



Miami-Dade County Public Schools  
Exceptional Student Education

# Local Education Agency (LEA)

## Implementation Guide

2022-2023

(Updated August 2022)



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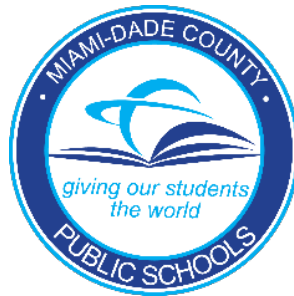
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# **Local Education Agency (LEA) Implementation Guide**

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## **I. Introduction**

### **A. The Role of the Local Education Agency (LEA) Representative**

The Local Education Agency (LEA) representative is an official of the public agency who is responsible for making decisions on behalf of the District and ensuring that the Individual Educational Plan (IEP) complies with procedural and substantive requirements of applicable State and Federal regulations. The LEA representative also ensures that the provision of specially designed instruction through the IEP meets the unique needs of children with disabilities.

The LEA representative is a required member of the IEP team and must attend each IEP meeting in its entirety. The LEA representative must possess knowledge of and understand all Essential ESE Areas addressed in the LEA Implementation Guide.

The LEA representative must ensure that:

1. IEP decisions are based on consensus and not on a majority vote;
2. each member of the IEP team possesses important knowledge to contribute to the development of the student's IEP;
3. every effort is made to reach an agreement;
4. the IEP includes appropriate services for the student to receive a Free and Appropriate Public Education (FAPE);
5. parents receive prior written notice of the services offered and information regarding the parents' right to seek resolution of any disagreements;
6. in extenuating circumstances, the LEA representative, as the IEP team leader, may override the consensus of the IEP team, if necessary, or make the final decision if consensus cannot be reached by the team to ensure that a student is offered an appropriate education [Case name: Letter to Richards, 55 IDELR 107 (OSEP 2010)].

### **B. Purpose of the LEA Implementation Guide**

The LEA Implementation Guide provides guidance for school-based LEA representatives including Exceptional Student Education administrators, program specialists, and ESE chairpersons regarding common compliance questions pertaining to Exceptional Student Education (ESE). This guide has been divided into the following sections:

1. The ESE Essential Areas for the School Site LEA Representative
2. General Procedures At-a-Glance
3. Appendices

Resources including M-DCPS forms, PDFs, websites, and Weekly Briefings have been listed at the end of each section to provide essential information and documents related to the designated topic.

**Note:** Sections of the LEA Implementation Guide with significant and important changes and updates are marked with a “NEW” icon.



This document is available as an e-handbook on the [dadeschools.net](http://dadeschools.net) website. Updates regarding any changes in policies and procedures that affect the contents of this document will be transmitted via Weekly Briefing. Individuals who may have questions related to LEA compliance can e-mail their questions to [ese@dadeschools.net](mailto:ese@dadeschools.net).

## II. ESE Essential Areas

### A. ESE Essential Area: Multi-Tiered System of Supports (MTSS)

#### • Multi-Tiered System of Supports (MTSS)

A Multi-Tiered System of Supports (MTSS) describes an evidence-based model of schooling that uses data-based problem-solving to integrate academic and behavioral instruction and intervention. Integrated instruction and intervention are delivered to students in varying intensities through multiple tiers of support (see tier description below) based on student need. “Need-driven” decision-making ensures that District resources reach the appropriate students at the proper levels to accelerate performance so that ALL students may achieve and/or exceed proficiency. The MTSS Guidelines can be located at [http://osi.dadeschools.net/MTSS/M-DCPS\\_MTSS\\_Manual.pdf](http://osi.dadeschools.net/MTSS/M-DCPS_MTSS_Manual.pdf).

<b>Tier 1</b>	<b>ALL</b> students receive core instruction and universal academic and behavior strategies.
<b>Tier 2</b>	<b>Some</b> students receive small group research-based targeted interventions for an additional thirty minutes daily.
<b>Tier 3</b>	<b>Few</b> students receive increased time in intensive research-based interventions.

**MTSS is not a means to identify students for exceptional student education (ESE) services.** Rather, it is a data-driven approach to pinpoint student needs and tailor support. All schools must identify an MTSS Coordinator. The school’s designated LEA representative must be able to identify their school’s MTSS Coordinator as cooperation between the MTSS coordinator and the LEA representative is essential to ensure that student needs are addressed in a timely manner through ongoing collaboration among school personnel and families. It should be noted that at times the school’s designated LEA representative may also serve as the MTSS Coordinator.

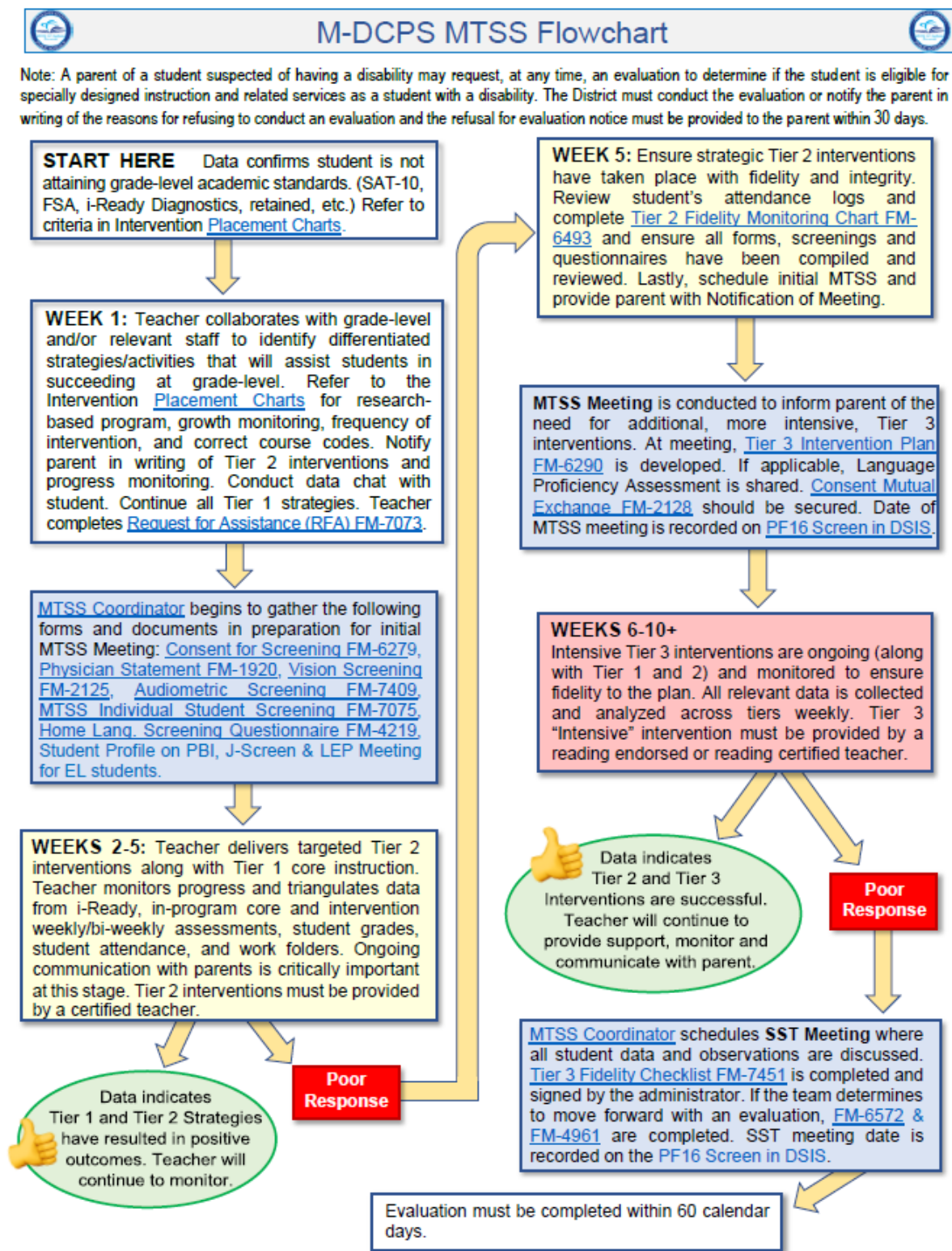
All schools must have established MTSS School Based Problem-Solving Teams that oversee the school-based problem-solving process in reviewing data. Data will differ depending on the student’s tier of instruction. Decisions are made with respect to academic and behavioral programming.

<b>MTSS is NOT</b>	<b>MTSS is</b>
<ul style="list-style-type: none"><li>• A pathway for ESE</li><li>• Something “extra” to do</li><li>• Process for struggling students</li><li>• Data-based problem solving with limited system of supports for teachers.</li></ul>	<ul style="list-style-type: none"><li>• Identifying student needs</li><li>• Knowing when a student is not progressing</li><li>• Teaching all students at the intensity needed based on student need</li><li>• Intervening to increase learning</li><li>• Tracking the effectiveness of instruction and intervention</li><li>• Focusing on increasing student achievement</li><li>• Seeing learning as the goal</li></ul>



The following M-DCPS MTSS Flowchart and the School Site Multi-Tiered System of Support (MTSS) Checklist provide guidance in implementing MTSS.

