen Denbroeder  
Arlene Duncan  
Evy Friend  
Jenny Harry  
Patricia "Trish" Howell (Reception)  
Kim Komisar, Ph.D. (Reception)  
Landis Stetler, Ed.D.  
Karen Morris, Ph.D. (Day 1)  
Michele Polland  
Sheryl Sandvoss (Day 2)

Others:

Elizabeth Beale, Ed.D., Southeast Regional Resource Center (SERRC)  
Peggy Harter, Florida Diagnostic and Learning Resources System  
(FDLRS)/Miccosukee Associate Center  
Doris B. Nabi, Consultant  
Tom Nurse, Parent of a Child with a Disability (Day 1/Written Public Input)



**Tuesday, January 10**

## **State Advisory Committee Opening General Session**

### **Welcome and Meeting Overview**

(See SAC Meeting Agenda, Tab 1, *SAC Member Notebook*.)

Bambi Lockman, Chief, BEESS, welcomed the group, asserting the importance of the Committee's work in shaping policy and practice in exceptional student education for the State of Florida, and expressing appreciation to all the members for their willingness to serve in this important capacity. She noted that this was a new State Advisory Committee (although some members have served on prior ones), reconstituted to meet the requirements of the Individuals with Disabilities Education Improvement Act, the reauthorization of IDEA enacted in December 2004 (IDEA 2004)—a new Committee, with new challenges and new opportunities to build friendships and partnerships. She stressed the importance of members' maintaining a statewide perspective—rather than that of the individual, agency, or organization—and made the promise that the Committee's work would be a worthwhile and productive experience for members and staff. She noted that all are united in the mission to improve Florida's programs for individuals with disabilities, and affirmed her belief that, "Together we can make a positive difference!"

Ms. Lockman noted that, in order to expedite the work of the Committee pending adoption of by laws and election of officers (both items to be addressed later in the agenda), this meeting would be conducted by Bureau staff.

She concluded the overview with a walk-through of the agenda for both days, correlating each agenda topic to resources in the *SAC Member Notebook* and other materials. She recognized Bureau staff and others, noting that Michele Polland, Educational Policy Analyst, BEESS, serves as the primary liaison with the Committee.

### **Government in the Sunshine/Public Records/Code of Ethics and the State Advisory Committee**

(See "Issues Related to Government in the Sunshine, Public Records and Code of Ethics" and "Florida Commission on Ethics 2004 Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees," Tab 3, *SAC Member Notebook*.)

Matt Carson, Assistant General Counsel, DOE, noted that, as an advisory board to a state agency, SAC is subject to state laws and requirements concerning Government in the Sunshine, public records, and the Code of Ethics. He defined a meeting as "any communication between two or more members which involves issues that might come before the Committee," and pointed out three basic requirements of the Sunshine law: meetings must be open to the public, reasonable notice must be given, and minutes must be taken. He then addressed specific questions relevant to members' interactions. He noted that public records law provides that all records (including emails which relate to Committee business) shall

be open for inspection by any person, and also addressed limitations and penalties. Under the Code of Ethics, members are generally prohibited from soliciting or accepting gifts, unauthorized compensation, misuse of their public position, disclosing or using certain information, and holding employment with an entity doing business with the Committee. Mr. Carson concluded by noting citations for websites for additional information.

### **Policy Guidance for Exceptional Education: Roles and Responsibilities of the State Advisory Committee**

(See Excerpt from 20 USC Chapter 33 and SAC Member Representation Chart, Tab 2; and “State Advisory Committee” PowerPoint, Tab 4; *SAC Member Notebook*.)

Michele Polland reviewed the IDEA 2004 provisions establishing the purpose of the Committee, “to provide policy guidance with respect to special education and related services for children with disabilities in the State;” membership requirements, including the special rule that the majority of members be parents of children with disabilities or individuals with disabilities; and specific duties of the Committee as follows:

- to advise the DOE of unmet needs within the State in the education of children with disabilities
- to comment publicly on any rules or regulations regarding the education of children with disabilities
- to advise the DOE in developing evaluations and reporting on data
- to advise the DOE in developing corrective action plans to address findings identified in federal monitoring reports
- to advise the DOE in developing and implementing policies relating to the coordination of services for children with disabilities.

Ms. Polland concluded by noting the diversity of the Committee, in terms of members’ ages and race/ethnicity, the range of disability areas represented, and the various geographical areas represented. She assured the members that she would be available to them as a resource and encouraged them to contact her for any needed assistance as they carry out their Committee responsibilities.

### **SAC Member Introductions**

(See *SAC Member Face Book* [draft produced as handout for second day of meeting].)

SAC members were asked to briefly introduce themselves and the constituencies they represent on the Committee by responding to the prompts, “About Me...,” “What I Bring...,” and “My Expectations....”

The introductions highlighted the diversity of the Committee members and their experience, while emphasizing the common cause of improving programs and services for individuals with disabilities and manifesting a positive attitude toward being able to make a difference. The Committee introductions were captured and

published along with pictures of each member in an *SAC Member Face Book* distributed in draft form during the second day of the meeting.

### **Exceptional Student Education Overview/Update**

(See “Exceptional Student Education Update” PowerPoint; DOE Organizational Chart; BEESS Staff Directory; Legislative History of Florida’s ESE Program; 2005 SEA Profile; BEESS Resource Data 2005-2006; Federal and State General Revenue 2005-06 Discretionary Projects; “ESE Program Administration and Quality Assurance” PowerPoint; ESE Program Development and Services Staff/Responsibility Areas Listing; Special Programs Information, Clearinghouse, and Evaluation Staff/Responsibility Areas Listing, Tab 5; and BEESS Website Brochure, Front Cover Pocket; *SAC Member Notebook*. See also BEESS Publications List and selected publications in separate expandable folder.)

***There is no better place to be than where you are,  
and no better time than now to make a difference.***

With this quotation, Ms. Lockman introduced herself to the Committee, and began a broad-based education overview and “whirlwind tour,” including an exceptional student education update, which addressed the following:

- DOE Organization
- DOE Mission, Goals, Strategic Imperatives and Initiatives
- History of Exceptional Student Education in Florida
- School Population and Membership Data
- Student Outcome Data
- State and Federal Funding for Exceptional Student Education Programs
- Governance and Legal Authority/Oversight
- IDEA 2004 Reauthorization
- Major Bureau Initiatives
- Resources.

#### **DOE Organization**

Under Commissioner of Education John L. Winn, the Division of K-12 Public Schools (see organization charts) is headed by Dr. Cheri Pierson Yecke, Chancellor, and includes as major units Student Achievement and Educator Quality. BEESS is one of six Bureaus in the Student Achievement unit, and comprises three major sections: ESE Program Administration and Quality Assurance (PAQA); ESE Program Development and Services (PDS); and Special Programs Information, Clearinghouse, and Evaluation (SPICE).

#### **DOE Mission, Goals, Strategic Imperatives and Initiatives**

The legislatively-mandated K-20 mission is “to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities, and to maintain an accountability system that measures student progress toward [established] goals.”

DOE educational goals, which are implemented through a series of strategic imperatives across all program areas, are as follows:

- Highest student achievement
- Seamless articulation and maximum access
- Skilled workforce and economic development
- Quality efficient services.

All DOE programs and services must align with eight strategic imperatives:

- Increase the supply of highly effective teachers
- Set, align, and apply academic curricular and testing standards
- Improve student rates of learning
- Improve the quality of instructional leadership
- Increase the quantity and improve the quality of education options
- Align workforce education programs with skill requirements of the new economy
- Align financial resources with performance
- Coordinate efforts to improve higher student learning.

K-12 priorities include

- Middle and high school reform
- Rigorous reading
- Professional, comprehensive teacher recruitment
- Assistance Plus for low performing schools
- Implementation of the Continuous Improvement Model.

History of Exceptional Student Education in Florida

Florida has provided services to children with disabilities since 1941 (see “Legislative History...”), and currently provides services in 12 areas of program eligibility for students with disabilities. It also extends many of the IDEA protections to students who are gifted, and provides services to eligible inmates with disabilities through the Department of Corrections.

School Population and Membership Data

Florida’s public schools comprise 2.638 million students in grades PK-12 in 3,732 schools, operating through 67 school districts. The total student population includes 399,864 students with disabilities ages 3-21 (15%) and 116,705 students identified as gifted (4%).

Exceptional student education program areas include

- Mentally handicapped, including educable (EMH), trainable (TMH), and profoundly mentally handicapped (PMH).
- Speech/language impaired (S/LI)
- Deaf or hard-of-hearing
- Visually impaired (VI)
- Specific learning disabilities (SLD)
- Physically impaired (PI)

- Autistic
- Emotionally handicapped (EH)/severely emotionally disturbed (SED)
- Other health impaired (OHI)
- Dual sensory impaired (DSI)
- Hospital/homebound
- Gifted.

Students with disabilities represent 15% of the total student population; the percentages of white and black students who have disabilities exceed the percentages of white and black students in the general student population. Data were shared on the distribution of students with disabilities in the various areas of disability.

Of more than 46,000 students in Department of Juvenile Justice (DJJ) facilities, 40% are eligible for special education programs; students with disabilities include those who are EH/SED (46%), SLD (40%), EMH (8%), and other (6%).

#### Student Outcome Data

To answer the question, “How are ESE students succeeding?,” Ms. Lockman presented student outcome data from the Florida Comprehensive Assessment Test (FCAT), the required state assessment under the No Child Left Behind (NCLB) Act, including the following:

- Students with disabilities comprise 31% of all students in the lowest 25% in reading and 56% of such students who are making gains.
- Of students with disabilities grades 3-10 who took the 2005 FCAT Reading, 27% scored at Level 3 (proficient) and above; of such students who took the 2005 FCAT Mathematics, 30% scored at Level 3. Both of these percentages increased 4% over the prior year.
- The trend toward increased achievement for these students may be attributed to a better job of preparing students and improved supports in the classroom, especially as students with disabilities are now counted in school grades.

Noting that students with disabilities have to participate in the FCAT or be eligible for alternate assessment, Ms. Lockman emphasized the importance of parents’ knowing the implications of non-participation, and the availability of resources (see list below of items provided in expandable folder) to assist individual educational plan (IEP) teams and parents in making this decision. The declining trend across grade levels of participation in the FCAT may be attributed to the “bubble” of students who have not benefited from intensive instruction.

She also reviewed the various types of accommodations (flexible seating, additional time, flexible scheduling, instructions by proctors, or alternate methods of responding) for students taking the FCAT, and the relative achievement levels in Reading and Math for students who used accommodations and those who did not. Appropriate accommodations are determined by the IEP team, and are allowable so

long as they maintain the integrity of the test and its validity and reliability. It was suggested that a future SAC meeting include a presentation on assessment.

Ms. Lockman reviewed trends in participation in alternate assessment, which is restricted to those students who have the most significant cognitive impairments, noting significant declines in participation by students with specific learning disabilities and those who are emotionally handicapped/severely emotionally disturbed. She also examined proficiency on alternate assessment by disability area. There was a recommendation that performance be used to identify effective instructional programs and practices, and that these be shared across districts.

Members were referred to the “2005 SEA Profile” included in their notebooks which summarizes data as indicators of educational benefit, educational environment, and prevalence. Similar profiles are available on the Bureau’s website for each school district. It was noted that such data are useful in identifying effective programs, and that district sharing is facilitated through regional “roundtable” meetings and annual conferences, as well as through statewide networks of special projects such as FDLRS.

