

The background of the slide shows a group of children in a classroom. Several children have their arms raised, pointing upwards. The children are wearing colorful clothing, including a red shirt and an orange shirt. The overall scene is bright and positive, suggesting an active learning environment.

FDLRS Managers' Meeting BEESS UPDATE

Presented by:

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**Bureau of Exceptional Education and
Student Services**
April 28, 2009

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

This morning let's talk about

- American Recovery and Reinvestment Act
- LEA Determinations
- Rule development
- Legislation

American Recovery and Reinvestment Act of 2009

IDEA Recovery Funds for Services to Children and Youths with Disabilities

Four Principles

- Spend funds quickly to save and create jobs
- Improve student achievement through school improvement and reform
- Ensure transparency, reporting and accountability
- Invest one-time ARRA funds thoughtfully to minimize the “funding cliff.”

Improving student achievement through school reform means -

- Making progress toward rigorous college and career-ready standards and high quality assessments that are valid and reliable for all students
- Establishing Prek to college and career data systems that track progress and foster continuous improvement
- Making improvements in teacher effectiveness and in the equitable distribution of qualified teachers for all students, particularly those in most need
- Providing intensive support and effective interventions for the lowest performing schools

IDEA Recovery Funds

IDEA State Award	Part B	Part B Preschool
ARRA	\$627,262,665	\$19,700,808
Entitlement	\$628,343,023	\$18,170,242
Total	\$1,255,605,688	\$37,871,050

IDEA Recovery Funds

- Districts identified for significant disproportionality in identification, placement, or discipline must set aside full 15% for Coordinated Early Intervening Services
- Set aside requirements for parentally placed private school students apply to total amount ARRA and non-ARRA
- Districts may reduce their maintenance of effort (MOE) by up to 50% of the increase in funds, **unless** they have been
 - identified as “Needs Assistance,” when targets in the State’s Performance Plan not met, OR
 - required to set-aside 15% of their Part B funds for CEIS

Capacity Building

- Ensure that the requirements of IDEA are met - Students with disabilities must receive the supports and services they need in accordance with their IEP
- Support professional development opportunities
- Provide enhancements for Curriculum/Instruction

LEA Determinations

Status for 2009

LEA Determinations

- Based on 2007-08 data
- Factors used
 - Critical audit findings
 - Indicator 9 – Disproportionate Representation in Special Education
 - Indicator 10 – Disproportionate Representation in specific disability categories
 - Indicator 11 - % evaluated within timeline
 - Indicator 12 – Part C to Part B transition; child eligible and had IEP on or before 3rd birthday
 - Percentage Increase in Indicator 12
 - Indicator 13 - % of youth with adequate transition IEPs
 - Indicator 15 – correction of noncompliance in one year
 - Indicator 20 – valid and reliable data

LEA Determinations

- In order to have met requirements , districts would have to have positive outcomes on at least 7 of the 9 factors

# of districts meeting requirements	51
# of districts needing assistance	16
# of districts in needs assistance for 2 or more years	11

Rules and related activities

Rule 6A-6.03011 – ESE Eligibility for Students with Intellectual Disabilities

- Rule revised, effective January 4, 2009
- Defined as significantly below average general intellectual and adaptive functioning
- Manifested during developmental period which is defined as birth to 18 years of age
- Evaluation procedures include
 - Test of intellectual functioning
 - Standardized assessment of adaptive behavior to include parental input
 - Individually administered test of academic or pre-academic achievement or developmental scale
 - Social-developmental history

Rule 6A-6.03011

- Criteria includes
 - Intellectual functioning more than 2 standard deviations below the mean
 - Adaptive functioning is more than 2 standard deviations below the mean on an adaptive behavior composite or on 2 of 3 domains
 - Level of academic or pre-academic consistent with performance expected of a student of comparable intellectual functioning
 - Social/development history documents functional skills outside school setting
 - Student needs special education
- Requires report documenting committee's analysis of the data, including impact of vision, hearing, emotional/behavioral disability, cultural and environmental factors on student achievement

Rule 6A-6.03011

- Eligibility determination based on EMH, TMH, PMH deleted
- Questions and Answers document (TAP# 2009-14) can be found online at <http://info.fldoe.org/docushare/dsweb/Get/Document-5296/dps-2009-014.pdf>
- Contact Sheryl Sandvoss for more information; frequent calls have been conducted with district contacts for intellectual disabilities Sheryl.Sandvoss@fldoe.org

Rule 6A-6.03018 - ESE Eligibility for Students with Specific Learning Disabilities

