

EXCEPTIONAL STUDENT EDUCATION

The School Board (District), as an expression of its commitment to provide a free, appropriate, public education for students with disabilities in accordance with State and Federal laws, rules, and regulations, shall develop and implement Florida's Special Programs and Procedures for Exceptional Students and the Brevard County Plan for Exceptional Student Education. These documents shall include at least the components listed below, shall provide administrative procedures for Exceptional Student Education Programs, and shall be revised when required by the Florida Department of Education (FLDOE), readopted, and submitted to the FLDOE.

A. Student Identification

~~It shall be the policy of this School District that ongoing efforts will be made to identify, locate, and evaluate students below twenty two (22) years of age, who reside within the District and have a confirmed or suspected disability in accordance with all Federal regulations and State standards. Children under the age of three (3) are identified by Space Coast Early Steps as required by Part C of the Individuals with Disabilities Act (IDEA).~~

The District will make ongoing efforts to identify, locate, and evaluate students below twenty-two (22) years of age, who reside within the District and have a confirmed or suspected disability in accordance with all Federal regulations and State standards.

B. Procedural Safeguards

~~It shall be the policy of this School District that a A child student with a disability and his/her parent shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free, appropriate, public education to the student.~~

B. Multifactored Evaluation

A student may not be given special instruction or services as an exceptional student until after s/he has been properly evaluated and found eligible as an exceptional student in the manner prescribed by rules of the State Board of Education.

~~It shall be the policy of this School District to provide a~~ The District will provide a multifactored evaluation for students with disabilities by ensuring that:

1. ~~children~~ students are assessed in their native language or other mode of communication;
2. tests are used for their validated purposes;
3. ~~children~~ students are evaluated in all areas related to their suspected disability;
4. testing is conducted by a multidisciplinary team;
5. testing materials and procedures are not racially or culturally biased;
6. tests are administered by trained personnel qualified in accordance with all Federal regulations and State standards;
7. tests are administered in conformance with the instructions provided by the producer;
8. medical evaluation, when required as part of the multifactored evaluation, shall be provided at no cost to the parent by a licensed physician designated by the Superintendent or his/her designee, when the parent is unable to obtain such evaluation and ~~no~~ other no-cost resources are not available.

The parent of an exceptional student evaluated and found eligible or ineligible shall be notified of each such evaluation and determination. Such notice shall contain a statement informing the parent that s/he is entitled to a due process hearing on the identification, evaluation, and eligibility determination or non-determination.

C. Individualized Education Program

~~It shall be the policy of this School~~ The District will develop that an individualized education ~~program plan~~ (IEP) ~~will be developed~~ for each student with a disability who needs special education. The IEP

shall be designed to meet the unique educational needs of the ~~child~~ student and shall be developed in meetings with the student's designated IEP Team, ~~a planning conference~~. At the initial meeting of a student's IEP Team, the District will provide parents with information about the amount of funding the District receives for each of the five (5) exceptional student education support levels for a full-time student.

Parents of the ~~child~~ student shall be strongly encouraged to participate in the IEP Team meetings.

IEP Meeting Notice: When the District determines that there is a need to change an IEP based on a student's need to access an alternate assessment and/or when the student may be recommended to be placed in an exceptional student education center (separate day school), then the school shall provide written notice of the IEP meeting to the parent at least 10 days before the meeting. The written notice of the IEP meeting must include the purpose, time and location of the meeting and who, by title or position, will attend the meeting. The requirement for the 10 day notice for an IEP meeting may be waived by informed consent of the parent after the parent receives the written notice.

Attendance of Others at IEP Meetings: Parents may be accompanied by another adult of their choice at any meeting with District personnel. District personnel will not object to the attendance of such adult or discourage or attempt to discourage through any action, statement, or other means parents from inviting another person of their choice to attend any meeting. Parents and District personnel shall sign a document at the meeting's conclusion which states whether any District personnel have prohibited, discouraged or attempted discourage the parents from inviting a person of their choice to the meeting.