- **M-DCPS MTSS Flow Chart**





- **School Site MTSS Checklist**

School Site Multi-Tiered System of Supports (MTSS) Checklist						
Student Name:		ID:		DOB:		
Teacher:		Grade:		ESOL Level:		
Referral Concern* (Circle any/all that apply) Academic / Speech / Language / Behavior				Review and Approved:		
MTSS Meeting Date/Time:				2nd Meeting Date/Time (if applicable) :		
Form #	Description	Purpose/Description	Required For	Person Responsible	Date Received/Completed	Initials
<b>Documentation for School Support Team (SST) to be Collected &amp; Reviewed Prior to the MTSS Meeting (Initial SST)</b>						
7073	Request for Assistance (RFA)	Initial documentation to identify student need		Referring Teacher		
Most Current	Student Profile Report (Power BI)	Provides various data points		Administrator		
1920	Physicians Statement	Statement provided by Physician to identify a medical need		Parent		
6279	Notice of Intent & Parent/Guardian Consent for Screening	Parent Consent		Parent		
6493	Tier 2 Fidelity Monitoring Chart	Ensures Tier 2 intervention has been provided with fidelity and integrity	Academic, Language, and/or Behavior	Administratrac & Referring Teacher		
2125	Vision Screening	Rules out condition impeding learning		MTSS Coordinator/LEA		
7409	Audiometric Screening	Rules out condition impeding learning		MTSS Coordinator/LEA		
7075	MTSS Individual Student Screening	Social History of Studen		Social Worker or Qualified Personnel		
J-Screen	ESOL Level on DSIS	Rule out conditions impeding learning (LP/DS -Screening Assessment in Home Language	ELL students only	Registrar		
4219	Home Language Screening Questionare	Rules out home language as barrier impeding learning				
LEP Plan	LEP Committee Meeting	Only for current ELL students		ESOL Coordinator		
	Notification of Meeting	Informs parent of scheduled MTSS Meeting/ Initial MTSS	Academic, Language and/or Behavior	MTSS Coordinator/LEA		
<b>Developed / Signed at the MTSS Meeting (Initial SST)</b>						
Accelify	Medicaid Consent	Assists with providing resources	Academic, Language, and/or Behavior	Retrieved from Accelify		
	Non-Discouragement Form	Ensures parents' rights are upheld				
	Meeting Signature Page	Documents attendees at meeting				
	Meeting Documents Page	Documents meeting				
6290	Tier 3 Fidelity Checklist	Develop Tier 3 intervention plan	Academic	Administrator		
e-mail	Language Proficiency Assessment	Bilingual Assessor testing results	ELL L3 or L4 students only	Bilingual Assessor		
2128	Consent Mutual Exchange	Permission for M-DCPS to collaborate with other entities	Not Required	Parent		
<b>Developed / Signed at 2nd SST Meeting</b>						
7451	Tier 3 Fidelity Checklist	Ensure Tier 3 intervention is provided with fidelity	Academic	Administrator		
6572	Request for Evaluation	Parent gives MTSS team permission to conduct evaluation	Academic, Language, and/or Behavior	MTSS Team		
4961	Consent to Conduct an Evaluation	Used to secure parental/guardian consent for a psycho-educational evaluation		Psychologist		
<b>Special</b>						
7087	Receipt of Private Evaluation/Documents	Time Stamp of recipt of private evaluation	N/A	Administraor		

\*If MTSS team suspects Autism Spectrum Disorder or Intellectual Disability, schedule SST meeting immediately with parent and school psychologist.

\*If concern is strictly behavioral in nature, refer to FM 6997 for guidance.

## FORMS

**FM 1920 – Physician Statement**

<http://api.dadeschools.net/wmsfiles/61/pdfs/1920.pdf>

**FM 2125 – Vision Screening**

<http://api.dadeschools.net/wmsfiles/61/pdfs/2125.pdf>

**FM 2128 – Consent for Mutual Exchange of Information**

<http://api.dadeschools.net/wmsfiles/61/pdfs/2128.pdf>

**FM 4219 – Home Language Screening Questionnaire**

<http://api.dadeschools.net/wmsfiles/61/pdfs/4219.pdf>

**FM 4961 – Consent to Conduct an Evaluation**

<http://api.dadeschools.net/wmsfiles/61/pdfs/4961.pdf>

**FM 6279 – Consent for Screening**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6279.pdf>

**FM 6290 – Tier 3 Intervention Plan**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6290.pdf>

**FM 6493 – Tier 2 Fidelity Monitoring Chart**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6493.pdf>

**FM 6572 – Request for Evaluation**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6572.pdf>

**FM 6997 – Functional Behavioral Assessment (FBA) Checklist**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6997.pdf>

**FM 7073 – Request for Assistance (RFA)**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7073.pdf>

**FM 7075 – MTSS Individual Student Screening**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7075.pdf>

**FM 7087 – Receipt of Private Evaluation/Documents**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7087.pdf>

**FM 7409 – Audiometric Screening**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7409.pdf>

**FM 7451 – Tier 3 Fidelity Checklist**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7451.pdf>

## RESOURCES

**M-DCPS MTSS Manual:** [http://osi.dadeschools.net/MTSS/M-DCPS\\_MTSS\\_Manual.pdf](http://osi.dadeschools.net/MTSS/M-DCPS_MTSS_Manual.pdf)

## B. ESE Essential Area: Initial Evaluations

### • School Support Team (SST) Process

All M-DCPS schools are implementing the MTSS School Support Team (SST) process. The SST process is a problem-solving process that consists of four steps (define the problem, develop a plan, implement the plan, and evaluate/monitor progress). During the SST process, the academic, behavioral, or social-emotional challenges of students are addressed in an individualized team meeting to determine interventions, support, and the need for evaluation. The SST process is facilitated by the MTSS Coordinator assigned to oversee the SST process. Target area specialists such as school psychologist, a reading coach, math specialist, speech-language pathologist, school counselor, Functional Behavior Assessment (FBA) specialist, and/or the Section 504 Coordinator may participate in the process depending on the nature of the referral and/or the results of the screening process. It is important to note that the MTSS process does not always result in initial ESE evaluation.

**All students, regardless of the suspected area of disability, must receive general education interventions prior to referral for an initial evaluation (Rule 6A-6.0331(1), F.A.C).** Accordingly, the referral for an evaluation requires the completion and implementation of a Tier 3 intervention plan for the student. The Tier 3 intervention plan may be developed and introduced while the formal evaluation process is underway. Academic intervention plans to address scholastic concerns and/or social-emotional behavioral intervention plans to address applicable social-emotional or behavioral concerns must be in place for students pending the finalization of the evaluation process.

For students with medical concerns that may limit physical strength, vitality, or alertness due to chronic health conditions that adversely impact educational performance, the LEA representative must obtain:

- A comprehensive evaluation of the child to determine services and supports needed and/or
- Physician's Statement ([FM 1920](#)) signed by a licensed physician. This form can be obtained to consider Other Health Impaired (OHI) eligibility without MTSS. The Physician's statement must include information about the educational impact of the medical condition and be current (within one year) of the date of submission of the parent's request for assistance for the student.

### • Preparation for the School Support Team (SST) Meeting

The following procedures apply to cases that are in need of additional academic and/or behavioral support when the student is not responding to intervention. As this time, students may be referred for psycho-educational evaluation.

1. Provide a Notification of Meeting (NOM) to parents, created, completed and distributed through ESE-EMS.
2. At the SST meeting, the School Support Team must review all of the student's intervention data (Tiers 1-3), PMP, grades, and any additional diagnostic and/or private evaluation/documentation data provided.

3. The SST team assesses student data through Tier 3 Fidelity Checklist ([FM 7451](#)) to verify that interventions were implemented with fidelity. If interventions were implemented with fidelity, the SST team revisits the Tier 3 Intervention Plan ([FM 6290](#)) and completes the final section entitled *Tier 3 Response*, to determine an appropriate course of action. If the team refers the student for a psycho-educational evaluation, the parent must sign Notice of Intent and Parental/Guardian Consent to Conduct an Evaluation ([FM 4961](#)).
4. School-based personnel with access to enter data on DSIS records the date that the parent signed [FM 4961](#) on DSIS PF 16 and includes the employee number of the individual facilitating the meeting (i.e. a school administrator, MTSS Coordinator, and/or the LEA representative).
  - a. Enter code(s) below as appropriate. Evaluation codes for PF16:
    - i. P – Psycho-educational
    - ii. S – Speech/Language
    - iii. M – Medical
5. The school administrator must sign the fidelity assurance section of the RFA ([FM 7073](#)) entitled “Administrator Verification of Intervention Implementation Fidelity”. Completed packets must be initialed by the school psychologist after all required Open Case Checklist items have been secured.

- **Procedures for Completed Psycho-Educational Evaluations**

1. Upon the school psychologist’s completion of the psycho-educational evaluation, or the speech/language pathologist’s completion of the speech/language evaluation for cases involving a speech/language referral, the evaluation date is entered by the school psychologist or speech/language chairperson in the DSIS PF 16 screen under the “Date Evaluated” field. Please note there is a 60-calendar day timeline for the completion of the initial ESE evaluation process.
2. The school psychologist or speech/language pathologist proceed to write the report.
3. The completed report is submitted to the corresponding ESE Service Center and the date of report submission is recorded by the ESE Service Center staff in “Report Submitted” filed in the DSIS PF 16 screen.
4. The case is assigned to the school staffing specialist by the ESE Service Center.
5. The staffing specialist will collaborate with the school site and family to schedule a staffing meeting to discuss the results of the evaluation and determine the student’s eligibility/non-eligibility.

- **Procedures to Process Private Psycho-Education Evaluations or Other Documents Submitted by Parents/Families**

Schools must ensure that school staff members notify the school counselor or LEA representative when a private evaluation is received. The (FM 7087) must be completed, along with the Consent for Mutual Exchange of Information form ([FM 2128](#)), Parent Consent for screening ([FM 6279](#)), and Request for Assistance ([FM 7073](#)). These forms must be signed at the time of receipt of the private evaluation.

The completed forms and the evaluation must be sent via email to [ese@dadeschools.net](mailto:ese@dadeschools.net) for processing.

- **Parent Request for an Evaluation of a Student in a Traditional Public or Charter School**

The LEA should follow the procedures below if a parent requests an evaluation, verbally or in writing, prior to the initiation or completion of general education interventions:

1. The recipient of that request immediately informs a member of the Multi-Tiered System of Supports (MTSS) Team.
2. The designated MTSS Member must secure from the Parent:
  - a. Any documentation supporting the request (e.g., Medical, Intervention, Classroom)
  - b. Notice of Intent and Parental/Guardian Consent to Conduct a Screening ([FM 6279](#))
  - c. Consent for Mutual Exchange of Information ([FM 2128](#)), where applicable
  - d. School Support Team (SST) Request for Assistance ([FM 7073](#))
3. The designated MTSS Member must provide to the Parent:
  - a. Receipt of Private Evaluation or Documentation ([FM 7087](#)), where applicable
  - b. Provide Notice of Procedural Safeguards for Parents of Students with Disabilities (<https://ese2.dadeschools.net/#!/fullWidth/4369>)
4. The MTSS Team must schedule an SST Meeting within 30 calendar days, or within a mutually agreed upon timeline that is put in writing between the School and the Parent/Guardian, which option listed below to pursue:
  - a. Conduct a School Support Team (SST) Meeting
    - i. Conduct an SST Meeting
    - ii. Ensure that the student has an intervention (Tier 3 only or Tiers 2 & 3 simultaneously) to be implemented and monitored concurrently during the formal evaluation process
    - iii. Secure a Notice of Intent and Parental/Guardian Consent to Conduct an Evaluation ([FM 4961](#))
    - iv. Begin the formal psycho-educational evaluation process (the 60-calendar day timeline begins)
    - v. DSIS (PF16): MTSS, SST and the Consent for Eval line all have the same date input in DSIS.