#### State and Federal Funding for Exceptional Student Education Programs

Ms. Lockman provided a brief overview of support for exceptional student education through the Florida Education Finance Program (FEFP), including 3.4 billion dollars in state and local funds distributed for most students through a base student allocation, depending on grade level, and a supplemental ESE guaranteed allocation. Students with severe/profound disabilities generate funding at one of two levels based on a matrix of services which identifies all the special education services provided to a student as indicated on the student’s IEP. Additional state support is provided through categorical programs and special allocations, such as those for instructional materials, transportation, technology, teacher training, and mentoring, among others.

Ms. Lockman reviewed the use of federal dollars under IDEA, Part B (\$581,245,171), IDEA/Part B Preschool (\$18,663,021), and Supplemental Part B funds (\$7,611,898), noting that the vast majority of these funds are entitlements to districts which support excess costs of providing special education and related services to students with disabilities, including teacher aides, training, and parent involvement initiatives. State set-asides support administrative costs and discretionary projects which provide specialized programs and services, such as FDLRS (see list of discretionary projects). Ms. Lockman noted the Bureau’s efforts to align all projects in support of student outcomes and strategic imperatives.

#### Governance and Legal Authority/Oversight

Major federal laws which govern exceptional student education are IDEA 2004 and Section 504 of the Rehabilitation Act of 1973, along with their respective current and proposed implementing regulations. Chapters 1000—1013 of the *Florida Statutes* comprise the K-20 Education Code; these are augmented by State Board of

Education Rules (see *A Resource Manual for the Development and Evaluation of Special Programs, Volume I-B: Florida Statutes and State Board of Education Rules—Excerpts for Special Programs [Revised 2005]*).

Federal oversight is provided through the Office of Special Education Programs (OSEP), U. S. Department of Education, which approves Florida's eligibility document, state plans, and annual reports, and also provides onsite monitoring of state and district programs. Compliance issues resulted in special conditions being attached to Florida's current IDEA, Part B grant award; all but one of these conditions have been resolved, and the one pending issue, the provision of speech/language as a related service, will be addressed by the 2006 Florida Legislature.

District programs are based on their *Special Programs and Procedures (SP&P)* documents, which ensure compliance with federal law and regulations and state statutes and rules, and are submitted to the Bureau for approval every three years. The state provides oversight to district programs through dispute resolution, monitoring, and targeted technical assistance.

#### IDEA Reauthorization of 2004

(See Bureau IDEA 2004 Activities and Justesen correspondence [September 6, 2005], Tab 8, *SAC Member Notebook*; and *IDEA Reauthorized 2005 Edition: 2004 Amendments to the Individuals with Disabilities Education Act* [book provided to all SAC members].)

Like its predecessors, IDEA 2004 is designed to ensure children with disabilities and their families access to a free appropriate public education and to improve educational results for these children. It has as its major themes:

- Paperwork reduction
- Parentally-placed private school students
- Highly-qualified teachers
- Assessments
- Disproportionate representation
- Charter schools
- Homeless/migrant students
- Transfer students
- Evaluations and reevaluations
- Individual educational plans
- Procedural safeguards
- Dispute resolution
- Transition
- Parent activities
- Training and technical assistance
- State performance plans.

Most of the provisions of the law were effective July 1, 2005. Implementing regulations have been proposed, and Florida has provided input into these (see Justesen correspondence). The Bureau has also carried out a number of implementing activities, including distribution of a DVD and study guide, procedural safeguards, and technical assistance materials.

#### Major Bureau Initiatives

Ms. Lockman outlined Task Force/Workgroup activities in the areas of Paperwork Reduction/IEP; Learning Disabilities; Alternate Assessment; Charter Schools; Speech/Language Services; and Access and Opportunity, a multi-agency initiative. Other major initiatives include a Personnel Development Management Project to coordinate training activities across projects, Transition, and revision of Program Rules.

#### Resources

Ms. Lockman reviewed resources available to the Committee and other parents and professionals, noting the BEESS Website Brochure (inside Front Pocket), and Clearinghouse Information Center Publications Index and Resources for Florida's Teachers (Tab 10) in the *SAC Member Notebook*. She also called attention to selected Bureau publications included in a separate expandable folder for members, including the following:

- *Accommodations: Assisting Students with Disabilities—A Guide for Educators*
- *Diploma Decisions for Students with Disabilities: What Parents Need to Know*
- *The FCAT Waiver for Students with Disabilities—Fact Sheet for School Districts*
- *High School Diploma Options for Students with Disabilities: Getting the Right Fit*
- *The IEP Team's Guide to FCAT Accommodations*
- *Planning FCAT Accommodations for Students with Disabilities: Information for Parents and Teachers*
- *The Sunshine State Standards and Students with Disabilities: What Parents Need to Know*
- *Transition Planning for Students with Disabilities: A Guide for Families.*

Subsequent to Ms. Lockman's presentation, BEESS administrators provided an overview of the staff and services of each of the three Bureau sections.

#### ESE Program Administration and Quality Assurance (PAQA)

(See "ESE Program Administration and Quality Assurance" PowerPoint, Tab 5, *SAC Member Notebook*; and *Focused Monitoring, Continuous Improvement/Self Assessment Plan Verification, Focused Monitoring Verification Work Papers and Source Book* [separate handout].)

Eileen Amy, Administrator, addressed dispute resolution and monitoring functions, identifying staff responsible for each. She reviewed administrative remedies, including mediation, complaint management, and due process hearings, noting that, for the year ending June 30, 2005, 114 mediations were completed, with 76 resulting



in agreements; 83 State complaints were filed, with 26 orders issued; and there were 186 due process hearing requests, with 29 final orders issued. She noted that the hearing orders were available at the meeting for member review. Dispute resolution priorities include meeting the 60-day timeline; implementation of procedural safeguards (pending IDEA 2004 final regulations); a dispute resolution manual; posting of agency and due process orders to the web; training for mediators and administrative law judges, improved communication with the Office for Civil Rights regarding district complaints; and improved coordination with the Division of Administrative Hearings.

Ms. Amy addressed the different levels of monitoring provided by the Bureau, including focused monitoring based on data related to four selected indicators (FCAT participation, graduation with a standard diploma, percentage of students in regular class placement, and dropout rate for students with disabilities); district continuous improvement plans; verification through focused or continuous improvement plan monitoring; and cyclical monitoring of prisons, lab schools, and the Florida School for the Deaf and the Blind. Monitoring priorities include changing to a school year schedule, revising the process to align with the *State Performance Plan* and IDEA 2004 indicators, implementation of a self-assessment process for districts, training peer monitors, and revision of current monitoring-related documents.

Overall section priorities address the state eligibility document for 2006, IDEA 2004 implementation and compliance, implementation of a required state performance plan, technical assistance on compliance issues, revision of district special programs and procedures requirements, restructuring a stakeholders' workgroup, database development and implementation to track section activities, improved communication/training with all stakeholders, systemic reviews, parent surveys and focus groups, as well as ongoing collaboration with other entities.

#### ESE Program Development and Services (PD&S)

(See PD&S Staff/Program Responsibility Listing, Tab 5, *SAC Member Notebook*.)

Substituting for Evy Friend, Administrator, Lezlie Cline, Program Director, reviewed a listing of section staff, including for each their responsibilities for program and subject areas, as project liaisons, and as agency/activity liaisons. Program staff provide expertise in all areas of disability and gifted education, represent the Bureau in related DOE and other agency activities, and coordinate related projects. Ms. Cline noted the diversity of responsibilities, and encouraged members to contact staff as appropriate for information regarding these.

#### Special Programs Information, Clearinghouse, and Evaluation (SPICE)

(See SPICE Staff/Program Responsibility Listing, Tab 5, *SAC Member Notebook*.)

Karen Denbroeder, Administrator, introduced herself as a trained school psychologist with both district and private practice experience. She outlined as major areas of section responsibility publications development, production, and

distribution; data analysis/publications; federal reporting; administration of district entitlement grants; full-time equivalent (FTE) student membership estimating analyses; accountability and assessment, including alternate assessment; the required state performance plan under IDEA 2004; and juvenile justice education. She also reviewed a listing of section staff, including for each of their areas of responsibility.

### **Florida: Leading the Nation in Raising Student Achievement**

Dr. Cheri Pierson Yecke, Chancellor, K-12 Public Schools, addressed the Committee during a sponsored luncheon, expressing her appreciation to the members for their willingness to serve in such an important area at a time of many challenges. She outlined several K-12 initiatives, including high school reform, intended to build on recent elementary school successes, especially in reading. She referenced such possibilities as career exploration in middle school, with career academies and intense work in selected college-like major fields of study in high school. Another possibility might be eighth-grade summer academies, with intensive interventions for high school success; or high school retention requirements that would include specific strategies to ensure students' success. Dr. Yecke also addressed efforts to reduce paperwork in accordance with legislative mandates, noting the intent to not just automate the processes, but to decrease the burden of paperwork in person-hours. She indicated that an additional 32,000 teachers are needed just to meet current requirements, and that a plan for recruitment and retention would be presented to the State Board of Education. Strategies under consideration include providing incentives for teachers from states with declining enrollments, and providing incentive pay in hard to staff schools/areas. Committee interaction indicated that concerns of teachers are not only salary, but also administrative support, paperwork reduction, and the increasing demands on highly-qualified teachers. Suggestions included looking at the salary scale to provide realistic compensation across the board; possible help with costs of housing and medical benefits; and increased retirement benefits. Successful early teacher institutes and possible career academies for prospective teachers were also discussed.

### **Turning Data into Information, and Information into Insight: *Florida's State Performance Plan under IDEA 2004***

(See "State Performance Plan" PowerPoint and Part B *State Performance Plan (SPP)* for 2005-2010 [Draft], Tab 6, *SAC Member Notebook*; and the *AMM Databook: Fall 2005* [separate publication].)

Karen Denbroeder introduced *Florida's State Performance Plan (SPP)* required under IDEA 2004, noting that it must be developed with broad stakeholder input and public dissemination, that each state must report annually on its performance under the SPP, that the plan must be reviewed at least once every 6 years, and that SPP targets will be used to analyze the performance of each local educational agency and report annually on such performance.

The SPP addresses three monitoring priorities:

- Free appropriate public education in the least restrictive environment
- Disproportionality
- Effective general supervision.

For each priority there are defined indicators; for each of these 20 indicators, the plan describes measurement/suggested data sources as defined by OSEP; an overview of issues/description of system or process; discussion of baseline data for school year 2004-2005; measurable and rigorous targets (6 years), and improvement activities/timelines/resources. (See *State Performance Plan (SPP)* for 2005-2010 [Draft], Tab 6, *SAC Member Notebook*.)

Ms. Denbroeder reviewed with the Committee selected indicators and supporting data, then indicated that members would be asked to work in teams to review the information presented for all priorities and indicators, in consideration of the guidelines provided by OSEP:

- Improvement activities are designed to meet targets
- Targets are aligned with the indicator, measurable and reflect improvement
- Baseline data are present, clear, and measurable
- Data are valid and reliable
- Required information is included.