- Became effective on March 23rd, 2009!!!
- Organization of rule
 - Definition
 - General Education Intervention Procedures and Activities
 - Evaluation
 - Criteria for Eligibility
 - Documentation of Criteria of Eligibility
 - Implementation
- Contact Heather Diamond for more information
Heather.Diamond@fldoe.org

Rule 6A-6.03018(1): Definition

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

Rule 6A-6.03018(2): General Education Intervention Procedures & Activities

- To ensure that lack of progress is not due to lack of appropriate instruction...
 - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction delivered by qualified personnel in general education settings
 - Data-based documentation, provided to parent, of repeated measures of achievement at reasonable intervals, graphically reflecting student's RtI during instruction
- Activities in Rule 6A-6.0331 may satisfy this requirement

Rule 6A-6.03018(3): Evaluation

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

Rule 6A-6.03018(4): Criteria for Eligibility

- Does not achieve adequately in one or more of the major areas
- Does not achieve adequately based on RtI process, consistent with comprehensive evaluation procedures OR RtI process *and* pattern of strengths and weaknesses (both include comprehensive evaluation per administrative rules)
- Findings *not* primarily result of other factors
- Team must include: general education teacher, person qualified to conduct and interpret individual diagnostic examinations, district designee
- At least one observation in typical learning environment

Rule 6A-6.03018(5): Documentation of Determination of Eligibility

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

Rule 6A-6.03018(6): Implementation

- SP&P must identify applicable process school-by-school
 1. RtI Process within Comprehensive Evaluation OR
 2. RtI Process *and* relevant pattern of strengths and weaknesses within Comprehensive Evaluation
- Effective July 1, 2010, schools can no longer require pattern of strengths and weaknesses as allowed in option #2
- For schools using process #2, description of relevant pattern must be included in written summary

Technical Assistance

- SLD Contact Conference Calls - Monthly April-August
- Compilation of Stakeholder Input Regarding SLD Rule Memorandum (routing for final approval)
- Questions & Answers – TAP for 6A.6-0331 (Administrative Rules)
- Questions & Answers – SLD TAP to be disseminated Spring-Summer 2009
- Parent Resource Packet – In development
- Regional Meetings tentatively scheduled for Summer 2009
- On-line Module – tentatively available Fall 2009

Response to Intervention – Supporting Districts

- Attending year 2 of Statewide Training
- 8 demonstration districts with 40 pilot schools in year 2
- Sending District-Based Leadership Teams to regional meetings for guidance on district plan developments
 - Using the State Blueprint to guide development of the district plan
 - 66 Districts have completed day 2 in the 3-day series of regional meetings
 - Day 3 of the 3-day series occurring in April and May

Response to Intervention – State Activities

- Nearing the end of the 2nd year of the project in 6 school districts and 36 pilot schools with very encouraging data regarding impact
- Now completing 3 workshops with all districts in state helping them prepare district-wide RtI implementation plans to be implemented in fall 2009 (57 of 67 districts have implementation plans)
- Hired and completed orientation for 5 RtI facilitators who serve on the 5 regional differentiated accountability teams
- Statewide-wide scaling up coordinated by the State Transformation Team
- Web site is updated monthly with new resources
 - Florida's RtI Website: <http://www.florida-rti.org/>

Response to Intervention – What can FDLRS do?

- Continue to provide high quality professional development that equips educators with
 - High quality instructional tools, interventions and supports
 - Skills and abilities to these tools, interventions and supports with fidelity

Proposed Rule 6A-6.05271 – Standards for Use of Reasonable Force

- Statutory authority found in laws governing liability and use of excessive force
- Bureau of Professional Practices Services has the lead
- Most of the language in rule applicable to **all** students
- Prohibits physical restraint techniques that restrict or obstruct a student's airway, impair breathing, twist or bend a limb or joint in unnatural direction
- Establishes notification, documentation, and reporting requirements
- Addresses procedures related to time out and seclusion

Proposed Rule 6A-6.05271

- Establishes content for training – this section of rule specifically relates to staff working with students with disabilities
- Content of training must address
 - Methods and procedures for de-escalation of problematic behaviors
 - Continuum of least to most restrictive techniques
 - Demonstrated proficiency of each techniques in the continuum
 - Techniques for implementing reasonable force when using multiple staff members as a team
 - Monitoring and assessment criteria required during use of reasonable force
 - Identification of medical emergencies and basic response methods or techniques
 - Strategies to re-engage or re-enter the student into the learning environment
 - Documentation and reporting requirements

Proposed Rule 6A-6.05271

- State Board of Education meeting; May 2009
- Revising Bureau technical assistance paper on time out
- Upon rule adopted, review/revise technical assistance paper on Manual Physical Restraint