**NOTE:** Based on new changes to *State Board Rule 6A-6.0331 General Education Intervention Procedures, Evaluation, Determination of Eligibility, Reevaluation and the Provision of Exceptional Student Education Services*, the rule was amended to address the timeline for initial evaluation for students suspected of having a disability. School districts must complete initial evaluations within sixty (60) calendar days of receiving parental consent; however, **this requirement will not apply where the parent and school district have mutual written agreement to extend the sixty (60) calendar day requirement. The evaluation may be extended up to thirty (30) calendar days.** The

written agreement must be secured before the forty-fifth (45th) calendar day, but after the formal testing has begun it was determined that other evaluators are needed to complete the required full and individual evaluation.

- **Request for an Initial Evaluation of a Student Parentally Placed in a Private School**

The following procedures are provided to facilitate the Child Find process for locating, identifying, and evaluating all children with disabilities in private schools.

For students who Do NOT have a M-DCPS student identification number, the following is required:

1. Completed MDCPS Student ID Information Packet: Call 305-274-8889
2. Copy of parent Driver's License
3. Copy of FPL Bill or Lease Agreement

Parents/Guardians, with the assistance of the private school, must gather as much existing/pertinent information as possible on the child's current levels of performance. To access any of the forms listed, click on the links provided. The following documents are required:

1. Private School Intake (PSI) - Referral Cover Page
2. Request for Assistance ([FM 7073](#))
3. Two Teacher Observations – found on page 2 of the RFA packet
4. Consent Form for Mutual Exchange of Information ([FM 2128](#))
5. Sensory screening information (vision & hearing)- screening must be within one year
6. School Entry Health Form provided by Pediatrician. If not available, please use forms listed below:
  - MTSS Vision Screening ([FM 2125](#))
  - MTSS Audiometric Screening ([FM 7409](#))

The following documents can be used to support the request and demonstrate the strengths and areas of concern:

- Grades, report card, work samples, attendance records, and discipline records
- Any standardized test scores, diagnostic assessments, intervention data
- Any private medical, psycho-educational evaluations, speech/language evaluations
- Any medical diagnosis must be documented on the Physician's Statement ([FM 1920](#))
- Any individualized interventions. The plans below could be used to document private school efforts:
  - Private school completes the Rtl Academic Intervention Plan ([FM 6290](#)) if there are academic concerns
  - Can also submit a copy of the school's Learning/Academic Support Plan
- When behavior concerns are present: Private School completes the Social Emotional-Behavioral Intervention Plan (SE-BIP) ([FM 6287](#)), and MTSS Structured Interview ([FM 6660](#))



The guardian delivers the completed packet as a PDF file via email to ESE Support at [ese@dadeschools.net](mailto:ese@dadeschools.net) or by fax to 305- 666-1250.

- When emailing, please write “PSI EVALUATION” on the subject line of email.
- The Department of Exceptional Student Education will respond that they received the email submission.
- The PSI Team reviews the documentation and informs the parent/school if any additional documentation is needed.

Once the packet is complete, the PSI Team will contact the guardian with an SST meeting date and time. At the School Support Team (SST) meeting, all the collected data will be reviewed and discussed, and if deemed appropriate by the SST, a Consent to Conduct an Evaluation will be secured.

- Please note: Private school teacher is required to participate in this meeting (in person, by phone or virtually)

Any formal evaluations are scheduled and conducted at a PSI Office or M-DCPS School. A follow up meeting will be held to review the results of any evaluations conducted, and ESE eligibility determined if applicable.

**MIAMI-DADE COUNTY PUBLIC SCHOOLS  
PRIVATE SCHOOL INTAKE OFFICE  
REFERRAL COVER PAGE**

**Reason for Referral:** ☐ Initial Evaluation      ☐ Re-evaluation      ☐ Matrix Update Review

STUDENT'S NAME: \_\_\_\_\_ GRADE: \_\_\_\_\_ DOB: \_\_\_\_\_  
MDCPS ID# \_\_\_\_\_ CURRENT EXCEPTIONALITY: \_\_\_\_\_  
PARENT'S NAME: \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
HOME ADDRESS: \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_  
HOME SCHOOL: \_\_\_\_\_

\*If the student has never attended M-DCPS, a Student ID must be obtained in order to start the evaluation process. Please complete the Student ID Information Packet Form and submit it along with the following documents. Please submit documents using a PDF format. Request made at [ESE@dadeschools.net](mailto:ESE@dadeschools.net).

- o *Student birth certificate*
- o *Parent driver's license*
- o *Recent FPL/Utility Bill, Mortgage/Lease Agreement*

**TO BE COMPLETED BY PRIVATE SCHOOL:**

PRIVATE SCHOOL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
IS THIS PRIVATE SCHOOL NON-FOR-PROFIT? \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
CONTACT EMAIL: \_\_\_\_\_  
CONTACT PERSON: \_\_\_\_\_  
NAME OF TEACHER: \_\_\_\_\_

*Please complete all the required documents, as explained on the Initial Evaluation Referral Procedures or the Reevaluation Procedures attached. Once the referral packet has been completed, please submit the entire completed packet via PDF format. Documents may be submitted via email to [ese@dadeschools.net](mailto:ese@dadeschools.net) . **On the subject line of the email write "PSI EVALUATION."** If you have any questions, please contact the M-DCPS IDEA Private Schools Obligations Office at 305-274-8889.*

- **Request for a Reevaluation of Student Parentally Placed in a Private School**

The following procedures are provided to facilitate the reevaluation process for children with disabilities in private schools.

Parents/Guardians, with the assistance of the private school, must gather as much existing/pertinent information as possible on the child's current levels of performance.

To access any of the forms listed, click on the links provided.

- The following documents **are required**:
  - Private School Intake (PSI) - Referral Cover Page
  - Request for Assistance (RFA) ([FM 7073](#))
  - Two Teacher Observations – found on page 2 of the RFA packet
  - Consent Form for Mutual Exchange of Information ([FM 2128](#))
  - Sensory screening information (vision & hearing)

The following documents **can be** included in the packet to support and prepare for the RT meeting:

- Grades, work samples, attendance records, and discipline records
- Any standardized test scores
- Any private medical, psychoeducational evaluations

If a change in special education disability eligibility is being considered, then the following is recommended:

- Sensory screening information (vision & hearing):
  - School Entry Health Form provided by Pediatrician. If not available, please use forms listed below:
    - MTSS Vision Screening ([FM 2125](#))
    - MTSS Audiometric Screening ([FM 7409](#))

Any individualized interventions. The plans below can be used by the Private School to document their efforts:

- Private school completes the Rtl Academic Intervention Plan ([FM 6290](#)) if there are academic concerns
- Can also submit a copy of the school's Learning/Academic Support Plan
- When behavior concerns are present: Private School completes the Social Emotional-Behavioral Intervention Plan (SE-BIP) ([FM 6287](#)), and MTSS Structured Interview ([FM 6660](#))

The guardian delivers the completed packet via email to ESE Support [ese@dadeschools.net](mailto:ese@dadeschools.net) or by fax to 305-666-1250.

- When emailing, please write "PSI EVALUATION" on the subject line of email.
- The Department of Exceptional Student Education will respond that they received the email submission.
- The PSI Team reviews the documentation and informs the parent/school if any additional documentation is needed.
- Once the packet is complete, the PSI Team will contact the guardian with a meeting date and time. The guardian will be contacted with the date and time of their Re-evaluation (RT) Team Meeting appointment.

- At the RT meeting, all the collected data will be reviewed and discussed - this concludes the RT Evaluation.
- If additional (formal assessment) data is deemed necessary by the RT Team, a Consent for Reevaluation will be secured.
- **Please note:** Private school teacher **is required to participate** in this meeting (in person, by phone, virtually, or by written input).

Any formal evaluations are scheduled and conducted at a PSI Office or M-DCPS School. A follow up meeting will be held to review the results of any formal evaluations conducted, and ESE eligibility determined if applicable.

**MIAMI-DADE COUNTY PUBLIC SCHOOLS**  
**PRIVATE SCHOOL INTAKE OFFICE**  
**REFERRAL COVER PAGE**

**Reason for Referral:** ☐ Initial Evaluation      ☐ Re-evaluation      ☐ Matrix Update Review

STUDENT'S NAME: \_\_\_\_\_ GRADE: \_\_\_\_\_ DOB: \_\_\_\_\_  
MDCPS ID# \_\_\_\_\_ CURRENT EXCEPTIONALITY: \_\_\_\_\_  
PARENT'S NAME: \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
HOME ADDRESS: \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_  
HOME SCHOOL: \_\_\_\_\_

\*If the student has never attended M-DCPS, a Student ID must be obtained in order to start the evaluation process. Please complete the Student ID Information Packet Form and submit it along with the following documents. Please submit documents using a PDF format. Request made at [ESE@dadeschools.net](mailto:ESE@dadeschools.net).

- o *Student birth certificate*
- o *Parent driver's license*
- o *Recent FPL/Utility Bill, Mortgage/Lease Agreement*

**TO BE COMPLETED BY PRIVATE SCHOOL:**

PRIVATE SCHOOL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
IS THIS PRIVATE SCHOOL NON-FOR-PROFIT? \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
CONTACT EMAIL: \_\_\_\_\_  
CONTACT PERSON: \_\_\_\_\_  
NAME OF TEACHER: \_\_\_\_\_

*Please complete all the required documents, as explained on the Initial Evaluation Referral Procedures or the Reevaluation Procedures attached. Once the referral packet has been completed, please submit the entire completed packet via PDF format. Documents may be submitted via email to [ese@dadeschools.net](mailto:ese@dadeschools.net) . **On the subject line of the email write "PSI EVALUATION."** If you have any questions, please contact the M-DCPS IDEA Private Schools Obligations Office at 305-274-8889.*

- **Evaluation Process: Parental Requests for Independent Psycho-Educational Evaluations (IEE)**

Parents have the right to request, in writing or verbally, an IEE if they disagree with the findings of the psycho-educational evaluation completed by the District. Upon receipt of a parental request for an IEE at public expense, the District is required to either provide an IEE at public expense or request a due process hearing to establish that the District's psycho-educational evaluation is appropriate. The District may ask the parent to explain why the District's psycho-educational evaluation is deemed objectionable, but the parent is not required to provide a reason for the request for an IEE. The response to the parental request for an IEE must be provided to the parent upon receipt of the parent's verbal or written request.