Preliminary discussion of certain indicators included the following:

- Presentation of data in terms of “reducing the gap” may be confusing if people are looking for increased/decreased performance.
- There is some evidence that, of students with disabilities who achieve at higher levels in FCAT Math and Reading, more do so without accommodations than with accommodations.
- Are there identifiable trends in the suspension/expulsion of students with disabilities? How are students with severe emotional disturbance involved?
- Tracking of participation and outcomes for preschool students with disabilities will be enhanced through a federally funded General Supervision grant with the Department of Health, Part C, Early Steps program for children ages 0-3.
- Measures of parent involvement will be enhanced with a nationally-validated instrument; incentives for responding might be useful, but could also bias results; the instrument might be administered at IEP meetings; any survey should be conducted in multiple languages.
- Disproportionate representation might be a function of placements made years ago when they were the only way to obtain needed supports and services; while we’re doing a better job now, in some program areas we need to examine identification and referral procedures, assessment, pre-referral interventions, etc.
- Measures of effective transition will require district data not reported through the state data system and will be facilitated by interagency data-sharing agreements.

- How to measure whether an IEP will “reasonably enable” a student to meet postsecondary goals is problematical.
- Our state is ahead of all others in having the Florida Education and Training Placement Information Program (FETPIP), a data system which tracks students who leave school through national employment data systems and statewide educational and other systems.
- Attaining fully adjudicated due process hearings within the 45-day timeline will be a challenge.
- Florida has been successful in identifying and correcting noncompliance within one year, resolving signed written complaints with the 60-day timeline, and submitting timely and accurate reports.

### **Wednesday, January 11**

#### ***State Performance Plan (continued)***

On the second morning of the meeting, Committee members met in five teams to review and discuss assigned priorities and related indicators. Designated reporters for each of the teams (Donni Sorrell, Kathryn Krudwig, Joni Harris, Kelly Purvis, Randee Gabriel) then presented selected highlights of their deliberations. The team comments, summarized in a report for the Bureau, will be considered in the final revisions to the SPP before it is submitted to OSEP at the end of January, and SAC members will receive a copy of the final plan.

#### **Southeast Regional Resource Center (SERRC)**

During a sponsored luncheon, Dr. Betty Beale, Executive Director, oriented members to the Regional Resource and Federal Centers (RRFC) Network, a national technical assistance network comprised of the Federal Resource Center for Special Education and six regional resource centers (RRCs) for special education which are funded to assist state education agencies in the systemic improvement of education programs, practices, and policies that affect children and youth with disabilities. The RRCs provide a liaison with OSEP in performance areas defined by the *State Performance Plan*, and work to help states and jurisdictions find integrated solutions for systemic reform, offering consultation, information services, technical assistance, training, and product development. They work together to identify and address issues across regions and nationally, and to facilitate networking and information-sharing among states. In this way, they are able to offer the states the benefits of a nationwide, cutting-edge source for special education technical assistance. SERRC serves Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Puerto Rico, Texas, and the U.S. Virgin Islands; among its initiatives with Florida is support for its state advisory committee in compliance with federal requirements.

## **BEESS Clearinghouse/Information Center: Resources for Parents and Professionals**

(See BEESS Website Brochure, inside front pocket, and *Publications Index*, Tab 10, *SAC Member Notebook*; and selected publications in expandable folder.)

Arlene Duncan, Supervisor, oriented members to the Bureau's Clearinghouse/Information Center, noting that it maintains the world's largest loan collection of special education materials for parents and professionals; maintains the Bureau's website; provides information search services; and produces and distributes more than 400 technical assistance and other publications of the DOE that are available free or at-cost to requesters. A Clearinghouse display featured several new publications, and SAC members were encouraged to utilize this resource center and to make it known to their respective constituencies.

## **State Board of Education Rules for Exceptional Student Education: Proposed Rule Revisions**

(See "ESE Program Rule Development and Public Comment Workshop" PowerPoint, Draft of Proposed Rules, and ESE Program Rules Comment Form, Tab 7, *SAC Member Notebook*; and *A Resource Manual for the Development and Evaluation of Special Programs, Volume I-B: Florida Statutes and State Board of Education Rules—Excerpts for Special Programs [Revised 2005]*.)

Evy Friend, Administrator, PD&S, BEESS, introduced rules to be revised in the areas of Special Programs for Students who are Deaf or Hard-of-Hearing, Students who are Physically Impaired, Students who are Emotionally Handicapped, and Students who are Autistic. She noted that the purpose of the revisions was to incorporate changes required by IDEA and to update rule language to reflect current knowledge in the field, and that the proposed rules should be considered in the context of other rules. She provided a chronology of rule revision activities, including extensive stakeholder involvement, then examined each of the proposed rules, delineating changes from the existing rules. Specific comments related to each proposed rule were expressed as follows:

- Deaf or Hard-of-Hearing—concern regarding deletion of "communication" language; "performance in the educational environment" is too narrow a definition.
- Physical Impairments—expand title to include orthopedic impairments, other health impairments, and/or traumatic brain injury; format should be consistent with other proposed rules.
- Emotional or Behavioral Disabilities—positive change in reference; changes should be made only in consideration of impact on eligibility requirements for other programs, such as Medicaid; be careful of implication that mental health is separate from physical health—there should be parity in these; the definition of "social maladjustment" is very confusing; evaluation procedures must be clarified to make sure they are not excluding students in juvenile justice programs.

- Autism Spectrum Disorder—positive change in reference; rule is more inclusive; there are issues with terminology including “stereotypical” (although this is a clinical term), “uneven,” “limited joint-attention.” How is “chronic” defined?

General concerns included the following:

- Cross-references to other rules may make the new rules difficult to understand and interpret.
- Rules should be clear enough to stand alone and not require additional guidance through technical assistance papers; too many documents can inhibit understanding, especially if parents/others don’t know these exist or where to obtain them.

Ms. Lockman indicated that such input let the Bureau know where clarification is needed, and that these and written comments submitted by Committee members will be considered in the final revisions of the rules prior to their submission to the State Board of Education for approval. Technical assistance materials will be made available to assist districts in implementation of the revised rules. Ms. Friend indicated that the next rules to be considered for revision are Gifted, Mental Handicaps, and Visually Impaired, and that the Committee would be involved in this work.

### **Information Resources**

SAC members were encouraged to access the Bureau website ([www.myfloridaeducation.com/commhome](http://www.myfloridaeducation.com/commhome)) for access to a variety of technical assistance materials and updated information. It was also noted that anyone may receive notifications of and/or access official correspondence and other resources through the DOE’s paperless communication system, and SAC members were encouraged to register for this system at [www.firn.edu/doe/menu/communications.htm](http://www.firn.edu/doe/menu/communications.htm). It was recommended that a demonstration of these website resources be included in a subsequent meeting.

### **Committee Discussion: Effective Information Dissemination/ Stakeholder Involvement**

There was extensive Committee discussion throughout the presentations regarding the roles of the DOE and districts in providing information to staff and to parents and families, and concordant issues of access to and “understandability” of such information, as well as the ability to provide input or responses to shape policy and practice. Effective communication requires constant diligence in ensuring that personnel and parents have timely access to relevant information that is clear, direct, and succinct; at the same time, it cannot become a burden for the recipient (“How much is too much?” “Is every parent of a child with a disability required to become an expert in special education law?”). While not all parents require information on “the finer points of law” but are instead able to rely on the knowledge of their local staff, such information should be available in “parent-friendly” versions, multiple languages, and multiple formats to those with the time and inclination to

review and understand it. It should not be assumed that all stakeholders have access to the Internet/Web as a source of information or means of communication. Despite intensive efforts on the part of the Bureau and districts, involvement of parents and other stakeholders is sometimes difficult to obtain and sustain. Effective information dissemination and stakeholder involvement should continue to be areas of Committee concern and program improvement.

### **SAC Business Session**

Pending the adoption of by-laws and election of officers, Michele Polland conducted the business session with the following outcomes:

#### **Public Input**

(See Public Input Form [meeting handout].)

Noting that public input would be a regularly-scheduled part of SAC meetings, Ms. Polland read into the record a statement by Tom Nurse on behalf of his daughter with a disability stating his concerns regarding needed expansion of technology-based assessment and the prompt notification of results. Evy Friend provided background on the pilot program which allowed students to take the FCAT via computer as a unique accommodation, and indicated that the school district had been requested to forward FCAT results to the parent right away. BEESS will respond accordingly to Mr. Nurse; his statement and the response will be available for review in the SAC Correspondence File to be provided at each meeting.

#### **Committee Action Items**

(See Committee Action Forms, Tab 9, *SAC Member Notebook*.)

Ms. Polland reviewed a Committee Action Form proposed for use by the Committee in all matters brought before it. The form includes the topic, proposed action, authority, background/rationale, and supporting documentation. It was suggested that the form be revised to include the action taken, and provided electronically to members.

The Committee then took action as follows (see Committee Action Forms, State Performance Plan and Proposed ESE Program Rules, Tab 9, *SAC Member Notebook*):

- Endorsed in concept the proposed State Performance Plan, to be revised in consideration of Committee input as appropriate, for submission to the U. S. Department of Education, Office of Special Education Programs (OSEP). (Collins, Hall; approved unanimously.)
- Endorsed proposed ESE Program Rules (Exceptional Student Education for Students who are Deaf or Hard-of-Hearing; Students with Physical Impairments [Orthopedic Impairments, Other Health Impairments, Traumatic Brain Injury]; Students with Emotional or Behavioral Disabilities; Students with Autism Spectrum Disorder), to be revised in serious consideration of Committee input

and subsequent written comment as appropriate, for submission to the State Board of Education. (Harris, Kelly, Stone amended; approved with one abstention [Smith].)

Final versions of both the *State Performance Plan* and the ESE Program Rules will be provided to the Committee as they are available. SAC members will have ongoing opportunity for input into the SPP through the annual report process.

#### Committee List/Designee Forms

(See SAC Membership List, Tab 2, and SAC Designee Form, Tab 9, *SAC Member Notebook*.)

Committee members reviewed the SAC Member List and verified the accuracy of entries; they also indicated contact information, such as home telephone or cell phone numbers, which should not be published to the website.

Committee members were also asked to appoint an alternate in accordance with the requirements in the proposed by-laws.

#### SAC Face Book

An *SAC Face Book*, compiled from onsite photographs of members and their introductory statements addressing “About me...,” “What I bring...,” and “My expectations...” was distributed in draft form for review and any revisions, such as redacting names of family members, prior to publication in color. While intended for internal use by the Committee, the Face Book is a public document. Members indicated they found the book very helpful as a means of getting to know one another, and expressed their appreciation for it.

#### Meeting Schedule

The Committee approved the proposed meeting dates of June 27-28, 2006, and December 5-6, 2006, with locations to be determined by the Bureau.

#### Nominating Committee/Officer Elections

(See Survey of Member Interests and Survey of Member Interests/SAC Officer Position, Tab 9, *SAC Member Notebook*.)

To expedite officer elections pending approval of proposed Committee by-laws, members were asked to complete a Survey of Member Interests indicating their interest in serving as an elected officer (co-chair, vice-chair, or parliamentarian) or being appointed to the nominating committee or by-laws committee. The respective duties of these positions are delineated in the proposed by-laws, subject to final Committee approval. In consideration of the survey forms, the Bureau will appoint a nominating committee. The nominating committee will consider the additional survey information provided by officer candidates in the interim before the next meeting and bring forth a proposed slate of officers for election.



## Proposed By-laws

(See Proposed SAC By-laws, Tab 9, *SAC Member Notebook*.)

Noting that this is a new Committee that will adopt the by-laws under which it operates, Ms. Polland shared proposed by-laws for consideration and revision by the Committee, with action to be taken on these in a subsequent meeting. There was noted one suggested revision to include members' responsibilities under Government in the Sunshine provisions.