Parental Consent Forms: The District will utilize FLDOE parental consent forms for the following actions in a student's IEP:

1. administer to the student an alternate assessment pursuant to F.S. 1008.22 and provide instruction in the State standards access points curriculum; and
2. place the student in an exceptional student education center (separate day school).

Except for a disciplinary interim alternative placement for no more than forty-five (45) school days, if the District determines that there is a need to change a student's IEP as it relates to the actions described above in 1 and 2, the school must hold an IEP Team

meeting that includes the parent to discuss the reason for the change.

The District will not implement the change without parental consent unless the District documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond, or the District obtains approval through a due process hearing.

The student's IEP shall be reviewed and revised as often as necessary, but at least annually.

Private Instructional Personnel: District personnel will collaborate with private instructional personnel who are hired or contracted by parents in compliance with F.S. 1003.572. "Private instructional personnel" include only the following:

1. individuals certified under F.S. 393.17 or licensed under Chapter 490 or Chapter 491 for applied behavior analysis services as defined in F.S. 627.6686 and 641.31098;
2. speech-language pathologists licensed under F.S. 468.1185;
3. occupational therapists licensed under part III of 379 Chapter 468;
4. physical therapists licensed under Chapter 486;
5. psychologists licensed under Chapter 490; and
6. clinical social workers licensed under Chapter 491.

Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel will be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting only if the following requirements are met:

1. the student's public instructional personnel and the school principal consent to the time and place;
2. the private instructional personnel complete the required procedures for being on a school campus in the District including signing a confidentiality statement and signing in/out using the school's visitor procedures; and
3. the private instructional personnel satisfy the requirements of F.S. 1012.32 or 1012.321.

E. Least Restrictive Environment

~~It shall be the policy of this School District that the~~ The education of ~~children~~ students with disabilities shall occur in the least restrictive environment; through appropriate special education programs and services ~~shall be appropriate and~~ designed to meet the unique needs of each student with a disability; ~~to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities,~~ District personnel will use the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. To the extent appropriate, students with disabilities, shall be educated with children students who do not have disabilities. special classes, separate schooling, or other removal of children with disabilities from the regular educational environment, Segregation of students with disabilities will occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

F. Confidentiality of Data

~~It shall be the policy of this School District that the~~ The confidentiality of personally-identifiable data relating to ~~children~~ students with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction; ~~and that one~~ One official of ~~this School~~ the District shall be assigned the responsibility for protecting the confidentiality of personally-identifiable data. This District follows all Federal regulations and State standards related to the confidentiality of data. (See Policy 8330 - Student Records)

G. Due Process

~~It shall be the policy of the~~ The District will use ~~to utilize~~ procedures that allow differences of opinion between parents and this District or between agencies and this District, to be aired and resolved; ~~and that the~~ The procedures shall provide for utilization of case conferences and impartial hearings ~~that involved~~ on the District's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the ~~child~~ student, or the provision of FAPE to the ~~child~~ student.

The impartial hearings shall be conducted by an administrative law judge (ALJ) from the Florida Division of Administrative Hearings (DOAH) and shall be final. However, ~~except~~ any party ~~aggrieved by~~

~~the findings and decision rendered by the administrative law judge that does not agree with the findings and decision in the due process hearing, including a hearing relating to disciplinary procedures, has the right to bring a civil action in the State circuit court with respect to the matter that was the subject of the due process hearing.~~ The action may be brought in a State court of competent jurisdiction or in a district court of the United States without regard to the amount in dispute. In the alternative, in hearings conducted on behalf of a student who is identified as gifted, any party aggrieved by the decision of the ALJ has the right to request a review of the order by the District Court of Appeal as provided in F.S. 120.68.

During the pendency of a due process hearing or appellate proceeding regarding a due process complaint, the student shall remain in his/her current educational assignment (stay put provision), unless the parent and the ~~Board~~ District otherwise agree.