**School Procedures:**

1. School personnel, such as Program Specialist, ESE Chairperson or LEA Representative, must immediately inform the corresponding ESE Service Center Instructional Supervisor that a request for an IEE has been received.
2. School personnel must also immediately transmit to the ESE Service Center Instructional Supervisor the student's evaluation referral packet, including the original psycho-educational evaluation prepared by the District and the student's IEP.

**ESE Service Center Procedures:**

1. The ESE Service Center administrator must contact the ESE administrator responsible for reviewing the requests for IEE within 48 hours of parent request. The ESE Service Center administrator must provide the referral packet and related documents to the ESE administrator responsible for reviewing the requests for IEE within five (5) days of initial parent request.

**District Procedures:**

1. District personnel will review the documentation provided and determine the adequacy of the District report considering issues related to the referral and all academic or behavioral concerns pertaining to the student.
2. District personnel will provide written notification to the parent regarding the decision to grant an IEE or request a due process hearing.
3. District personnel will inform the school administrator and ESE Service Center administrator of the District's decision. **All steps must be completed as expeditiously as possible and cannot exceed 30 calendar days from the date of the parent's request for an IEE.**

## FORMS

**FM 1920 – Physician Statement**

<http://api.dadeschools.net/wmsfiles/61/pdfs/1920.pdf>

**FM 2125 – Vision Screening**

<http://api.dadeschools.net/wmsfiles/61/pdfs/2125.pdf>

**FM 2128 – Consent for Mutual Exchange of Information**

<http://api.dadeschools.net/wmsfiles/61/pdfs/2128.pdf>

**FM 4961 – Consent to Conduct an Evaluation**

<http://api.dadeschools.net/wmsfiles/61/pdfs/4961.pdf>

**FM 6279 – Consent for Screening (link)**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6279.pdf>

**FM 6290 – Tier 3 Intervention Plan**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6290.pdf>

**FM 6493 – Tier 2 Fidelity Monitoring Chart**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6493.pdf>

**FM 6572 – Request for Evaluation**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6572.pdf>

**FM 7073 – Requestion for Assistance**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7073.pdf>

**FM 7087 – Receipt of Private Evaluation/Documents**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7087.pdf>

**FM 7409 – Audiometric Screening**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7409.pdf>

**FM 7451 – Tier 3 Fidelity Checklist**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7451.pdf>



### **C. ESE Essential Area: Reevaluations**

Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data is collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Reevaluations must occur at least every three years, unless the parent and the school District agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it. The team members to participate in reevaluation meetings are determined by the LEA representative and the evaluation specialist prior to the meeting.

If the school psychologist (evaluation specialist) participates in the reevaluation team meeting through the submission of written comments in lieu of actual attendance at the meeting, the school psychologist should first review the student's cumulative file with the LEA representative and obtain information regarding the child's current levels of functioning. However, school psychologists must attend the reevaluation team meeting when a change of placement may be warranted for the student, or there is evidence that the status/functioning of the student has significantly changed. If the school psychologist's presence at the reevaluation team meeting is required, the meeting should be scheduled by the LEA representative during a day that the school psychologist is visiting the school. In many instances,

The student's ESE teacher must provide information regarding the student's current academic functioning as determined by teacher made tests, standardized testing instruments provided to all students and copies of the student's current IEP as well as previous IEPs prepared during the past three years, if available. Reevaluation team members will decide:

- Whether the student has met the annual goals set forth on the current IEP;
- Whether the student continues to have a disability;
- The current educational needs of the student;
- The student's continued need for special education and related services;
- Any additions or modifications to the student's special education or related services that may be needed to meet the annual goals of the IEP, or to support the student's participation in the general curriculum

In accordance with Rule 6A-.03311(3)(c), if the reevaluation team determines that additional data are needed, written parental consent is obtained on the Reevaluation Team meeting documentation distributed in ESE-EMS prior to the administration of any assessment instruments recommended through the reevaluation process.

- **After the Reevaluation Team Meeting**

Assessment will be conducted by the evaluation specialist within a reasonable time frame from the date of parental consent to conduct a reevaluation. Upon completion and submission of the reevaluation report, an IEP meeting is held to review the reevaluation report and data to make decisions about the student and their supports and services.

- **Reevaluation: Additional Information**

Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

## D. ESE Essential Area: The Individual Education Plan (IEP)

- **Preparing for the IEP – Initial, Annual, and Interim IEP Meetings**

### IEP Development

The IEP is a legal document that records elements of the specially designed instruction for the student with disabilities. The IEP reflects the District's legal obligation pursuant to IDEA to provide a Free and Appropriate Public Education (FAPE) for the student. The LEA representative is responsible for developing, implementing and monitoring IEPs for all students with disabilities enrolled in the LEA representative's school. The IEP incorporates five major domains to address a student's individual needs and present performance levels. The domains charted below must be reviewed during the development of each IEP.

IEP Domains Concern		
Domains	Description	Student Service Needs to be Considered
<b>Curriculum and Learning Environment</b>	Addresses students' needs related to their involvement in the general curriculum.	Adjustments in the learning environment, including instruction and assessment procedures, materials, and equipment and adaptations to the classroom setting.
<b>Social or Emotional Behavior</b>	Addresses the student's needs for positive behavioral supports, behavioral interventions, social skills development, and socialization.	Behavior management techniques, therapeutic programs, other support services or counseling as a related service
<b>Independent Functioning</b>	Addresses knowledge and skills associated with activities of daily living and self-care, accessing community resources, and organizational strategies.	Instruction, coaching and personal assistance; Assistive Technology, Physical and/or Occupational Therapy as a Related Service; organizational Skills; Orientation and Mobility training; adaptation to the Instructional setting; and/or, personal supervision to ensure physical safety, classroom assistance (e.g., paraprofessional).
<b>Health Care</b>	Addresses services provided to students with disabilities who have health care needs and require health services to benefit from special education.	Monitoring and assessment of health conditions; provision of related health care services, such as medication, suctioning or tube feeding.
<b>Communication</b>	Addresses the student's ability to participate effectively in initiating and responding to communication.	Interventions and therapy, assistance, and the use of alternative and augmentative communication systems.

### **Initial IEP Meeting**

Scheduling and coordination of the initial IEP meeting is led by the ESE Service Center staffing specialist assigned to the student's school. The staffing specialist serves as the LEA representative for an initial IEP meeting. In addition to setting the meeting schedule, the staffing specialist works with the school's LEA representative to ensure that notification of the meeting schedule is shared with all IEP team members. The staffing specialist in conjunction with the school site also gathers all information, such as evaluations, screenings, MTSS academic/behavior data, and medical documents, to conduct the initial IEP meeting.

The school site LEA representative supports the staffing specialist and facilitates the initial IEP meeting by notifying parents of the meeting schedule, ensuring a room is available for the meeting if it is being held in-person, and the appropriate technological link if meeting is scheduled virtually. In addition, the school site LEA representative needs to secure technology required to complete the IEP on the Exceptional Student Education-Electronic Management System (ESE-EMS). The school site LEA representative or a designated ESE teacher should synthesize information and analyze areas of concern which may demonstrate the student's need for specially designed instruction. To assist the staffing specialist in developing the initial IEP, the ESE teacher is expected to provide input about intensive, specially designed instructional interventions, accommodations for instruction and assessment, and supplementary aids and services the student may need.

### **Annual IEP Meeting**

The school's LEA representative identifies the individuals who will serve as IEP team members for the Annual IEP meeting. It is required for IEPs to be updated at a minimum, once per year. Prior to the meeting, the LEA representative gathers data regarding the student's pre-academic or academic achievement, functional performance, and progress toward annual IEP goals. IEP team members also supply data pertinent to their field of expertise that addresses the student's pre-academic or academic achievement, functional performance and progress toward annual IEP goals.

The LEA representative or the designated ESE teacher should prepare a draft IEP on ESE-EMS prior to the IEP meeting to allow the team to synthesize information and analyze areas of concern wherein the student may be demonstrating a need for specially designed instruction and related services for the student. The draft IEP can be provided to the parent by e-mail, mail, or student delivery to allow the parent to review the IEP before the meeting takes place. **A final IEP must not be completed before the IEP team meeting begins (USDOE, 2006, August 14, p. 46678).** During the IEP meeting, the IEP must be completed and locked in ESE-EMS before a final copy can be distributed.

### **Interim IEP Meeting**

Interim IEP meetings may be scheduled throughout the year to make minor changes to an IEP (e.g., adding an accommodation) to address concerns or new data. The number of interim IEP meetings scheduled should not exceed two meetings per year. The school site LEA representative facilitates the scheduling of the interim IEP meeting.

- **IEP Team Members**

The IEP teams for Initial, Annual and Interim IEP meetings must include:

- Parent/Guardian
- Student (must be invited as of age 12, and younger if appropriate)
- LEA Representative (required):
  - The LEA representative oversees the provision of specially designed instruction for students with disabilities and is knowledgeable about the general education curriculum and the availability of district resources. The LEA representative facilitates the development, monitoring, and implementation of the IEP.
  - ESE Teacher (required): The ESE teacher collaborates with all of the student's teachers and service providers prior to the IEP meeting to draft the Present Levels of Performance and IEP goals and identify accommodations. Due to the ESE teacher's expertise and insight on the student's performance, data, and needs, the ESE teacher provides input about intensive, specially designed instructional interventions, accommodations for instruction and assessment, and supplementary aids and services that the student may need.
- Evaluation Specialist (required):
  - The evaluation specialist is an individual who can interpret the instructional implications of evaluation results. Results may include the initial evaluation process, standardized state or district assessments, classwork, and outside evaluations. This role may be fulfilled by another member of the IEP team, such as the ESE teacher.
- General Education Teacher (required):
  - The general education teacher will communicate the expectations of the general education curriculum and help determine positive behavioral interventions, supplementary aids and services, classroom accommodations, and program modifications.
- Related service providers (as applicable):
  - Additional personnel, such as Speech Language Pathologists, Occupational therapists, Physical therapists, clinicians, itinerant teachers serving low-incidence exceptionalities (i.e., Deaf and Hard of Hearing, Visually Impaired) may participate in IEP meetings if it is anticipated that a student will require related services.