## Next Meeting

Topics for the next meeting include the proposed by-laws/revisions, election of officers, and way of work, as well as agency updates. It was suggested that microphones be considered as a meeting accommodation, and that they continue to be used as such.

## Travel Reimbursement/Child Care Reimbursement (See reimbursement forms distributed at meeting.)

Ms. Polland reviewed procedures for travel reimbursements, noting that these are processed through the Panhandle Area Educational Consortium (PAEC), Washington County School Board, on behalf of the Bureau. She noted that PAEC can provide pre-paid airline tickets on request. She also distributed the appropriate forms for child care reimbursement to eligible members, and explained the process for completing these and submitting them to the Bureau. It was requested that all reimbursement forms be submitted as soon as possible, and definitely prior to February 10, 2006.

The members took action to close the business meeting.

## Evaluation/Next Steps

Bambi Lockman and Michele Polland conducted a "Plus/Delta" evaluation, asking members to identify positive things about the meeting ("Plus") and things that needed improvement ("Delta"):

### Plus (Positive):

- Receiving materials prior to the meeting
- Meeting notebook
- Resources and supplies
- Highly interactive
- Personal introductions
- Respect for all opinions
- Not so much focus on "my child," but all students
- Availability/openness/involvement of Bureau staff, who stayed throughout
- Face Book—a great idea!
- Broad representation
- Excellent meeting organization
- Stayed on agenda/schedule

Mailing meeting materials  
Hotel and shuttle service  
Food

Delta (Need improvement):

Needed more time in work sessions  
Other suggestions:  
Opportunity for agency updates at next meeting  
An SAC tote bag for all the great materials.

Ms. Lockman again thanked the members and staff for a great meeting and their excellent participation and partnership, and concluded with a moving PowerPoint presentation, reminding the group

***As you make this journey, remember each day is a precious gift. If you can enjoy it for what it is and make the most of it, there is another extraordinary gift waiting for you...tomorrow!***  
[Bradley Greive, Tomorrow—Adventures in an Uncertain World]

The meeting was adjourned.

Attachment: State Advisory Committee Review of State Performance Plan (Working Draft)

*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*

*JUNE 26–27, 2006*



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

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

**Meeting Report  
June 26-27, 2006**

The State Advisory Committee for the Education of Exceptional Students (SAC) met in St. Petersburg, Florida, on June 26-27, 2006, with the following persons in attendance:

**Members**

(See SAC Membership List, Tab 2, *SAC Member Notebook*.)

Idelle Acosta-Kelley  
Lewellyn "Lew" Cassels  
Penny Collins  
Lileana "Lily" de Moya  
Randee Gabriel  
Angela Gilbert  
Rosalind Hall  
John Howle  
Leah Kelly  
Kathryn Krudwig, Ed.D.  
Theresa Leslie  
Bambi J. Lockman (*ex officio*)  
Michele Love  
Judy Miller  
Carlos Montas  
Joanne Nelson  
Bill Palmer  
Kelly Purvis  
John Reiss  
Sue Ross  
Charlotte Temple  
Evelys Ubiera  
Bill Vogel, Ph.D.  
Robyn Walker

Designees

(See SAC Designees List, Tab 2, *SAC Member Notebook*.)

Denise Arnold for Shelly Brantley  
Jacky Egli for Zelda Carner  
Matthew Guse for Terri Eggers  
Bob Jacobs for Gary Weston

Absent

Julie Clark  
Joni Harris  
Judy Lewis  
Debra Parramore  
Lynda Thabes  
Shelly Weiss

Department of Education (DOE) Staff

Kate Kemker, Chief, Bureau of Instruction and Innovation

DOE/Bureau of Exceptional Education and Student Services (BEESS) Staff

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

Eileen Amy  
Kathy Dejoie  
Evy Friend  
Jenny Harry  
Karen Morris, Ph.D.  
Michele Polland

Others

Doris B. Nabi, Consultant  
Phil Pickens, Southeast Regional Resource Center (SERRC)

**Monday, June 26**

**State Advisory Committee Opening General Session**

**Welcome and Introductions/Way of Work Overview of Agenda and Meeting Materials**

(See SAC Meeting Agenda, Tab 1; SAC Information, Tab 2; BEES Staff Directory, Calendar, and *Publications Index*, Tab 10; *SAC Member Notebook*; and *SAC Face Book*.)

Bambi Lockman, Chief, BEESS, welcomed the group, stating that the Committee is an important asset as exceptional student education faces many challenges. She previewed some of the agenda topics—monitoring, program rules, Sunshine State Standards revisions—and noted that SAC input is essential to the work of the Bureau in these and other areas.

She introduced as an outstanding team Bureau staff present at the meeting, including Michele Polland, Evy Friend, Eileen Amy, Karen Morris, Kathy Dejoie, and Jenny Harry, as well as Phil Pickens, representing SERRC, and Doris Nabi, Consultant.

She encouraged the group to use the final version of the *SAC Face Book*, distributed at the meeting, as a resource by referring to it as members introduced themselves. During the introductions, it was noted that John Reiss had been newly-appointed as a parent representative of the Florida Institute for Family Involvement (replacing Stacy Justas).

Members then developed the following way of work or ground rules:

- Turn cell phones off or on vibrate.
- Use microphone when speaking in consideration of others.
- Don't monopolize time by talking too much.
- Allow individuals to finish thoughts before responding or commenting.
- Always respect each other, listen, and be nonjudgmental.
- Limit table conversations; share comments with total group.
- Make an effort to get to know one another; use *SAC Face Book*.
- Stay focused on agenda; leave personal agendas at the door.
- Look at global picture rather than individual circumstances.
- Find common ground; build consensus.

It was also suggested that, to the extent possible, meeting materials be provided in advance in accessible formats.

Michele Polland, Educational Policy Analyst/SAC Liaison, BEESS, then provided a walk-through of the agenda for both days, correlating each agenda topic to resources in the *SAC Member Notebook* and a *Resource Packet* which included all of the Bureau's technical assistance papers for the past year. She also noted the Clearinghouse display of Bureau publications and products and directed members to

the Publications Index included in the *Notebook*. Ms. Polland also reviewed the charge to the Committee from the IDEA regulations.

### **Nominating Committee Report**

Ms. Polland then introduced the Nominating Subcommittee, noting that—in the absence of approved by-laws—all members who had expressed an interest through completion of the SAC Member Interests Survey were invited by the Bureau to participate on the subcommittee.

Members included the following:

- Zelda Carner
- Lily de Moya
- Randee Gabriel
- Rosalind Hall
- Judy Miller
- Sue Ross

Judy Miller gave the report of the Nominating Subcommittee, which met by telephone conference call on June 20. The Subcommittee considered all members who had self-nominated for the various Committee offices through completion of the SAC Member Interests Survey, including review of information provided by these individuals in their Appointment Questionnaires, Surveys, and *Face Book* entries.

Based on this consideration, the Subcommittee proposed the following slate of officers, noting the diverse representation they would bring to the Committee offices:

- Co-chair (parent): Kelly Purvis
- Co-chair: Penny Collins
- Vice-chair: Lew Cassels
- Parliamentarian: John Howle

Because all members had the opportunity to self-nominate for any office, the group took action to close the nominations. The nominees would have an opportunity to present to the Committee on their interests in serving and their qualifications for the respective offices during lunch, with action on their nominations during the next day's business session.



## **Exceptional Student Education (ESE) and Legislative Update**

Ms. Lockman presented an extensive ESE and legislative update which addressed the following:

- 2006 Education Budget Highlights
- Selected 2006 Legislation
- Accountability and State Assessment
- State Performance Plan (SPP)
- Task Force Activities
- Program Update.

## **2006 Education Budget Highlights and Selected Legislation**

(For detailed information on appropriations and legislation, including copies of selected bills, see the ESE/Legislative Update PowerPoint Presentation and selected bills, Tab 3, *SAC Member Notebook*; and the *Florida Department of Education Legislative Review* [document handout].)

The 2006 education budget overview summarized appropriations in the categories of state grants (K-12/Florida Education Finance Program (FEFP) and Non-FEFP).

K-12/FEFP appropriations included increases in overall FEFP funding (10.76%), reading instruction, teacher pay, instructional materials, student transportation, and class size reduction. FEFP funds per student increased by \$542.21 (8.68%) to \$6,789.68. The base student allocation increased to \$3,981.61; there were adjustments in the program weights used to recognize varying educational program costs, including exceptional education, and the ESE guaranteed allocation had a significant increase.

K-12/Non-FEFP appropriations included an overall increase of 13.10% for state grants in the areas of reading initiatives, education innovative initiatives (A++), K-8 virtual education, and the autism program. The ESE categorical which helps to fund Florida Diagnostic and Learning Resources System (FDLRS), Multiagency Network for Students with Severe Emotional Disturbance (SEDNET), Children's Registry and Information System (CHRIS), Florida Instructional Materials Center for the Visually Impaired (FIMC-VI), the Governor's Summer Program, and Very Special Arts was funded at the prior year's level.

The budget presentation also looked at allocations for reading, class size reduction, and the voluntary prekindergarten education program.

Ms. Lockman provided an update on school grades, noting that Florida has more "A" and "B" schools than ever before, with three of every four schools considered high performing in 2006, at the same time that the state continues to raise its standards for achievement to ensure students are prepared for the rigor of postsecondary education and the workforce.

Ms. Lockman continued with information on the extensive A++ legislation, House Bill 7087 (copy provided), and its provisions related to the following:

- Secondary Reform
- School Leadership Development
- Incentive Pay
- Paperwork Reduction
- School Improvement
- Just Read, Florida!
- School Start Date
- School Grades
- Career Education
- Progress Monitoring Plans (replace Academic Improvement Plans (AIP)).

(These are outlined in a June 8, 2006, memorandum to school districts included in Tab 3, SAC *Member Notebook*, and the *Legislative Review*; additional information is available on an ongoing basis on the department's website, [www.fldoe.org/APlusPlus](http://www.fldoe.org/APlusPlus).)

Provisions in the A++ legislation specific to exceptional student education include the following:

- Speech and language pathology is included in the definition of related services, and continues to be recognized as a primary exceptionality. This removes an Office of Special Education Programs' special condition related to Florida's compliance with federal law. As noted in Committee discussion, this provision will further impact the shortages of qualified personnel in this program area.
- Costs for students with disabilities from other states who are served in residential facilities in Florida must be assumed by the placing authority in the students' states of residence; nonresident students cannot be reported for Full-Time Equivalent (FTE) funding.
- Team teaching strategies may be used to improve learning opportunities, including those for students with disabilities, but teams are subject to specified certification, experience, and training requirements. These will have implications for resources provided through FDLRS and the Florida Inclusion Network (FIN).
- DOE is required to have an electronic individual educational plan (IEP) in place for statewide use by July 1, 2007. The Bureau is sponsoring many exciting activities to meet this requirement, "not without pain"—see information below regarding the "Florida Statewide IEP Web System."
- Students using instructional accommodations in the classroom that are not allowable accommodations on the Florida Comprehensive Assessment Test (FCAT) may have the tenth-grade FCAT requirement waived if they also meet

other waiver requirements; accommodations that are not allowable on the FCAT may be used in the classroom if these are included on the student's IEP.