Rules in Process of Revision

- 6A-1.0943 Statewide Assessment for Students with Disabilities
- 6A-1.09961 Graduation Requirements for Certain Students with Disabilities
 - Rule development workshops conducted
 - Conducting internal review
 - Will conduct additional workshops to obtain feedback from broader constituency
- 6A-6.03012 Speech/Language Rule
 - Working on final revision
 - Given length of time expired, will likely do another workshop or hearing in advance of Board meeting

Legislation

Autism

- HB 89 – has not moved since March 20, 2009
- SB 242 and SB 308 – On April 21, both bills were temporarily postponed by the Policy Steering Committee on Ways and Means
- SB 308 – on Special Order Calendar for April 28th
- It is possible for the language to appear in other bills

HB 89 - Relating to Autism

- Requires a physician to refer a child to an “appropriate specialist” for screening if the parent believes that the child exhibits symptoms of autism spectrum disorder (ASD)
- Appropriate specialist means
 - Psychologist, psychiatrist, board-certified behavior analyst, neurologist, developmental or behavioral pediatrician, SLP, or licensed professional deemed appropriate by Early Steps
 - Must have training in validated diagnostic tools and experience in evaluation of autism spectrum disorder
- Requires that health insurance plans cover evaluation and diagnosis of ASD
- Requires that HMOs provide for “direct patient access” for screening and evaluations to determine ASD

SB 242 - Relating to Autism

- Began very similar to HB 89 with regard to provisions on referral, screening and evaluation
- Has had multiple amendments
- Now includes provisions related to immunizations
 - Prohibits immunizations that have in excess of 0.1 micrograms per milliliter of mercury
 - Parents may choose an alternate vaccination schedule as recommended by CDC as long as child immunized before beginning school
 - Parents must be provided information on immunizations from CDC and must sign to confirm receipt of information

SB 308 - Relating to Autism

- Began as a bill on vaccinations
- Has been amended multiple times and now includes
 - Provisions related to requiring that a physician refer for screening, evaluation, or diagnosis when parent suspects child has ASD **or** other developmental disabilities
 - Health insurance provisions to include coverage of children with other developmental disabilities (extends the provisions of the Steven Geller Act to additional children beyond those with ASD)

HB 239/SB 642 - Relating to Autism and Related Disabilities

- Establishes an autism license plate
- Provides for distribution of fees to the Achievement Rehabilitation Centers Inc., which in turn must establish an Autism Services Grant Council to recommend recipients of proceeds
- Once start up costs recovered, CARD Miami will receive 15% of proceeds to distribute among the CARD centers
- Both bills have been heard by multiple committees and have favorable vote history

Governor's Task Force on Autism Spectrum Disorders

Governor's Task Force on Autism Spectrum Disorders

- Created by Executive Order 08-36, Feb. 7, 2008
- Final Report submitted to Governor March 2009
- Extended until January 5, 2011
- 2nd Annual Report due by March 20, 2010
- April 2, 2009, World Autism Awareness Day in Florida
- Web site: <http://www.healthyfloridians.com/autism.html>

Governor's Task Force on Autism Spectrum Disorders (ASD)

- Responsibilities of Task Force
 - Identifying and recommending methods to remove barriers to the education and awareness of parents, teachers, medical professionals and other caregivers of young children to facilitate early diagnosis and intervention;
 - Developing recommendations for the zero-tolerance policy that reflect the needs of individuals with autism spectrum disorders;

Governor's Task Force on ASD

- Responsibilities of Task Force
 - Developing recommendations for positive behavior supports in lieu of restraint and seclusion that reflect the safety and behavioral needs of individuals with autism spectrum disorders;
 - Developing regional-level collaboratives for autism spectrum disorders through the Centers for Autism and Related Disabilities (CARD) as central points for information sharing, gap reduction, collaborative planning, and service delivery;
 - Developing recommendations for transitional life periods, employment, and independent living support of persons with autism spectrum disorders.

HB 543 – Relating to High School Science Assessment

- Amends high school graduation requirements to establish that students must take Biology I or a series of courses that are equivalent
- End of course exam for Biology will eventually replace FCAT science administration at grade 11
- The end of course exam for Biology will constitute 30% of the student's final grade for the course
- Beginning 2012-2013, student must pass the end of course exam in order to pass the course
- Has been heard in multiple committees and has favorable vote history to date