Note: The parent may invite individuals with special expertise or knowledge to participate in the meeting. District personnel may not through their actions or comments, object, discourage or attempt to discourage the attendance of an adult of the parent's choice at meetings with school district personnel. If a parent invites an attorney to the meeting, do not discourage. Please notify the ESE Service Center.

- **Notifying IEP Team Members of a Meeting: Notification of Meeting (NOM)**

A parent/guardian must receive a notice of the IEP team meeting within a reasonable amount of time prior to the meeting. At least one notification attempt must be made in writing.

1. A Notification of Meeting (NOM) is created by the LEA representative and/or the ESE Chairperson through an IEP Event in ESE-EMS.
2. The NOM must include the purpose, date, time, and location of the meeting.
3. The NOM must include the names and titles of all meeting participants. The following IEP team members must be listed and invited to the meeting:
  - a. Parent/Guardian
  - b. LEA Representative
  - c. Evaluation Specialist
  - d. ESE Teacher
  - e. General Education Teacher
  - f. Student (as of age 12 or younger, if appropriate)
4. A week to ten (10) days of advance notice for the meeting is considered reasonable although a shorter time frame would be acceptable if:
  - a. The parent agreed to or requested a meeting as soon as possible.
    - i. Meeting included a Manifestation Determination
5. The NOM must be distributed by the LEA representative to all team members, parent(s), and adult student. Download the NOM from Distribution Manager in ESE-EMS.
6. The Notice of Procedural Safeguards for Parents of Students with Disabilities must be sent to the parents, and student, if applicable. Download the Notice of Procedural Safeguards for Parents of Students with Disabilities from Distribution Manager in ESE-EMS.
7. If the school is unable to obtain the parent's attendance at the meeting, the meeting may proceed without the parent only if the school has a record of its attempts to arrange the meeting, including phone calls made, copies of written correspondence with the parent and any responses received, and records of any visits to the home, if applicable. Record of attempts to arrange the meeting must be kept for auditing purposes.

- **During the Annual/Interim IEP Meeting**

An Annual IEP Meeting event is created in ESE-EMS. The Annual IEP Meeting event includes the Notification of Meeting that is transmitted to IEP team members to alert them to the annual IEP meeting schedule.

During the IEP meeting, the LEA representative must ensure that the following items are addressed and documented in the IEP on ESE-EMS:

1. Document the IEP meeting attendance.
2. If the Notice of Procedural Safeguards for Parents of Students with Disabilities was not provided to the parent with the Notice of Meeting, the Notice must be provided to the parent at this time.

3. Parents may elect to excuse required IEP team members after the team member has provided input at the IEP meeting. If the parent excuses an IEP team member, the Conference Notes must document the parent's decision. Parents do not excuse non-required IEP team members. The LEA representative may excuse non-required IEP team members after information regarding their area of expertise has been discussed. The LEA representative must be present during the entire meeting.
4. If the IEP team determines that the student requires an alternate program location to implement the IEP in the least restrictive environment (LRE), the student may be assigned to a school that differs from the home school. The assigned school is determined after the LRE and Educational Placement section of the IEP is completed.
5. A copy of the Parent Resources and [Family Empowerment Scholarship Unique Abilities Fact Sheet](#) must be provided to the parent through Distribution Manager at each annual IEP meeting.
6. If the parent refuses to sign any documents, make note of the parent's refusal in the Conference Notes section of the IEP.
7. The Supports for School Personnel section of the IEP must relate to the unique needs of the student. The section should be completed if the student requires assistance from a paraprofessional or teacher aide, or specialized training for teachers.

- **Procedural Safeguards for Parents of Students with Disabilities (SWD)**

Parents of students with disabilities who have IEPs must receive a copy of the Notice of Procedural Safeguards at least once during the school year. Procedural Safeguards outline information for parents about their right to prior written notice, parental consent, access to educational records, the availability of mediation and the opportunity to present and resolve complaints through applicable state complaint and due process hearing procedures. The Procedural Safeguards also address information relating to independent educational evaluations, procedures for students who are subject to placement in an interim alternative educational setting, requirements for the placement of students with disabilities in private school by their parents at public expense, civil actions, and attorney's fees.

The LEA representative must provide a copy of the Procedural Safeguards with the Notice of Meeting for the annual IEP meeting. The LEA representative must ensure that parents receive the Notice of Procedural Safeguards through Distribution Manager on ESE-EMS as the system automatically records the date that the parent received the Notice of Procedural Safeguards. The Procedural Safeguards are available on ESE-EMS in English, Spanish and Haitian-Creole and must be provided to the parent in the corresponding native language. Additional versions of the Procedural Safeguards in other languages are available on the Florida Department of Education and M-DCPS Department of ESE websites.

The IEP team needs to ask parents if they understand their rights and responsibilities identified in the Procedural Safeguards document.



The LEA representative must ensure that parents receive a copy of the Procedural Safeguards upon:

1. Initial referral or parent request for a psycho-educational evaluation;
2. When a change in placement occurs, in accordance with the discipline procedures;
3. Receipt of the first Florida Department of Education (FDOE) complaint filed by the parent within a school year;
4. Receipt of the first request for a due process hearing from the parent within a school year;
5. Request by a parent; and/or
6. Recommendation by the school district Superintendent to the Florida Department of Education Commissioner of Education that an extraordinary exemption for a given state assessment be granted or denied for the student.

- **Related Services and Supplementary Aids**

The IEP team must decide what services a student requires to attain his or her annual goals and make progress in the general curriculum within the least restrictive environment. These services include, but are not limited to, specially designed instruction, related services, and supplementary aids.

The IEP team must also decide the location for delivery of the service as well as the duration and frequency of the service. Each special education service must be tailored to meet the unique needs of the student.

The following chart identifies a list of the related services and supplementary aids available for students that are posted on the ESE-EMS drop down menus:

<b>Related Services</b>	<b>Supplementary Aids and Services</b>
Adapted Physical Education	Collaboration in...
Art Therapy	Consultation in...
Audiological Services	Deaf/Hard of Hearing Itinerant Services
Counseling	Paraprofessional Assistance
Job Coaching	Sign Language Interpreter Services
Music Therapy	Visually Impaired Itinerant Services
Occupational Therapy	Collaboration in...
Speech/Language	Consultation in...

If the IEP team determines that a service will be added or dismissed from the IEP or if the frequency or duration of the service is changed, parents must receive the *Prior Written Notice of Proposal or Refusal* form distributed through ESE-EMS.

- **Counseling**

Counseling can be provided, within the context of an annual IEP meeting or during an interim IEP meeting, as a related service using the following procedures:

1. Transmit the NOM to the parent indicating that the purpose of the meeting is to consider counseling whether the student requires counseling as a related service in order to access their education.
2. Invite the M-DCPS counseling service provider, such as Art therapist, social worker, and school psychologist, to develop support goal(s) and accommodations on the IEP that align with the student's Social Emotional-Behavioral Intervention Plan.
3. The counseling service provider must receive a copy of the IEP that designates counseling as a related service.
4. Counseling services provided are documented through the Student Case Management Referrals (SCMs) and are entered in the District Student Information System (DSIS) screen (Case Management). Services provided by ESE counselors or clinicians are also entered through the ESE-EMS AcceliTrak logging system.

- **Non-Discouragement – Prohibiting School District Personnel from Discouraging Parents/Guardians from Inviting Another Person of their Choice to a Meeting**

Section 1002.20, Florida Statutes, K-12 student and parent rights, provides that school district personnel may not, through any actions taken or statements made, object, discourage or attempt to discourage the attendance of an adult of the parent's choice at meetings with school district personnel. Prohibited actions include attempted or actual coercion or harassment, retaliation or threats of consequence.

**At the conclusion of every IEP meeting,** Parents and school district personnel attending the meeting must sign a document distributed through ESE-EMS verifying that no district personnel prohibited, discouraged, or attempted to discourage the parents from inviting a person of their choice to the meeting. If the parent declines to sign the non-discouragement form, the IEP team must add a statement to the IEP conference notes.

- **Change Affecting Free Appropriate Public Education (FAPE)**

If a change of placement is proposed by the IEP team during an annual or interim IEP meeting, the Prior Written Notice of Proposal or Refusal (PWNPR) distributed through ESE-EMS must be provided to the parent. The form includes the following four sections for which information must be documented on ESE-EMS:

1. Evaluation
2. Change in identification
3. A change in educational placement
4. Provision of FAPE

The PWNPR must include:

1. Description of the action proposed by M-DCPS;
2. Explanation why the action is proposed;
3. Description of any action that M-DCPS refuses to take; and,
4. Explanation, if applicable, for any action that M-DCPS refuses to take.

The PWNPR must identify all other options that were considered and explain why each option was rejected by the IEP team. In addition, the PWNPR must specify the evaluation procedures, tests records, or reports used as a basis for the proposed or refused actions and note any other factors relevant to the proposal or refusal. Two M-DCPS contacts who can assist the parent(s) in understanding the Procedural Safeguards or providing additional information regarding their child's education must be listed on the PWNPR.

If the parent was not present at the meeting, the school should observe a reasonable delay (10 school days) before implementing the changes affecting FAPE to ensure that the parent receives the PWNPR. If the parent objects after receiving the PWNPR, they are advised of procedural safeguards.

- **After the Annual/Interim IEP Meeting**

1. The LEA representative distributes the Prohibiting School District Personnel from Discouraging Parents/Guardian from Inviting Another Person of Their Choice to a Meeting to the parent through ESE-EMS.
2. Parents and school district personnel sign the form.
3. The LEA representative records the parent's response on ESE-EMS and the signed form is uploaded onto ESE-EMS. The original signed form is filed along with the corresponding updated IEP in the student's cumulative record folder.
4. A copy of the final updated version of the annual IEP is also downloaded through Distribution Manager in ESE-EMS and provided to the parent, if present. If the parent is not present in-person, and the meeting was conducted virtually, the District has the document sign feature to allow the parent to sign virtually. If the parent was not present at all, then the IEP is distributed through ESE-EMS and delivered to the parent via email or US mail.