- For students seeking a special diploma, DOE must develop/select and implement an alternate assessment tool that accurately measures skills and competencies established in the Sunshine State Standards for Special Diploma. This will be accomplished through project funding subsequent to a request for proposals.
- Learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year in a school's grade. This provision gives credence to the special diploma, but will be a huge issue for schools.

Committee questions and issues relevant to other A++ provisions (as detailed in the PowerPoint presentation and other materials noted above) included the following:

### **Secondary Reform**

(Major provisions: standardized grading scale for middle and high schools, secondary school redesign plans, middle school course requirements, high school graduation requirements, and high school majors.)

- Increased responsibilities for student services personnel in implementing these requirements
- New opportunities for students
- Implications for transition services
- Problems with transfers among schools that don't offer the same majors
- Issues in meeting needs/providing services in the Department of Juvenile Justice (DJJ) and the Department of Corrections programs
- Need for accommodations for students who take child care exam.

### **Florida Ready to Work Certification Program**

(Major provisions: workplace skills, targeted instructional programs, web-based instruction.)

- Very important as "another avenue" for students with disabilities
- Issues of assistive technology, transition services, career development.

### **School Start Date**

(Major provision: school start date not earlier than 14 days before Labor Day each year.)

- Impossible to end first semester before winter break —major impact on learning gains as students tend to "lose ground" over break
- Impact on dual-enrollment placements such as those with community colleges.

The Committee also identified questions and concerns related to other new legislation, including the following (see meeting resources for more specific information on provisions of these bills):

### **McKay Scholarship Program (HB 75)**

(Major provisions: deletes eligibility for students in homebound/hospitalized programs; virtual school, correspondence school, distance learning program; home education program, private tutoring program; expands eligibility to students from the Florida School for the Deaf and the Blind (FSDB) and certain DJJ programs; provides greater program accountability.)

- Need for better information/training for parents regarding parent choice and free appropriate public education (FAPE) entitlement, as well as quality of McKay schools
- District ESE parent liaisons can help parents with McKay provisions and choices
- No follow-up on IEP from time of eligibility; lack of provisions for exiting special education—"once ESE, always ESE"
- Teachers are required to be "qualified" but may not meet the "highly qualified" requirements of public school programs
- Need for greater accountability
- Problems when students from McKay programs transition back to public schools.

***Follow-up: the Committee requested that data on exceptional students served in the McKay Scholarship Program be presented at the next meeting.***

### **Charter Schools (HB 135)**

(Major provisions: establishes new authorizing entity; requires determination of feasibility of opening charter schools for students with disabilities, including schools for those with autism that use Center for Autism and Related Disabilities (CARD) centers.)

- Successful charters, such as Seminole preschool
- Least restrictive environment (LRE) and inclusion issues when schools are solely for students with disabilities—Bureau is working individually with districts on these
- Responsibilities of districts when parents file due process because LRE needs are not met.

### **Interagency Services Committee (SB 1278)**

(Major provisions: committee created within Agency for Persons with Disabilities; includes prescribed representatives, including DOE; directed to establish goals to ensure successful transition for students with disabilities and to eliminate barriers that impede educational opportunities leading to employment.)

- Links to work of National Governors' Association and Blue Ribbon Task Force
- Very involved legislation—will be reviewed by legal counsel
- Committee needs additional members
- May have unintended consequences.

## **Exceptional Student Education Update**

(See ESE Update PowerPoint Presentation, *2006 SEA Profile*, and NASDSE Paper: "Myths about Response to Intervention (RtI) Implementation," Tab 3; Florida State Performance Plan Indicators and Status of Activities, and *Florida's State Performance Plan (SPP) for 2005-2010*, Tab 4, SAC Member Notebook.)

## **Accountability and State Assessment**

Following the discussion of 2006 legislation, Ms. Lockman continued her presentation with an exceptional student education update, noting that the 521,257 students ages 3-21 represent 15% of the total school population. She provided data on the numbers of exceptional students by program area and program environment, examined program growth rates, and shared positive FCAT results for students with disabilities, noting increased numbers attaining Level 3 (grade level), concluding that "when you count, you count." She also noted increasing graduation rates for all students, including those with disabilities, and examined employment and continuing education outcomes, indicating a need for "raising the bar" for transition services. She shared data on declining percentages of cognitively disabled students participating in alternate assessments, attributing this progress to raised standards and improved instruction.

## **State Performance Plan**

Ms. Lockman reviewed requirements for the State Performance Plan, indicating that its 3 monitoring priorities and 20 indicators are the basis for the Bureau's way of work, and referred members to the website at [www.firn.edu/doe/commhome/doc/statplan.pdf](http://www.firn.edu/doe/commhome/doc/statplan.pdf), as well as to the *2006 SEA Profile* (included in meeting resources), and to profiles for each district available online. While Florida is data-rich, it will have to redefine/review some elements to ensure appropriate performance reporting.

## **Task Forces**

Ms. Lockman continued with an update on task force activities related to paperwork reduction/IEP, SLD/RtI, and Alternate Assessment.

## **Paperwork Reduction/IEP**

Ms. Lockman introduced the phase-in of the statewide IEP beginning in July 2006, then addressed the Florida Statewide IEP Web System, being developed through contract with the Center for Special Needs Populations, Ohio State University. She noted that it would utilize the work of the Paperwork Reduction/IEP Task Force, ensure full compliance with federal and state requirements, enhance monitoring of districts, increase participation in the IEP process, enable teachers to teach, and facilitate student transfers across schools and districts. She described the IEP Web System, a web-based data entry and reporting system that allows districts to manage their IEP data system through a central data system that ensures compliance, along with the Data Depository and the Data Connection and their various interfaces with the system. She stressed the challenges and benefits of having "live" data, including opportunities for simultaneous updates, and the

mechanisms for helping districts transition to the system, testing it, and providing information and training, including that for parents.

Significant Committee discussion addressed the following:

- Involvement of districts which have made huge investments in their own IEP systems
- Maintaining the integrity of the IEP—making sure it continues to be a process, not just a fill-in-the-blank template or “cookie cutter” approach
- New opportunities such as the possibility of enhanced student self-determination, increased quality assurance
- Possible development of/access to banks of goals and objectives aligned with Sunshine State Standards
- Possible interfaces with other district systems, such as parent information networks on grades, attendance, etc.
- Importance and urgency of continued parent involvement, information, and training.

### **SLD/Response to Intervention (Rtl)**

Ms. Lockman provided an update on the SLD/Rtl Task Force, defining this model as a tiered-approach to providing services and interventions at increasing levels of intensity based on progress monitoring and data analysis, with the student’s rate of progress over time used to make important educational decisions, including possible determination of eligibility for exceptional education services; it is an alternative to the “wait to fail” discrepancy-based requirement. She reviewed a flowchart and referred members to the “Myths about Response to Intervention Implementation” in their meeting materials, and a Technical Assistance Paper available at <http://www.firn.edu/doe/commhome/pdf/y2006-8.pdf>. She described next steps, including a grant award to the University of South Florida for the Problem-Solving/Rtl Project, which will involve selected districts as pilots.

### **Alternate Assessment**

Ms. Lockman also addressed the Alternate Assessment Task Force, and their involvement in developing standards and assessments for students with significant cognitive disabilities. She noted their work to incorporate access points (independent, supported, participatory) into the revised Sunshine State Standards, and the impact of these on higher expectations for students. She referenced a statewide RPF currently under development, with a statewide field test targeted for spring 2007.

***Follow-up: At the conclusion of the Task Force reports, the Committee requested that updates be provided in all areas at the next SAC meeting, including a presentation by the USF project on Rtl.***

### **Program Updates**

Ms. Lockman concluded her presentation with program updates on the topics of No Child Left Behind and highly qualified teachers, programs for prekindergarten

children with disabilities/preschool educational environments, gifted education, parent services, the FCAT waiver, grading policies for students with disabilities, reading, math, technology, transforming SEDNET, positive behavior support, and transition (see PowerPoint presentation). In regard to transition, and related interagency agreements, strategic plans, and products, there was Committee discussion regarding needs for appropriate manpower, as well as successful interfaces between school district and college supports and services for students with disabilities, and the possible need for a Task Force to ensure assigned responsibility.

### **Southeast Regional Resource Center (SERRC)**

During the sponsored luncheon, Phil Pickens gave an update on activities sponsored by SERRC, one of six Regional Resource Centers funded by the U.S. Department of Education's Office of Special Education Programs to assist states in carrying out activities that support programs for special education and related services for infants, toddlers, children, and youth with disabilities and their families. Mr. Pickens referred members to the center's website at <http://www.rffcnetwork.org/serrc>. The luncheon also afforded the opportunity for candidates to make informal presentations regarding their qualifications for serving as officers of the State Advisory Committee, and what they would bring to their respective functions.

### **Monitoring and Dispute Resolution**

(See PowerPoint Presentation, Tab 5, *SAC Member Notebook*.)

Eileen Amy, Administrator, ESE Program Administration and Quality Assurance, BEESS, gave an extensive presentation in which she identified the significant components of monitoring and dispute resolution processes, and reviewed data and findings pertinent to these systems. She reviewed the different processes of monitoring (focused, verification, self-assessment), and shared monitoring results in terms of the 2005 "frequent findings" related to access to the general curriculum, removal standard, transition not indicated on meeting notice, agencies not invited to the meeting, prior written notice of change of placement/FAPE, lack of counseling for SED students, IEPs that don't address fundamental elements of the student's disability, and matrix of services. She also addressed monitoring changes, including alignment with IDEA 2004, the State Performance Plan, and change from a calendar to a school year basis.

Ms. Amy also reviewed dispute resolution and administrative remedies, with information on the specific processes, timelines, and current year outcomes for each of these:

**Complaint Management**—investigation by DOE of procedural violations of federal and state laws regarding the education of students with disabilities and students identified as gifted (of 73 complaints filed, 26 were ordered [17 with findings/corrective actions], and 37 closed; all met the legal timelines)

**Mediation**—the provision of an environment conducive to the creation of a working agreement that benefits the student (80% of 69 mediations held reached full or partial agreement)

**Due Process Hearings**—a formal legal process initiated by a parent or public agency on any of the matters related to the identification, evaluation, or educational placement of a child with a disability, or the provision of FAPE to the child (129 requests, 82 dismissed without a hearing, 2 issued a final order). It was noted that current hearing orders are available at each SAC meeting for review by members, and summaries are available online at the Bureau's website.

Ms. Amy also reported on documented parent calls received by the Bureau, identifying as the top ten issues eligibility/ineligibility, IEP, provision of special instruction and related services, placement procedures, procedural safeguards, discipline, accommodations/modifications, McKay scholarship, accommodations in the regular classroom, and statewide assessment.

She concluded with an overview of challenges in this area, and noted that a new stakeholders' workgroup would be convened to assist in the resolution of these.

### **ESE Program Rules Workshop**

(See PowerPoint Presentation, Draft Proposed Rules, and Current Rules, Tab 6, *SAC Member Notebook*.)

Evy Friend, Administrator, ESE Program Development and Services, BEESS, presented on ESE program rule revisions to incorporate changes required by IDEA 2004 and to update language to reflect current knowledge in the field.

**Group A**—These rules have been through extensive review and rule development processes including public hearings and, pending general counsel review, will be proposed to the State Board of Education in summer, 2006 (eligibility for children who are deaf or hard of hearing, or have physical impairments, emotional/behavioral disability, or autism spectrum disorder).