HB 1293/SB 2654 – Relating to High School Graduation

- Amends high school graduation requirements
 - Must advise students of options including AP, IB, AICE, dual enrollment, and Florida Virtual
- Beginning with students entering high school 2010-11
 - 4 math credits must include Algebra I and Geometry (can substitute equivalent series)
 - 3 science credits must include Biology (can include equivalent series)
- Beginning with students entering high school 2012-13
 - Algebra II is added as a required math course (can include equivalent series)
 - Chemistry is added as a required course (can include equivalent series)
- Establishes new section of law on test accommodations for students with disabilities and FCAT waiver; requires rule making on test accommodations for SWDs
- Establishes a graduation exit option (only HB 1293)
- Have been to multiple committees and have favorable vote history

HB 745/SB 1278 – Relating to Prepaid Services for Parents of Children with Developmental Disabilities

- Creates study group and designates membership
- Commissioner of Education a member – may have a designee
- Study group must evaluate creation of prepaid plan modeled after college prepaid plan
- Prepaid services could be used to obtain support for a student following graduation, to include services that would support transition to work
- Bills have both been heard by multiple committees and have favorable vote history

HB 783 – Relating to Education for Children in Shelter and Foster Care

- Establishes legislative intent with regard to provision of appropriate educational services for children with disabilities in foster and shelter care
- Either superintendent or dependency court must appoint a surrogate in certain circumstances
- Establishes qualifications for surrogate parents
- If child moves to a placement in another district, the new district must accept the surrogate already appointed to ensure continuity
- Provides that information in child abuse records (excluding reporter) may be released to a liaison of the school district in accordance with an interagency agreement. Ability to release to principal remains in law
- When considering future shelter or foster home placements, consideration must be given to the child's educational placement.

SB 1128 – Education/Children in Shelter or Foster Care

- Original bill mirrored 783 with regard to surrogates and children in shelter or foster care
- Has been heard by multiple committees
- Amended multiple times and now includes provisions related to residential placement of students with disabilities by DCF, APD, and AHCA
- Requires notification by DCF to school districts within 10 days after placements
- School districts must convene IEP within 10 days of notice
- Requires DOE to adopt rules related to provisions of statute
- Requires DOE to enter into interagency agreement with regard to responsibilities when students placed in residential facility

HB 835 – Gifted and Academically Talented Education

- Requires annual notice to parents regarding the eligibility criteria for the gifted program
- Establishes specific annual reporting requirements
 - Numbers served, under-represented populations, service delivery models
- Requires the state to adopt policy on whole grade and subject area acceleration; districts must implement policy
- Requires reporting on acceleration
- Amends statute related to teacher preparation programs to include content on gifted
- Requires financial reporting on amount of dollars expended for gifted services
- Establishes state-level task force to recommend eligibility criteria (gifted and academically talented), screening procedures, model programs, and program evaluation procedures

SB 1870 – Gifted and Academically Talented

- Content very similar to HB 835
- No vote history
- SB 1870 has not been heard in committee; no vote history
- **HB 835** has been heard and has favorable vote history in multiple committees

HB 7089/SB 2038 – Relating to Exceptional Students

- Part of Department's legislative agenda
- Revises due process hearing procedures related to filing an appeal (aligns to IDEA requirement)
- Requires that hearings be conducted by ALJ pursuant to contract with the Department
- Adopts some of the IDEA provisions related to discipline
- Requires the State Board of Education to comply with IDEA
- "On the move" in the Senate
- Heard in the House on 2/21/09

Budget Considerations – General Revenue

- House and Senate Budgets very close on BSA, support levels 4 & 5 and ESE Guaranteed Allocation Percentage
- Reduction in instructional materials line (FIMC-VI and Learning through Listening)
- House Budget assigns Learning Through Listening to FSDB
- FDLRS Universities
 - Reductions in both budgets
 - House budget reduction significant and moves to ESE Line – federal trust
- CARD
 - Reductions in both budgets
 - House budget reduction significant; adds money through federal trust

Governor's Commission on Disabilities

Governor's Commission on Disabilities

- Created by Executive Order 07-148, July 26, 2007
- Continued by Executive Order 08-193
- Purpose: identify barriers faced by persons with disabilities and the elderly, then to develop recommendations to overcome those barriers in the areas of education, employment, independent living, and transportation
- Mission: advance public policy for Floridians with disabilities and to provide a forum for advocates representing Floridians with disabilities to develop and voice unified concerns and recommendations
- Continue to work in the areas identified in it July 2008 Report to the Governor and advocate for implementation of the recommendations
- Web site:
http://dms.myflorida.com/other_programs/commission_on_disabilities

A photograph of a classroom where several students are raising their hands. In the foreground, a young girl with dark hair in pigtails, wearing a red shirt, has her right hand raised. To her left, another student in a blue shirt has their hand raised. In the background, a student in an orange shirt also has their hand raised. A chalkboard with faint mathematical formulas is visible behind them. The word "Questions?" is overlaid in the center of the image.

Questions?