- **Matrix of Services**

The Matrix of Services document determines the cost factor for services and supports (e.g., direct supervision for all activities; monitoring medication, etc.) to be provided to students with disabilities in accordance with the decisions made by the IEP team. The Matrix of Services is automatically created and documented by ESE-EMS for each annual and interim IEP meeting and the document **must** reflect all supports and services noted on the IEP.

The Matrix of Services includes the five domains of the IEP: Curriculum and Learning; Social or Behavior; Independent Functioning; Health Care and Communication. Each domain in the Matrix of Services incorporates five levels with corresponding scores to

describe the nature and intensity of services to be provided to the student. By adding the scores determined for each domain and applicable points for special considerations, the total number of points identifies the corresponding support level which is in turn used to calculate the cost factor. The support levels are Support Level 1 (251), Support Level 2 (252), Support Level 3 (253), Support Level 4 (254), or Support Level 5 (255).

The LEA representative must review the Matrix of Services generated by ESE-EMS to verify the information listed. The Florida Education Finance Program (FEFP) will not rollover to the DSIS PF17 ESE Services screen until the Matrix of Services is locked in ESE-EMS by the LEA representative. A copy of the Matrix of Services must be downloaded from ESE-EMS by the LEA representative and placed behind the corresponding IEP in the student's Cumulative Record Folder.

The LEA representative must quarterly review the student's information on ESE EMS to verify that evidence of the provision of services (e.g., consultation logs completed on ESE-EMS) reflected in the IEP and Matrix of Services are in fact being provided to the student with fidelity. If the services are not being provided, please contact the District ESE office at (305) 995-2037.

- **IEP Implementation and Monitoring**

Then LEA representative oversees implementation of the IEP by adhering to the following procedural requirements:

**Implementation**

1. Verify that the IEP indicates the duration, frequency and location of the supports and supplemental services. Any inconsistencies, omissions or overlapping services must be addressed.
2. Confirm that the student's general education teachers, ESE teachers and other service providers have access to the student's IEP and that they have reviewed same.
3. Ensure that each teacher and service provider have information regarding:
  - a. specific responsibilities related to implementing the student's IEP (i.e., duration, frequency and location of services) and their respective roles in fulfilling enumerated responsibilities;
  - b. specific accommodations;
  - c. program modifications;
  - d. related services;
  - e. supplementary aids and services.
4. Monitor IEP Status of Fidelity of implementation to confirm that supports and services are provided to the student as indicated on the IEP.

**Monitoring Student Progress – IEP Status of Goals**

At the end of each grading period the LEA representative, the student's teachers and service providers must review the student's progress. Upon conclusion of the grading period, the LEA representative must also ensure that parents are apprised

of the student's progress by completing and distributing to the parent the IEP Status of Goals on ESE-EMS. In particular,

1. The LEA representative, teachers, and/or service providers must send a copy of IEP Status of Goals from ESE-EMS home to the parent at the end of each grading period; and a copy is placed in the student's cumulative record.
2. The IEP Status of Goals reports must reference the data collected with a description of the student's progress.



- **Recording IEP Meetings**

The Florida Department of Education (FDOE) has authorized a significant change in practice regarding a parent's request to record an IEP meeting. Schools must take all actions necessary to ensure that parents understand the proceedings of the IEP team meeting, and more specifically, the parameters for recording IEP meetings.

**District Policy**

The use of audio and/or video recording devices at IEP meetings will be limited. Neither the District nor parents will use a recording device unless the parent who is requesting the recording device makes the request at least 48 hours (two school days) in advance of the IEP meeting date and the parent requires the device to make informed decisions and/or understand the IEP process.

To assist parents in understanding IEP meeting proceedings, as required by IDEA, the ESE Compliance Office may offer the parent alternative means (interpreter, note-taker, etc.) to enable the parent to actively participate in the IEP meeting or agree to the parent's request for a recording device. However, recording IEP meetings for use as evidence at legal proceedings will not be permitted.

To facilitate a parental request for use of a recording device during an IEP meeting, the LEA representative must secure the Request to Record IEP Meeting form ([FM 7345](#)) from the parent. The completed form must be transmitted by e-mail to [ese@dadeschools.net](mailto:ese@dadeschools.net) for processing with "**Recording of IEP Meeting Request**" in the e-mail subject line. The request will be processed by the ESE Compliance Office in collaboration with the corresponding ESE Service Center administrator/designee and the school administrator. Based on the decision to approve or deny the request to record an IEP meeting, the ESE Service Center will work with the school to take appropriate action during the IEP meeting.

1. If the parent is permitted to record the meeting, the LEA representative must ensure that the school also obtains a separate recording of the meeting. Use of a digital recorder is preferred if possible.
2. All required members of the IEP team must be present at the IEP meeting unless the parent exercises his or her right to excuse required team members.

3. If a required IEP team member declines to be recorded, is not excused from the IEP meeting, and does not attend the meeting, the IEP team will not be deemed to be properly constituted, and the meeting cannot proceed.
4. Required participation in IEP meetings is within the scope of employment duties of teachers and service providers. The school administrator must be notified if a required IEP team participant refuses to attend the IEP meeting.
5. If a non-required member does not agree to being recorded, they may be excused from the meeting as long as they provide their input.

- **IEP and Medicaid Eligibility and Reimbursement**

The Florida Medicaid Certified School Match Program for Fee-For-Service allows M-DCPS to receive reimbursement for medically necessary services that are provided to students with disabilities by M-DCPS for Medicaid-billable services. Allowable activities performed by M-DCPS staff include direct therapy services such as occupational therapy, physical therapy, speech-language therapy, nursing services, behavioral services and transportation.

1. Students with disabilities can be determined eligible for Medicaid Services during any IEP meeting (initial, annual or interim). Pursuant to IDEA requirements, before school districts may access a student's public benefits (Medicaid), parents must first receive the Medicaid Parental Consent & Notice of Rights and Protections document distributed through ESE-EMS. This document provides written notification of their rights and protections and serves as a one-time written consent that must be signed by the parents. The Medicaid Parental Consent and Notice of Rights documents are generated, and responses are recorded through ESE-EMS. Consent should be sought as early as possible in the ESE process to maximize the opportunity for Medicaid reimbursement of eligible services. Direct therapy service providers, including speech-language pathologists, school social workers, counselors/clinicians, school psychologists, occupational therapists, physical therapists, certified occupational therapist assistants, and physical therapist assistants are responsible for web-based entry of all services to students through the ESE-EMS Service Tracking system. Monthly reports of logging activity are reviewed by the corresponding District supervisors for accuracy and completeness of logged services and compliance with IEP service prescriptions.
  - a. Medicaid Fee-For-Service policy dictates that services must be documented (electronically logged) on the day they are provided. In the case where the provider is unable to do this, a backup paper log must be used, and produced upon request in support of any Medicaid, FDOE, or internal audit.
2. The District functions as a "biller of last resort", allowing sufficient time for Medicaid providers outside of the District to submit claims in advance of the District.
  - a. For this reason, M-DCPS will delay the submission of Medicaid claims for at least four weeks.

- b. Parents/guardians should be reassured that any Medicaid-eligible services provided and ultimately claimed by the District will not interfere with services the student may receive outside of the District, nor will providing the District the parental consent to bill Medicaid prevent other providers from being able to also bill and be reimbursed for Medicaid-eligible services.
  - c. In certain cases, Medicaid allows for multiple claims on the same day by multiple providers to be reimbursed.
- 3. The Medicaid eligibility status of a student may change over time, and eligibility is verified periodically during the submission of Medicaid-eligible claims.
  - a. Even if a student is known not to be eligible under Medicaid at the time of an IEP meeting, parental consent to bill Medicaid should be obtained. In the event that the student becomes eligible under Medicaid, the District may be able to retroactively submit claims for reimbursement of eligible services.

### **FORMS**

**FM 6063 – Family Empowerment Scholarship Unique Abilities District School Transfer Application**

<https://api.dadeschools.net/wmsfiles/61/pdfs/6063.pdf>

**FM 7345 – Request to Record IEP Meeting**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7345.pdf>

### **RESOURCES**

**Family Empowerment Scholarship Unique Abilities (FES UA):**

<https://familyempowermentscholarshipua.dadeschools.net/#!/rightColumn/5029>

**Medicaid Certified School Match Handbook:**

<http://sss.usf.edu/resources/format/pdf/MedicaidCertifiedSchoolMatchDec2005.pdf>

**Medicaid Administrative Claiming System (MACS) Tutorial:**

<http://sss.usf.edu/resources/format/pdf/macs-web.pdf>

**Procedural Safeguards**

<https://ese2.dadeschools.net/#!/fullWidth/4369>

<http://www.fldoe.org/academics/exceptional-student-edu/beess-resources/presentations-pubs/#p>



## E. ESE Essential Area: Transition IEP and Diploma Options

- **The Transition IEP by Age and Grade Category**

The Transition Individual Educational Plan (TIEP) denotes a change in the emphasis of the IEP to focus on the development of a plan that facilitates the student's movement from school to post-school activities. All components, discussion, and decision-making of the TIEP should lead to and support the desired post-school outcome statement. The TIEP initiates the process of identifying a coordinated set of activities that address post-school needs and services [e.g., self-determination; self-advocacy; vocational education; integrated employment (including supported employment)] for a student with disabilities. The process begins during the student's seventh grade year or when the student attains the age of twelve (12), whichever comes first, so that needed post-secondary goals may be identified and in place by age fourteen (14) or eighth grade (prior to entering high school). ESE-EMS will denote the IEP as a TIEP.

The LEA representative must ensure that the TIEP includes measurable post-secondary and annual goals, transition services and courses of study. The charts set forth below reflect recent statutory guidelines impacting the information that IEP teams must provide to families, as well as the age or grade level by which transition planning must occur. LEA representatives must initiate and implement the TIEP process in accordance with these requirements.