Ms. Friend reviewed proposed changes to each of these rules, copies of which were included in the meeting materials, noting that the Committee had reviewed them and provided extensive input at their prior meeting.

**Group B**—These rules have been through stakeholder/rule development workgroup reviews; public hearings will be scheduled for the fall (rules for children 0-5 aligned with Part C changes by the Department of Health; special programs for children who are mentally handicapped, visually impaired, gifted, or profoundly handicapped [repeal]).

**Group C**—These rules will be revised pending final IDEA regulations and proposed to the State Board in summer 2007 (special programs for students with specific learning disabilities, or who require physical or occupational therapy; course



modifications for exceptional students; new rules for related services and FCAT waiver).

The Committee then met in table groups to review the rules provided in the SAC *Member Notebook*; major review outcomes are presented below:

### **General Concerns**

- Be consistent in eligibility criteria language across all rules
- State that terms are used for purposes of education; other fields may use other terms.

### **Group A**

(Workgroup notes on individual areas were given to the presenter.)

### **Deaf or Hard of Hearing**

- Concern re term, “hearing loss”—since this relates to degeneration, “hearing impairment” would be better.
- Need definition of “Auditory Evoked Potential responses....” (hearing test)
- Usher’s Syndrome—why does it need to be evaluated, and where should it be documented? Who would do the evaluation? If an MD, then a lot of cost is involved. Needs clarification.
- Page 7, No. 2. Opportunities for interaction—due to difficulties in finding people, should be qualified “to the extent possible.”
- There is nothing to specifically address cochlear implants....
- Page 10, No. 4(d)—Audiology should be first in this section.
- Page 10, No. 4(k)—should be *vocational* rehabilitation counseling. (See other areas also.)
- Page 11, No. 5(b)—What does this mean? Delete or make specific.

### **Physically Impaired with Orthopedic Impairment, Other Health Impairment, Traumatic Brain Injury**

- Why divide into three groups?
- Titles should read, “Students *with* Physical Impairment” (vs. “Who *are* Physically Impaired....”)
- Page 4, (2) Activities prior to referral: suggest “intervention documentation”
- SP&P—titles are different
- Pages 4 & 5, (4)(a) Change “has evidence of...” to “evidence” (see page 6(4)(a)). Change “their” to “the” educational environment.
- Page 6, (4)(a)—no need to repeat definition.
- Why does TBI not include “birth trauma”?

### **Emotional/Behavioral Disabilities**

- Criteria for eligibility are confusing. The language “not to include mental health” is confusing; possibly rephrase to “can’t be explained by....”; double negative is confusing. See notes from group.

- Page 7, (5), “students are eligible....” Special diploma is not included. Clarify “through the school year in which they turn 22” to reflect district options.
- Page 8, 1. The minimum evaluation shall *include* the....” (insert word)
- Page 8, 1.b. Clarify comprehensive psychological evaluation by a psychiatrist or *psychologist* (not listed). Psychiatrist can’t do this evaluation (delete). Add “psychiatric evaluation” to clarify.
- Page 9, g. Social or developmental history. Should this be “evaluation”?
- P. 11—is use of word “affective” incorrect? (No—in this context, does not mean “effective.” —ed.)

### **Autism Spectrum Disorder**

- Page 2, (4)(a)1 and page 3.—“social”—no noun—social interaction, communication skills, behavior, ...?
- Page 9, list of instructional support options—what about older students who are high-functioning? Add independent living skills?
- Page 2, (1) and page 3—change “may be manifested in” to “may manifest by...”
- Page 2, (4)(a)1 and following: “as evidenced” or “is evidenced”?
- Definition for Pervasive Developmental Disorder—needs language relating to range of disorder. Need to add peer relationships. (Bob Jacobs will provide additional information.)

### **Group B**

#### **Mentally Handicapped**

- Issues re term “mentally handicapped”—need to communicate nature of disability; national consistency (IDEA uses “mental retardation;” President’s Commission is now “Intellectual Disabilities”)
- Need to mention mental retardation in rule for eligibility determination by Social Security, Agency for Persons with Disabilities
- What will be the impact on the provision of services for students when/if EMH, TMH, PMH are combined?
- What will be the impact on data collection and reporting if EMH, TMH, PMH programs are collapsed into one?
- Must all three areas be met (IQ, academics, adaptive behavior)?

#### **Visually Impaired**

- Who pays for the medical exam? (district)
- Who provides training to teachers—especially when services are moved to another location?
- How is Florida addressing new national standards of accessibility?
- How does a district determine whether a student is eligible under this rule or 504? (Does student need specially-designed instruction?)
- Math books are needed in Braille.

## **Gifted**

- State-developed checklist will replace various ones used by districts.

## **Tuesday, June 27**

### **SAC General Session**

#### **ESE Indicators for Language Arts Standards**

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

Kate Kemker, Chief, Bureau of Instruction and Innovation, DOE, provided an overview of the Sunshine State Standards proposed six-year cycle for standards revision, instructional materials adoption, and assessment alignment (see handout). She then introduced the “Reading and Language Arts Sunshine State Standards Draft, Access Points for Students with Significant Disabilities.” She explained that the access points are intended to provide access to the general curriculum for the 1% of students who don’t take the FCAT, and comprise three levels of complexity: independent, supported, and participatory. She noted that exceptional education teachers had been involved in their development, and invited the Committee’s review and revision.

General comments centered on the need for higher expectations and standards, while acknowledging concerns regarding “raising the bar” and the “high stakes,” realistic and appropriate levels of difficulty, impact on scores and grades, whether these standards would push kids into a special diploma (especially kids at the end of the process, vs. those coming in), the need for flexibility in how standards are demonstrated, course descriptions, use of common terminology for alternate assessments, and trauma and text anxiety for students with disabilities. It was discussed that the standards represent a challenge and opportunity for special and regular education, in driving instruction and providing necessary resources and strategies to help struggling students, and that teachers and IEP teams would need extensive training and support. Following this discussion, Committee members worked in table groups to review the access points for each standard, and provided verbal and written input to the presenter.

#### **Agency Updates**

*(See Tab 8, SAC Member Notebook, and member handouts.)*

Ms. Polland introduced this session as a recurring opportunity for members to bring to the Committee relevant information and issues from their respective constituent groups—agencies, districts, organizations, associations, and parents.

Reports included the following, and a variety of informative handouts were shared:

- DOE/Division of Vocational Rehabilitation (Bill Palmer)
- Department of Corrections (John Howle)
- Agency for Persons with Disabilities/Family Care Council (Denise Arnold)
- Department of Children and Families/Children’s Mental Health (Sue Ross)

- Advocacy Center for Persons with Disabilities, Inc. (Bob Jacobs)
- Institutions of Higher Education (Kathryn Krudwig)
- Council for Exceptional Children
- Department of Children and Families/Family Safety Program (Theresa Leslie)
- Florida Institute for Family Involvement (John Reiss)
- Department of Juvenile Justice (Matthew Guse)
- Florida Association of Independent Special Education Facilities (Jacky Egli)
- Seminole County Public Schools (Special Education Parent Teacher Association, Independent Living Initiative Assisting the Disabled, Pilot Custodial Employment Project, Respite Care Program) (Bill Vogel).

### **Committee Business Meeting**

(See Meeting Report, January 10-11, 2006, Proposed Committee By-laws, and Committee Action Forms, Tab 9, *SAC Member Notebook*.)

Ms. Polland opened the business meeting by providing the opportunity for public comment; there was none. She also noted that hearing orders were provided on the resource tables for review by members.

The Committee then took action as follows:

- Approved SAC Meeting Report of January 10-11, 2006, meeting with one amendment.
- Approved proposed SAC By-laws.
- Amended SAC By-laws, Article IV, with new item I (as proposed during previous meeting).
- Approved slate of officers as recommended by Nominating Committee:
  - Co-chairs: Kelly Purvis (parent), Penny Collins
  - Vice-chair: Lew Cassels
  - Parliamentarian: John Howle

The officers were presented with gifts representing their responsibilities, including gavels for the chairs and *Robert's Rules of Order* for the parliamentarian, and expressed their appreciation and commitment to carrying out their responsibilities to the benefit of the Committee.

- Established next meeting to be held December 5-6, 2006, at the Park Plaza Hotel, Tallahassee.

The new co-chairs appointed a By-laws Subcommittee to review the by-laws and propose any further changes for consideration at the next meeting.

### **Meeting Summary and Evaluation**

Members commended the meeting as very well organized, informative, and relevant, and expressed appreciation for the wealth of materials, the involvement and professionalism of the BEESS chief and staff, the respect shown by members to one another, and the opportunities for networking. They also appreciated the *SAC Face*

*Book* and professional badges provided for members, and enjoyed the facilities and amenities, although climate control was a persisting issue.

Suggestions for improvement included dating each document and providing a summary of its contents, reducing exhaustive detail (such as the legislative update) when information may be easily accessed elsewhere, providing a glossary of terms and acronyms, and ensuring that to the extent possible materials be provided in advance in accessible formats as needed.

Travel and child care reimbursement forms were distributed, and the meeting was adjourned.

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



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

*STATE ADVISORY  
COMMITTEE  
MEETING REPORT*

*DECEMBER 4–6, 2006*





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

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

**Tallahassee, Florida  
December 4-6, 2006**

**Meeting Report**

**Monday, December 4**

On Monday evening, State Advisory Committee for the Education of Exceptional Students (SAC) Co-Chairs Penny Collins and Kelly Purvis met with Bambi Lockman, Chief, and Michele Polland, Educational Policy Analyst/SAC Liaison, BEESS, along with Doris Nabi, Consultant, to review the agenda and materials in preparation for the Committee meeting.

**Tuesday and Wednesday, December 5-6**

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

**Members**

(See SAC Membership List, Tab 2, *SAC Member Notebook*.)

Idelle Acosta-Kelley  
Zelda Carner  
Lewellyn "Lew" Cassels  
Julie Clark  
Penny Collins  
Lileana "Lily" de Moya  
Terri Eggers  
Ranee Gabriel  
Rosalind Hall  
Joni Harris  
John Howle  
Leah Kelly  
Kathryn Krudwig, Ed.D.  
Theresa Leslie  
Judy Lewis  
Bambi J. Lockman (*ex officio*)  
Judy Miller  
Joanne Nelson  
Bill Palmer  
Kelly Purvis

John Reiss (Day 1)  
Sue Ross  
Lynda Thabes  
Evelys Ubiera  
Bill Vogel, Ph.D.  
Robyn Walker  
Shelly Weiss  
Gary Weston

**Designees**

(See SAC Designees List, Tab 2, *SAC Member Notebook*.)

Denise Arnold for Shelly Brantley  
Bob Jacobs for Gary Weston

**Absent**

Angela Gilbert  
Michele Love  
Carlos Montas  
Debra Parramore  
Charlotte Temple

**Department of Education (DOE) Staff**

Stephanie Allen, Office of the Inspector General  
Fred Lawrence, Office of the Inspector General  
Kate Kemker, Chief, Bureau of Instruction and Innovation

**DOE/Bureau of Exceptional Education and Student Services (BEESS) Staff**

Cathy Bishop  
Lee Clark  
Lezlie Cline  
Kathy Dejoie  
Karen Denbroeder  
Jenny Harry  
Patricia Howell  
Elise Lynch  
Karen Morris, Ph.D.  
Michele Polland  
Sheryl Sandvoss  
Dawn Saunders  
Donnajo Smith  
Landis Stetler, Ed.D.  
Denise Taylor

## **Others**

George Batsche, Ph.D., Co-Director, Florida Statewide Problem-Solving Project,  
University of South Florida

Marty Beech, Ph.D., Learning Systems Institute, Florida State University

Doris B. Nabi, Consultant

## **State Advisory Committee Opening General Session**

### **Welcome/Way of Work and Ground Rules**

### **Roles and Responsibilities/Agenda Overview**

### **Member Introductions**

(See SAC Meeting Agenda, Way of Work and Ground Rules, Acronyms and Parent Dictionary, Tab 1; SAC Information, Tab 2; BEESS Calendar and *Publications Index*, Tab 9; *SAC Member Notebook*; and *SAC Face Book*.)