H. **Educational Surrogate Parent**

It shall be the policy of the District that whenever the parent or a person who acts in a parental role to a ~~child student~~ with a disability is determined to be legally unavailable, the ~~child's student's~~ student's rights shall be protected through the assignment of an educational surrogate parent. An educational surrogate parent means an individual appointed by the Superintendent and/or the court to act in place of a parent in educational decision making and in safeguarding a ~~child's student's~~ student's rights under the Individuals with Disabilities Education Act. The educational surrogate parent shall not be an employee of the Department of Education, the School District, a community-based care provider, the Department of Children and Family Services, or any other public or private agency involved in the education or care of the ~~child student~~. The educational surrogate parent shall meet all statutory requirements and attend the required training to be appointed. The Superintendent, or designee, shall appoint an educational surrogate parent not more than thirty (30) calendar days after the District determines a particular student is in need of a surrogate.

I. **Testing Programs**

~~It shall be the policy of this School District that students~~ Students with disabilities shall participate in local and State-wide testing programs to the maximum extent appropriate. Individual

exemptions shall be determined only ~~during an~~ by the student's IEP
Team conference.

A student for whom the IEP Team determines that the FCAT cannot accurately measure the student's abilities, taking in to consideration all allowable accommodations, shall have the FCAT requirement waived for the purpose of receiving a standard high school diploma if the student completes the minimum number of credits and other requirements for graduation, but does not earn a passing score on the FCAT after one (1) opportunity in the 10th grade and one (1) opportunity in the 11th grade.

Further, pursuant to State law, the IEP team may determine that end-of-course assessment cannot accurately measure the abilities of the student with disabilities and may, therefore, waive the use of the results of the end-of-course assessment for purposes of determining the student's course grade and completing the requirements for middle school promotion or award of high school credits.

If the IEP Team determines that a student with a disability is prevented by a "circumstance" or "condition" as defined in F.S. 1008.212 from physically demonstrating the mastery of skills that have been acquired and are measured by the Statewide standardized assessment, a Statewide standardized end-of-course assessment, or an alternate assessment under F.S. 1008.22(3)(c), the IEP Team may submit to the ~~s~~Superintendent a written request for an extraordinary exemption from the administration of the assessment, pursuant to F.S. 1008.212. The request may be made at any time during the school year, but not later than sixty (60) days before the assessment for which the request is made. The ~~s~~Superintendent will recommend to the Commissioner of Education whether the request should be granted or denied, and the Commissioner will grant or deny the requested exemption within thirty (30) days. A copy of the District's procedural safeguards as required in F.A.C. 6A-6.03311 shall be provided to the parent. If the parent disagrees with the IEP Team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent.

A parent who disagrees with the Commissioner's denial of a requested extraordinary exemption may request an expedited hearing before DOAH pursuant to F.S. 1008.212.

Placement by the Department of Children and Family Services

After the Department of Children and Family Services provides written notification to the District that ~~an exceptional~~ a student with a disability has been placed in a

private residential care facility located within the District, the ~~receiving school district~~ District shall, within ten (10) days, review the student's individual education plan (IEP) and shall:

- A. provide educational instruction to the student; or
- B. contract with another provider to provide the educational instruction; or
- C. contract with the private residential care facility in which the student resides to provide the educational instruction; or
- D. decline to provide or contract for educational instruction, in which case the school district in which the legal residence of the student is located shall provide or contract for the educational instruction of the student.

The Superintendent shall administer the local implementation of these State procedures, in accordance with State and Federal laws, rules, and regulations, which shall ensure fulfillment of this policy.

F.S. 1001.41, 1001.42, 1003.01(3)(b), 1003.4156, 1003.428, 1003.57, 1003.5715

F.S. 1003.572, 1008.212, 1008.22, 1008.24

Statewide Assessment for Students with Disabilities, F.A.C. 6A-1.0943

Florida Alternate Assessment Requirements, F.A.C. 6A-1.09430

Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities, F.A.C. 6A-6.03311

Procedural Safeguards for Exceptional Students Who Are Gifted, F.A.C. 6A-6.03313

Surrogate Parents, F.A.C. 6A-6.0333

Definitions, ESE Policies and Procedures, and ESE Administrators, F.A.C. 6A-6.03411

20 U.S.C. 1400 et seq.

20 U.S.C. 1401 et seq.

34 C.F.R. Part 300.520