<b>During the student's seventh grade year or when the student attains the age of 12, whichever occurs first</b>
<ul style="list-style-type: none"><li>• Notice of the IEP team meeting includes a statement that a purpose of the meeting is the identification of transition services needs of the student.</li><li>• The student is invited to the meeting (documented on the Notice of Meeting).</li><li>• The student's strengths, preferences, and interests were considered.</li><li>• The student's need for instruction or the provision of information in self-determination and self-advocacy is considered.</li><li>• The IEP must include a statement specifying whether the student is pursuing a course of study leading to a standard diploma.</li><li>• The IEP must include a statement of intent for the student to graduate from high school with a standard diploma and a Scholar or Merit designation, as well as the preparation needed for each.</li></ul>

**During the student's eighth grade year or when the student attains the age of 14, whichever occurs first (in addition to obligations listed as of seventh grade/age 12)**

- Notice of the TIEP team meeting includes a statement that a purpose of the meeting is the consideration of post-secondary goals and transition services.
- Identify any agency, such as Division of Vocational Rehabilitation and Agency for Persons with Disabilities, that would be invited to send a representative. (If an outside agency will pay for transition services, they are invited to the IEP.)
- The TIEP must include a statement specifying whether the student is pursuing a course of study leading to a standard diploma with or without a Scholar or Merit designation, or a standard diploma via access points.
- The TIEP must include measurable post-secondary goals in designated areas (i.e., education, training, employment, and, where appropriate, independent living skills). These goals must be identified and in place by age 14 (reviewed annually).
- The TIEP includes measurable Annual Goals related to transition service needs, such as self-advocacy skills and self-determination skills.
- The TIEP must include a statement documenting the TIEP team's discussion of the process for a student with a disability who meets requirements to defer receipt of the standard high school diploma.
- If a participating agency responsible for transition services failed to provide the transition services as described in the IEP, the IEP team must be reconvened to identify alternative strategies to meet the transition objectives as indicated on the IEP.
- A Summary of Performance (SOP) ([FM 6969](#)) is provided to students who are graduating with a standard diploma before the student exits through graduation or completion of deferment or exceeds the age of FAPE.

**Beginning at Age 17 (in addition to obligations listed as of seventh grade/age 12, and eighth grade/age 14)**

- The student and his/her family have been informed of the rights that will transfer to the student at age 18. The TIEP must include a statement that the information has been provided. The Transfer of Rights form is distributed through ESE-EMS.
- A separate and distinct notice of the transfer of rights must also be provided closer to the time of the student's 18<sup>th</sup> birthday. The Transfer of Rights form is distributed through ESE-EMS.

**Beginning at Age 18 (in addition to obligations listed as of seventh grade/age 12, eighth grade/age 14 and age 17)**

- The student and his/her parents must be provided with a notice of transfer of rights, distributed through ESE-EMS.
- The rights transfer to the student. Parents may participate in the TIEP meeting, but decision-making is up to the adult student.

- **Transition Services and Programs**

Information regarding the following programs and resources must be provided by the TIEP team to the students and parents during the TIEP meeting beginning at age 12: District's high school level transition services, Career and Technical Education, and collegiate programs available to students with disabilities, and how to access them.

1. School-based transition programs, School-based enterprises and Transition courses.
2. Programs and services available through:
  - a. Agency for Persons with Disabilities
  - b. Division of Blind Services
  - c. Division of Vocational Rehabilitation
  - d. Florida Center for Students with Unique Abilities
  - e. Florida Centers for Independent Living

- **Diploma Options**

The TIEP team, which includes the parent and the student, determines which high school graduation option is most appropriate for the student, by using the student's postsecondary education and career goals to guide the decision.

1. Standard Diploma: The LEA representative must ensure that before a student with a disability turns 14 and no later than the first day of the student's first year of high school, the TIEP must include a statement of intent to pursue a standard high school diploma with or without a Scholar or Merit designation. Students with disabilities can earn a standard high school diploma using any high school graduation option that is available to all students.
2. Standard Diploma via Access Courses: TIEPs for all incoming 9th grade students (beginning with the 2014-2015 cohort) who are identified as being on a modified curriculum, must indicate if they are working towards earning a Standard Diploma via Access Courses.

Students who entered the 9th grade as part of the school year cohort of 2013-2014 are part of the last cohort eligible to continue earning a special diploma. However, these students can change diploma option and elect to work towards earning a Standard Diploma via Access Courses as determined by the parent, legal guardian and/or student (if the student has reached age 18). Students on Special Diploma who change their diploma option, must meet all graduation requirements for the selected diploma before exceeding the age of eligibility for FAPE.

- **Deferral of Receipt of the Standard High School Diploma**

Only students with TIEPs that require special education, transition planning, transition services or related services through the age of 21 **may defer** receipt of their standard high school diploma. The request for deferral must be submitted by the TIEP team during the year that the student meets all criteria for graduation... To continue to receive FAPE after meeting all graduation requirements, a student who defers must be enrolled in:

1. accelerated college credit instruction,
2. industry certification courses that lead to college credit,
3. a collegiate high school program,
4. courses necessary to satisfy the Scholar designation requirements; or
5. a structured work-study, internship, or pre-apprenticeship program

**LEA representatives must observe the following procedures regarding deferrals:**

1. Beginning no later than the first TIEP to be in effect when the student enters high school or attains the age of 14, the LEA representative must ensure that the TIEP include a statement documenting the TIEP team's discussion of the process for a student with a disability who meets requirements to defer receipt of the standard high school diploma and a statement from the parent confirming that he or she understands the process for deferment. This information is documented on the Deferral Form ([FM 7644](#)).
2. With respect to the TIEP to be in effect at the start of the school year during which the student expects to meet graduation requirements, the LEA representative must ensure that the TIEP includes a statement identifying whether the student intends to accept or defer receipt of a standard high school diploma.
  - A. During the student's 11th grade year (if the student is on track for graduation), provide the Notice of Eligibility to Defer the Standard High School Diploma (Weekly Briefing # 31878) to the parent and/or to the student who will be eligible for a deferral of receipt of a standard diploma during the following school year (i.e. during 12th grade) if the student is 18 years old, and rights have transferred to him or her.
  - b. During the annual TIEP meeting conducted in the student's 11th grade year (if the student is on track for graduation), the IEP team must:
    - i. Review the benefits of deferring receipt of the standard diploma with the parent and the student, including the continuation of educational and related services;
    - ii. Provide a written description of services and programs available to students who defer receipt of their standard high school diploma;
    - iii. Clarify that if a standard diploma is not deferred, the district will be released of its requirements to provide FAPE upon the student's graduation;
    - iv. Clarify that nonattendance at a graduation ceremony does not constitute a diploma deferral;
    - v. Document the deferral decision on the TIEP under the Diploma Pathways tab on ESE-EMS;

- vi. Secure the parent's or student's signature to Request for Deferral of Standard High School Diploma ([FM 7644](#)) and upload the signed form to ESE-EMS. The completed form must be included in the student's cumulative folder.
3. On or before **May 15th** of the year that the student is expected to meet graduation requirements, the decision to defer receipt of a standard diploma must be reviewed and documented. The TIEP team must complete the following actions by May 15th of the year that the student is expected to meet graduation requirements (during 12th grade, if the student is on track to graduate with his/her cohort):
- A. Review the benefits of deferring receipt of the standard diploma with the parent and the student, including the continuation of educational and related services;
  - b. Provide a written description of services and programs available to students who defer receipt of their standard high school diploma, available at (insert link)
  - c. Clarify that if a standard diploma is not deferred, the district will be released of its requirements to provide FAPE upon the student's graduation;
  - d. Clarify that nonattendance at a graduation ceremony does not constitute a diploma deferral;
  - e. Document the deferral decision on the IEP under the Diploma Pathways tab on ESE-EMS;
  - f. Complete the Request for Deferral of the Standard High School Diploma ([FM 7644](#)) - Request for Deferral of Standard High School Diploma, upload the signed form to ESE-EMS, and file the signed form in the student's cumulative file.
  - g. If a student who chose to defer subsequently does not enroll and attend the deferred school program, contact the parent and/or student to reconvene an IEP meeting.

**Note:** Students are not required to defer receipt of the standard high school diploma every year. Once the decision to defer is made, the deferral applies until the student is no longer age-eligible for FAPE or he/she elects to accept the standard diploma, whichever comes first.

4. When the student elects to end deferral and accept receipt of a standard diploma, the TIEP team must meet to document the student's decision to accept the diploma and end deferral.
- a. The graduation date listed on the TIEP is the graduation date when the student originally met all requirements for graduation.
  - b. The TIEP team completes a PWNPR in ESE-EMS to document the change in provision of FAPE as a result of the student electing to accept the Standard Diploma.

**LEA representatives should ensure that a diploma is ordered for each student who is deferring receipt of the high school diploma as each student**

is included with their graduation cohort, thereby making sure that the diploma will have the identified cohort graduation date. However, the diploma must not be disbursed until the student exits M-DCPS (i.e., the student is no longer age-eligible for FAPE or he/she elects to accept the standard diploma).

- **District Policy for Age Eligibility and Enrollment**

As per the M-DCPS Exceptional Student Education Policies and Procedures, FAPE may be provided to eligible students with disabilities until the end of the school year in which the student turns 22. The “end of the school year date” is the last day of the normal school year or the last day of Extended School Year (ESY) if the student qualifies for ESY.

The LEA representative must first confirm that the student has not graduated with a standard diploma. After checking the student’s birthday with the School Board Calendar for Elementary and Secondary Schools to verify that the student with disabilities is 21 years old as of the first day of the school year, the student should be allowed to enroll in school, even if the student turns 22 during the school year. However, if the student turned 22 on or before the first day of school, the student is not able to enroll.