Penny Collins and Kelly Purvis welcomed the group, noting that the members' participation is especially appreciated at such a busy time of year; reviewed the way of work/ ground rules established by the Committee; then provided an opportunity for brief member introductions.

Bambi Lockman expressed her great pleasure in working with the Committee, and introduced the very full agenda for their meeting. Michele Polland reviewed the charge to the Committee from the IDEA regulations, then conducted a walk-through of the agenda for both days, correlating each agenda topic to resources in the *SAC Member Notebook*, including a list of acronyms and parent dictionary requested by members, and the *State Performance Plan* and *Focused Monitoring and Verification Monitoring Work Papers and Source Book*. She noted the availability of *Response to Intervention* materials and the *ESE Data Book*. She also noted the Clearinghouse display of Bureau publications and products and directed members to the *Publications Index* included in the *Notebook*. She also noted the Due Process Hearing Orders available for Committee review. Ms. Polland reminded members of support available for their participation in related meetings and training.

### **IDEA 2004 Regulations: Overview and Impact on Florida**

(See IDEA PowerPoint, Tab 3, *SAC Member Notebook*.)

Ms. Lockman provided an indepth review of the IDEA 2004 regulations (effective October 13, 2006), advising members to consider their roles in "building a legacy...consciously choosing the influence and impact you will have and living it daily." IDEA 2004 represents a major paradigm shift in terms of accountability, flexibility, and responsibility. Ms. Lockman focused on IDEA, Part B, addressing the following major topics (see PowerPoint presentation for details), noting where these would require Florida rule changes, and entertaining related Committee discussion:

- **Definitions**—*other health impairment, interpreting services, scientifically-based research, school health services and school nurse services, supplementary aids and services, and surgically implanted devices.*

- **Evaluation**—timelines for initial evaluations (within 60 days of receiving parental consent) and exceptions; procedures for reevaluations; requirement for form most likely to yield accurate information; interdistrict coordination; review of existing data; revised requirements for evaluation before a change in eligibility; and revised provisions regarding determinant factors. (*Committee discussion addressed clarification of the 60-day requirement and the state’s established timeline pending rules changes; postsecondary transition issues related to evaluation; and lack of appropriate instruction in reading and math as determinant factors.*)
- **Early Intervening Services (EIS)**—allocation/earmarking of Part B funds (up to 15%) to develop and coordinate early intervening services for students not identified/placed in special education, especially students K-3; reporting requirements.
- **Response to Intervention for the Identification of Specific Learning Disabilities (SLD)/Procedures for Identifying Children with Specific Learning Disabilities**—state-adopted criteria may not require discrepancy model; must permit process based on the child’s response to scientific, research-based intervention. Changes in criteria (achievement in relation to state-approved grade level standards, reading fluency skills, response to intervention, appropriate instruction in general education settings, data-based documentation of assessment of achievement [progress monitoring], additional observation requirements, additional group members, documentation for eligibility determination). (*See NASDSE documents provided in handouts and subsequent presentation.*)
- **Individual Educational Plan (IEP)**—revisions to general content requirements, including alternate assessment; transition services requirements; transfer of rights; IEP team members; team meetings/alternate participation; notice; IEP accessibility; IEP amendments; IEP review and revision. (*Committee discussion of issue related to transition goals based on assessment of independent living skills “where appropriate” was tabled to business meeting for possible SAC action.*)
- **Children Enrolled by Their Parents in Private Schools**—definitions, child find requirements, services plans, consultation requirements, annual count, use of funds, service delivery, transportation, control of property, complaints, due process requests, parental consent requirements. Clarifies that no parentally-placed student with a disability has an individual right to services.
- **National Instructional Materials Accessibility Standard (NIMAS)/National Instructional Materials Access Center (NIMAC)**—standards for electronic textbook files, national clearinghouse, SEA rights and responsibilities, LEA responsibilities for purchase of instructional materials.

- **Medicaid Consent and IDEA Regulations**—parental consent requirements for accessing public health insurance.
- **Highly Qualified Teacher**—requirements for special education teachers, including those teaching to alternate achievement standards, and those in private schools and charter schools. *(Committee discussion addressed recruitment issues and teacher/therapy shortages, as well as support for regular and special education teachers. It was noted that the Florida Diagnostic and Learning Resources System (FDLRS) has a wealth of resources and expertise to assist in this area.)*
- **Discipline**—new authority to consider unique circumstances, provisions related to serious bodily injury, notice requirements, new standards for manifestation determinations, change of placement, standards for basis of knowledge, resources.
- **Procedural Safeguards**—assignment of surrogate parents, procedural safeguards notice, informed parental consent. *(Committee discussion addressed the need for BEESS guidance regarding dispute resolution, including issues of participation and representation, and whether it is a legal process.)*
- **State Complaints**—requirements for state complaint procedures, including remedies for denial of appropriate services, content, timelines.
- **Mediation**—state responsibilities, scheduling and location requirements, enforceable agreement, confidentiality, impartiality of mediators.
- **Due Process Hearings**—Timelines, statute of limitations, notice requirement, resolution process requirements, attorneys' fees provisions, appeal of discipline actions. *(Committee discussion addressed the importance of getting updated due process information to parents; it was noted that BEESS is working closely with parent organizations and through its ongoing technical assistance mechanisms to ensure this happens.)*
- **Monitoring**—requirements for state monitoring, enforcement, and annual reporting; primary focus on improving educational results and functional outcomes; performance in State Performance Plan priority areas; state plan, data collection, and reporting; circumstances under which state funds may be withheld.
- **Implementation of IDEA Regulations**—OSEP resources and community meetings.

Ms. Lockman concluded her presentation by directing members to the wealth of OSEP resources available through their Web sites, and highlighted Florida activities

for implementing the new regulations, including distribution of materials, revision of the Florida ESE Process Web System, amendment of State Board of Education rules, development of model forms, revision of monitoring tools, revision of the Special Programs and Procedures documents, updating procedural safeguards materials, development of technical assistance materials, and information and training through various forums involving districts, families, and organizations.

Ms. Collins commended the Bureau chief and her staff for their outstanding leadership in providing information and effectively implementing IDEA 2004 and the revised regulations.

### **SERRC Luncheon**

During the luncheon sponsored by the Southeast Regional Resource Center, Committee members provided brief updates and shared handouts representing their respective constituent groups.

### **Response to Intervention**

(See Problem-Solving/RtI PowerPoint, Tab 4, *SAC Member Notebook*.)

Dr. George M. Batsche, Co-Director, Florida Statewide Problem-Solving Project, USF, presented on “Problem-Solving and Response to Intervention: Maximizing Opportunity for Student Progress” (see PowerPoint presentation for details). He emphasized the role of assessment in informing and evaluating instruction/intervention, tracing the contributions of No Child Left Behind and IDEA 2004 provisions, as well as DOE; described the foundation of the Problem-Solving Model/Response to Intervention; and outlined the impact on general education of the reauthorization of IDEA. He presented the PS/RtI Model, characterized by use of problem-solving steps to determine and evaluate levels of instruction/interventions; its focus on core, supplemental and intensive instruction in general education; and frequent use of student-focused data, continuous improvement model data-based decision making. Dr. Batsche elaborated the problem-solving process and three-tiered model of school supports through examples. He then compared the RtI system to the historical system for eligibility determination, working through several cases. Finally, he provided a project overview, emphasizing resources and services including statewide training, demonstration districts/schools, technology-supported professional development, statewide Web casts, and networking/integration with professional associations.

### **ESE Program Rules Update and Work Session**

(See Status of ESE Rules PowerPoint, *Florida Administrative Weekly* excerpt, and Proposed Rules, Tab 5, *SAC Member Notebook*.)

Cathy Bishop, Program Director, ESE Program Development and Services, BEESS, provided an update on the status of exceptional student education rules (see PowerPoint presentation for detailed information). For the “Group A” rules (program eligibility rules for deaf or hard-of-hearing, physically impaired [orthopedic

impairment, other health impairment, traumatic brain injury], emotional/behavioral disabilities, and autism spectrum disorder), Ms. Bishop reviewed the extensive revision process, including review by the Committee; technical changes; and programmatic changes; she indicated these rules would be submitted for approval by the State Board of Education on December 12, 2006, and outlined activities for their implementation. (*Chairperson Penny Collins commended the Bureau's careful consideration of the extensive input solicited for revision of these rules and asked the members to consider for their subsequent business session an endorsement of the Group A rules as proposed.*)

Ms. Bishop then addressed the "Group B," rules, pertaining to exceptional student education eligibility, including:

- Special Programs for Students Who Are Mentally Handicapped
- Special Programs for Students Who Are Visually Impaired
- Special Programs for Students Who Are Gifted.

After detailing a chronology of rules revision activities to date, she reviewed proposed changes to each of the rules, including as applicable to each definitions, activities prior to referral, procedures for screening, criteria for eligibility, procedures for evaluation, procedures for reevaluation, instructional program, supportive services, and other significant changes (see PowerPoint).

Ms. Bishop and BEESS Program Specialists Sheryl Sandvoss, Dawn Saunders, and Donnajo Smith then worked with Committee members in small groups to review the proposed rules revisions. Subsequent group reports addressed concerns including the following:

#### Special Programs for Students Who Are Mentally Handicapped

- Don't combine educable, trainable, and profound into one classification (different capabilities, behavioral differences, different curriculum requirements, impact on esteem, access to appropriate levels of services, continue groupings with appropriate definitions; consider levels of disability, need to emphasize the individual).
- Consider different terminology—"mentally handicapped" labels are derogatory and demeaning; "intellectual disabilities" terminology is inconsistent with other agencies and acronym may be pejorative; "cognitive impairment" as possible alternative may imply academic deficit exclusive of emotional/social aspects; eliminate terminology throughout (e.g., "subaverage") which promotes negative images.

*(The Committee took action during its subsequent business session to make a formal recommendation regarding the proposed rule.)*

## Special Programs for Students Who Are Visually Impaired

- Definition is confusing; “blind” and “low vision” might better be addressed through the IEP process; these provisions aren’t needed as part of the definition.
- Circumstances when a medical evaluation by an optometrist would be appropriate (for a student with refractive disorders, or for three-year reevaluation).

## Special Programs for Students Who Are Gifted

- Consider eligibility for educational *services* rather than *programs*.

Committee members were encouraged to submit review forms with any additional questions or concerns no later than December 15.

### **Florida ESE Process Web System (Statewide IEP)**

(See Florida ESE Process Web System PowerPoint, Tab 6, *SAC Member Notebook*.)

Denise Taylor, Program Specialist, ESE Program Development, BEESS, provided an update on the ESE Process Web System, contracted through the Center for Special Needs Populations at the Ohio State University. She identified the districts participating in Phase 1 implementation, involving 87,781 exceptional education students; 4,410 exceptional education teachers; and 21,863 general education teachers. She identified the Web system processes and the system’s capability and functionality (see PowerPoint presentation for details), noting that feedback indicates these features are very helpful to teachers. The Phase II implementation includes additional districts, impacting 107,639 exceptional education students; 6,791 exceptional education teachers; and 34,734 general education teachers. Ms. Taylor concluded with an outline of system expansion, including processes for the provision of services and tools to enhance capability and functionality.

*Committee discussion addressed concerns regarding “draft” IEPs with preprinted goals; information was shared on districts where such preplanning can not only facilitate the process but contribute to a more effective IEP for each student. Other issues were whether the IEP should include a separate section on assistive technology, and the possibility of access to a testing accommodation report for the school level to assist with appropriate scheduling. The Committee in its subsequent business session made a formal recommendation that the Bureau investigate this as part of the continued development of the system. Additional comments addressed the need for training of university personnel and others in the ESE Process Web System.*

Ms. Lockman suggested other possible features as the system evolves, and assured the group that issues of integrity, connectivity, confidentiality, security, and access would continue to have priority consideration.



## Wrap-Up/Adjourn for Day

Kelly Purvis requested that members review materials on the State Performance Plan and the minutes of the prior meeting in preparation for the next day's work.

## Wednesday, December 6

### Annual Performance Report (APR) Review/Stakeholder Input

(See State Performance Plan (SPP) Status Report PowerPoint and Annual Performance Report (APR) Template, Tab 7, *SAC Member Notebook*.)

Karen Denbroeder,

Karen Denbroeder, Administrator; Special Programs, Information, Clearinghouse, and Evaluation; BEESS, introduced the Bureau's way of work in teams organized around the State Performance Plan (SPP) indicators, and annual performance report requirements incorporating the use of data to drive monitoring to ensure both state and district accountability. She then conducted a review of indicators, inviting the Committee to listen and offer suggestions about improvement activities. For each indicator, the "measurable and rigorous" target for 2005-06 was presented, along with relevant data, a discussion of improvement activities completed, and an assessment of whether or not the target was met (see PowerPoint presentation for indicators, targets, and related data). For example, for Indicator 1 (NCLB Graduation Rate), the target was that the gap between all students and students with disabilities who graduate in four years with a standard diploma will decrease to 30%. An examination of graduation data for both populations 2003-04 and 2004-05 indicates that the gap was not impacted. (*The Committee identified several issues related to Indicator 3 (Assessment Participation and Performance) and recommended needed resources and activities to promote improved curriculum and instruction. Discussion emphasized persisting teacher shortages and the need for highly qualified personnel. The Committee also had many helpful suggestions on ways to increase survey response rates relevant to Indicator 8 (Parent Involvement).*)

### Sunshine State Standards Access Points

(See Sunshine State Standards PowerPoint, Tab 8, *SAC Member Notebook*.)

Kate Kemker, Chief, Bureau of Instruction and Innovation, DOE, provided an update on the revision of the Sunshine State Standards, commending the great input received from SAC members during their last meeting. She reviewed the legislative authority for the periodic review of the standards, described the revision process, and described in detail six main strands (see PowerPoint presentation): reading process, literary analysis, writing process, writing applications, communication, and information and media literacy. She explained that standards access points are intended to provide access to the general curriculum for the 1% of students who don't take the FCAT, and comprise three levels of complexity:

- **Independent**—Students working at this level are generally considered to be capable of meeting their own needs and working and living successfully in their

communities as adults without overt support from others; are expected to be able to perform the behaviors identified for each benchmark on their own once they have mastered the knowledge and skills; and may use assistive or adaptive aids as long as they are accessed independently.

- **Supported**—Students working at this level are generally considered to be capable of achieving supported independence in adulthood; require supervision and support through their lives but can learn many skills to maximize their independence; and are expected to perform the behaviors identified for each benchmark with assistive or adaptive aids, supervision, or prompting.
- **Participatory**—Students working at this level are generally considered to have significant limitations that preclude their ability to generalize or transfer their learning; are dependent on others for most, if not all, of their daily needs in adulthood; and are expected to perform behaviors identified for each benchmark at a level consistent with their own capabilities with varying amounts and types of assistance.

*(Subsequent Committee discussion and action during the business session proposed the use of these levels in the revision of rules for eligibility for programs for students who are mentally handicapped.)*

Ms. Kemker concluded with a review of the numbering system and next steps, including presentation to the State Board of Education on December 12, and development of a training program and a crosswalk from current to revised standards. In response to Committee requests, she provided a Web site for additional information ([www.FLstandards.org](http://www.FLstandards.org)) and committed to providing printed copies of the standards materials for SAC members.

## **ESE Update**

(See Bureau Update PowerPoint, Federal and State General Revenue 2006-07 Discretionary Projects, Bureau Calendar, and Clearinghouse/Information Center Publications Index, Tab 9, SAC Member Notebook.)

Ms. Lockman presented an extensive ESE and legislative update which addressed the following:

- 2006 Legislation
- ESE Update
- Student Services.

The legislative update focused on A++ legislation, including eligibility for the FCAT waiver; alternate assessment for students seeking a special diploma; the inclusion of learning gains for students seeking a special diploma in school grades (2009-2010); secondary reform, including a standardized grading scale for middle and high schools, redesign plans, middle school course requirements, and new high school graduation requirements. High school graduation now requires four credits in an

area of specialization, or major area of interest, and special diploma students must enroll in an area each year. Samples of these as submitted by districts were shared, and it was noted that special diploma students must still meet career experience, career placement, and/or supported competitive employment requirements. (See PowerPoint presentation for additional details.)

The ESE update addressed Office of Special Education Programs (OSEP) special conditions, dispute resolution, monitoring, highly qualified teachers, FCAT accommodations, FCAT performance by students with disabilities, Sunshine State Standards and access points, discretionary projects and program resources, juvenile justice, and student services resources. Highlights included the following (see PowerPoint presentation for extensive additional information):

- The OSEP special condition regarding speech and language as a related service has been cleared; the condition regarding the issuance of due process hearing decisions within the 45-day timeline continues, and is being addressed in conjunction with the Division of Administrative Hearings, as well as through ongoing monitoring and reporting to OSEP.
- Dispute resolution includes state complaints, mediation requests, and due process hearings; a five-year summary of these was provided, and it was noted that the number of disputes should be considered in the context of the scope of the program, which serves statewide 401,834+ students with disabilities and 119,423+ who are gifted.
- The primary focus of federal and state monitoring activities is improving education results and functional outcomes for all children with disabilities, and ensuring that states meet IDEA requirements. Priority areas are free appropriate public education (FAPE) in the least restrictive environment (LRE), effective general supervision of IDEA Part B, and disproportionate representation.
- The highly qualified teacher presentation summarized requirements for elementary ESE teachers; teachers of students with significant cognitive impairments; and consultation, co-teaching, and support facilitation models. It was noted that students with disabilities who are participating in the FCAT and are on a standard diploma track should be enrolled in ESE academic courses only when those courses are used to provide remediation, not primary instruction; this is a major issue in many districts. Resources include the Elementary Education Online Study Module, the Middle Grades Integrated Curriculum Online Study Module; Professional Development Partnerships, and a variety of Web sites for additional information related to ESE HQ requirements.
- The presentation on FCAT accommodations provided the regulatory authority, definition, guidelines, additional accommodations for 2007, and unique accommodations and the request process. It was reiterated that allowable

accommodations do not alter the underlying content being measured or negatively affect the assessment's reliability or validity.

- FCAT performance by students with disabilities indicated significant increases in the percentages of students performing at Level 3 (grade level) and above.
- Timelines for development, approval, and implementation of Sunshine State Standards in language arts and reading, math, and science and social studies were reviewed. It was noted that revisions to the standards include access points for students with significant cognitive disabilities at three levels that represent levels of complexity: independent, supported, participatory. Students may function at different levels of complexity based on individual needs and IEP team decisions.
- A sample of discretionary project accomplishments was provided, and it was noted that such projects, focused on State Performance Plan activities and DOE initiatives, are subject to increased guidance from DOE and increased accountability.
- Additional information addressed ESE program development resources relevant to early transition, highly qualified professional development, grading policies for students with disabilities, and reading and math.
- Extensive information was provided regarding juvenile justice education, including Florida's population of almost 34,000 students being served in detention centers, residential programs, and treatment programs; and performance results in reading, math, and writing. Issues of assessing students in juvenile justice education programs were addressed, and information was provided on the state's selection of the Pearson Basic Achievement Skills Inventory as the legislatively-required common assessment instrument.

The student services update focused on the availability of an online tutorial on Section 504 of the Rehabilitation Act of 1973, the *2007 Florida Counseling for Future Education Handbook*, and a number of related Web sites

### **SAC Business Meeting**

(See Meeting Report June 26-27, 2006 [Proposed]; SAC By-laws; and Committee Action Form; Tab 10, *SAC Member Notebook*. See also SAC By-laws Subcommittee Report [Meeting Handout].)

Co-chairs Collins and Purvis opened the business meeting by providing the opportunity for public comment; there was none.

The Committee then took action as follows:

- Approved SAC Meeting Report of the June 26-27, 2006, meeting with one correction.
- Received and accepted the report of the SAC By-laws Subcommittee presented by John Howle, Chair (see copy attached to this report). With no further revisions

proposed from the floor, the Committee will take action on the proposed by-laws changes at its next meeting.

- Endorsed unanimously the proposed “Group A” rules, to be presented to the State Board of Education for approval.
- Recommended the following:

(1) Rule Revision: Special Programs for Students Who Are Mentally Handicapped

That the Bureau change the designation from “mentally handicapped” to “cognitively impaired,” and incorporate the following three levels aligned with the Sunshine State Standards access points:

- Independent
- Supported
- Participatory.

(2) System Development: Florida ESE Process Web System

That the Bureau investigate including access to a testing accommodation report for the school level to assist with appropriate scheduling.

- Discussed an annual work plan and identified the following areas of interest:
  - Teacher Shortages/Recruitment, Preparation, and Retention/Support
  - Discretionary Projects/Cross Program Training
  - Strategic Imperatives
  - Agenda-Driven Process Tied to Roles and Responsibilities (Submit topics for draft agenda; solicit stakeholder input.)
  - Increased Parent Involvement and Student Involvement.
- Proposed as agenda items for the next meeting the issue of assessment and access to postsecondary education, as well as continued discussion of teacher shortage issues.
- Discussed an annual meeting schedule (two times per year for up to two days each) with dates and locations to be determined by the Bureau.

Ms. Collins and Ms. Purvis conducted an evaluation in which members noted as positives the openness and interaction of meetings, which are inviting of input, with participation from all; the opportunities for members not just to receive information, but to give feedback that has impact; the “global look” across all exceptionalities and programs statewide; and the professionally-run meetings (with special commendation of Ms. Polland and the co-chairs). Suggestions for improvement included scheduling of additional time on some agenda topics; the need for more microphones and a concern for the stale air in the facility were also noted.

## **Closing Comments/Adjournment**

The co-chairs and the Bureau chief expressed their appreciation to members for their outstanding participation, and to staff for their excellent preparation and presentation. The meeting was adjourned with best wishes to everyone for the holidays.

Attachment: SAC By-laws Subcommittee Report (August 29, 2006)

*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 the Florida State Plan and 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. 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.

G. 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.

H. 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.
- I. 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 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  
John Winn, Commissioner

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