<b>FORMS</b>
<b>FM 7644 – Request for Deferral of Standard High School Diploma</b> <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/7644.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/7644.pdf</a>

<b>RESOURCES</b>
<b>M-DCPS ESE Transition Programs and Services Website:</b> <a href="http://transition.dadeschools.net/#!/rightColumn/1240">http://transition.dadeschools.net/#!/rightColumn/1240</a>
<b>FDOE Standard Diploma Requirements Academic Advisement – What Students and Parents Need to Know</b> <a href="https://www.fldoe.org/core/fileparse.php/7764/urlt/StandardDiplomaRequirements.pdf">https://www.fldoe.org/core/fileparse.php/7764/urlt/StandardDiplomaRequirements.pdf</a>
<b>Technical Assistance Paper - High School Graduation Options for Students with Disabilities</b> <a href="https://info.fldoe.org/docushare/dsweb/Get/Document-7322/dps-2015-34.pdf">https://info.fldoe.org/docushare/dsweb/Get/Document-7322/dps-2015-34.pdf</a>
<b>Weekly Briefing ID#: 31878 – Information Regarding Requirements for Deferral of Receipt of Standard High School Diploma for Students with Disabilities</b>

## **F. ESE Essential Area: Continuum of Services**

### **• Continuum of Services and Inclusion**

In accordance with the requirements set forth in IDEA guaranteeing that students with disabilities receive FAPE in the least restrictive environment (LRE), students with disabilities should spend time with their non-disabled peers to the maximum extent possible in alignment with their IEP. Services, supports and instruction as indicated in the IEP can be provided in a continuum of educational settings as indicated below:

- General Education Setting (80%-100% time with non-disabled peers)
- Resource Room Setting (40%-79% time with non-disabled peers)
- Separate Class Setting (0-39% time with non-disabled peers)
- Specialized ESE Center School Placement (only for students with disabilities)
- Hospital/Homebound Placement (student is home or in the hospital setting 100% of the time)
- Residential Placement (student is receiving FAPE at an outside location and resides at the location)

The IEP team must consider the student's needs and supports when determining the best educational placement to support the student's needs in alignment with IEP requirements. Accordingly, decisions regarding educational placement are determined by the IEP team after the IEP has been developed. IEP teams should consider the following factors in ascertaining optimal educational placement for a student with disabilities:

1. Can a general education setting provide the services and supports that the student requires as specified in their IEP?
2. What is the rationale for providing instruction and supports in a separate class setting?
3. What supports are provided in an ESE classroom that cannot be provided in the general education classroom?
4. Can the use of "staggered" periods (e.g., reading blocks, lunch) accommodate a schedule of in-class support by the ESE teacher(s)?
5. Are appropriate ratios of students with needs (e.g., ESE and ESOL) to those without needs being maintained?
6. Co-taught classrooms - ESE and struggling learners should not total more than 1/3 of all students in the class
7. Support facilitation class - ESE and struggling learners should not exceed more than 8%-12% of all students in the class
8. What measures will be implemented to ensure that students with disabilities in general education are not being educated as a *"class within a class"*?



- **Scheduling for Inclusion**

To facilitate scheduling for inclusion, LEA representatives are encouraged to collaborate with school personnel to identify all students with disabilities at the school site by obtaining a report from File Download Manager that specifies the number of students with disabilities enrolled in the school, each student's current educational placement, and the students' most recent data (i.e., statewide assessments, i-Ready, grades). Based on the reports and information reflected in each student's IEP, schools should determine the supports (e.g., support facilitation) and services needed to ensure successful inclusion of each student. Schools should endeavor to cluster students with disabilities in classrooms that offer co-teachers or supports (e.g., support facilitator) required for students with disabilities

- **Individual Student Planning**

To assist students with significant disabilities assigned to a general education class setting, the IEP team may elect to require an Individual Student Plan (ISP). The ISP supports the student's IEP. As part of the ISP, the student's teachers and parent meet to review the student's strengths and weaknesses, learning styles, accommodations, and teacher/class expectations. If a determination is made by the IEP team to require an ISP, the IEP team must:

1. Write "**Individual Student Planning**" in the "**Supports for School Personnel**" section of the student's IEP. (DO NOT WRITE: "IEP Implementation", "Inclusion Strategies", "Inclusion Training" or "Adaptations/Strategies" in the "Supports for School Personnel" section as these phrases do not specify that an Individual Student Planning meeting is needed.)
2. Complete the Individual Student Planning (ISP) ([FM 7427](#)), and submit the completed form to the Specific Learning Disabilities/Inclusion Team by e-mail to [ese@dadeschools.net](mailto:ese@dadeschools.net). The title "Individual Student Planning (ISP)" must be listed in the subject line of the e-mail. Once the form is received, the district team members contact the school to provide technical support and assistance in convening the ISP.

## RESOURCES

### Accommodations for Statewide Student Assessments:

<https://www.fldoe.org/core/fileparse.php/7690/urlt/Acc-AppendixA.pdf>

### Florida Department of Education Accommodations Guides:

<https://www.fldoe.org/core/fileparse.php/7690/urlt/0070069-accomm-educator.pdf>

**Florida Inclusion Network:** [www.floridainclusionnetwork.com](http://www.floridainclusionnetwork.com)

**M-DCPS ESE SLD Inclusion Website:** [www.sldinclusion.com](http://www.sldinclusion.com)

### Selecting Accommodations: Guidance for Individual Education Plan Teams:

<https://www.fldoe.org/core/fileparse.php/7690/urlt/0070064-selectingaccommodations.pdf>



## G. ESE Essential Area: Curriculum Decisions – Modified vs. Standard



### • Modified vs. Standard Curriculum

IEP teams are responsible for determining whether students with disabilities will be instructed in the general standards or through the alternate academic achievement standards (AAAS), otherwise known as Access Points, based on criteria outlined in Rule 6A-1.0943(5), Florida Administrative Code (F.A.C.). The IEP team should consider the student's present level of educational performance in reference to Florida's academic achievement standards when placing the student on a modified curriculum. The IEP team should also be knowledgeable of the guidelines and the use of appropriate testing accommodations.

To facilitate informed and equitable decision-making, IEP teams must consider the eligibility and exclusionary criteria explained in Rule 6A-1.0943(5), Florida Administrative Code and the curriculum decision section of the IEP. These questions will guide the IEP team in determining the appropriate course of instruction and assessment for the student.

Eligibility to be administered the FSAA and participate in Access Courses hinges on the student having a most significant cognitive disability as defined in Rule 6A-1.0943 paragraph (1)(f) set forth below:

A “**most significant cognitive disability**” is defined as a global cognitive impairment that adversely impacts multiple areas of functioning across many settings and is a result of a congenital, acquired, or traumatic brain injury or syndrome and is verified by either:

1. A statistically significant below average global cognitive score that falls within the first percentile rank (i.e., a standard, full-scale score of 67 or under); or
2. In the extraordinary circumstance when a global, full-scale intelligent quotient score is unattainable, through a school district-determined procedure that has been approved by the FDOE under paragraph (5)(e) of this rule.

For a student to participate in the statewide, standardized alternate assessment, all of the following criteria must be met:

- The student must receive ESE services as identified through a current IEP and be enrolled in the appropriate and aligned courses using alternate achievement standards for two (2) consecutive full-time equivalent reporting periods prior to the assessment.
- The student must be receiving specially designed instruction, which provides unique instruction and intervention supports that is determined, designed and delivered through a team approach, ensuring access to core instruction through the adaptation of content, methodology or delivery of instruction and exhibits very limited to no progress in the general education curriculum standards;
- The student must be receiving support through systematic, explicit and interactive small-group instruction focused on foundational skills in addition to instruction in the general education curriculum standards;

- Even after documented evidence of exhausting all appropriate and allowable instructional accommodations, the student requires modifications to the general education curriculum standards;
- Even after documented evidence of accessing a variety of supplementary instructional materials, the student requires modifications to the general education curriculum standards;
- Even with documented evidence of the provision and use of assistive technology, the student requires modifications to the general education curriculum standards;
- Even with direct instruction in all core academic areas (i.e., English language arts, mathematics, social studies and science), the student exhibits limited or no progress on the general education curriculum standards and requires modifications.
- Unless the student is a transfer student, the student must have been available and present for grade-level general education curriculum standards instruction for at least 70% of the school year prior to the assessment;
- Unless the student is a transfer student, the student must have been instructed by a certified teacher for at least 80% of the school year prior to the assessment;
- The assessment instrument used to measure the student's global level of cognitive functioning was selected to limit the adverse impact of already-identified limitations and impairments (e.g., language acquisition, mode of communication, culture, hearing, vision, orthopedic functioning, hypersensitivities, and distractibility);

In addition to meeting all of the eligibility criteria listed above for participation in the statewide, standardized alternate assessment, the student cannot meet any of the exclusionary criteria indicated below.

### **Exclusionary Criteria**

A student is **not eligible to participate** in the statewide, standardized alternate assessment if any of the following apply:

- The student is identified as a student with a specific learning disability or as gifted.
- The student is identified only as a student eligible for services as a student who is deaf or hard of hearing or has a visual impairment, a dual sensory impairment, an emotional or behavioral disability, a language impairment, a speech impairment, or an orthopedic impairment; or
- The student scored a level 2 or above on a previous statewide, general education curriculum standardized assessment administered pursuant to Florida Statute Section 1008.22(3)(a) and (b), unless there is medical documentation that the student experienced a traumatic brain injury or other health-related complication subsequent to the administration of that assessment that led to the student having the most significantly below-average global cognitive impairment.

If the IEP team determines that all applicable statements under eligibility criteria and none of the statements under exclusionary criteria accurately characterize a student's current educational status, then the student should be enrolled in access courses and be allowed to participate in the FSAA program to provide meaningful evaluation of the student's current academic achievement.

In accordance with Rule 6A-6.0331(10)(b), F.A.C., if the IEP team decides that the student will receive instruction in Access Points and participate in the FSAA program, the student's parent must provide signed consent to have the student instructed in and assessed on Access Points.

Following the IEP team's determination that a student will be instructed in Access Points and participate in the FSAA, a determination must be made by the IEP team regarding the use of the FSAA-Performance Task or FSAA-Datafolio to assess the student.

- **Grading Students with Disabilities – Standard Curriculum**

The following statements apply to grading students with disabilities who are accessing the Benchmarks for Excellent Student Thinking Standards (B.E.S.T.)/New Generation Sunshine State Standards (NGSSS) and whose IEP indicates that the student does not meet exemption criteria from state and district tests:

1. Grades are to reflect the student's academic progress based on the BEST/NGSSS with the use of accommodations for the grade level/course in which the student is enrolled.
2. The grade must not be based upon the student's IEP goals, effort or conduct.
3. The grade must provide, for both students and parents, a clear indication of each student's academic performance as compared with norms which would be appropriate for the grade or subject, with appropriate accommodations if indicated on the IEP or Section 504 plan.
4. No student with disabilities shall be denied the opportunity to earn above average grades because of the provision of accommodations that were deemed appropriate by an IEP/Section 504 team.
5. Receiving appropriate accommodations does not ensure average/above average grades.
6. Specific information regarding the student's progress toward mastery of the IEP goals is not integrated into the academic grade

- **Grading Students with Disabilities – Modified Curriculum**

The following statements apply to grading students with significant cognitive disabilities who are accessing the FS/NGSSS Access Points and whose IEP states that the student meets exemption criteria from the statewide standardized assessment and state and district tests:

1. Grades are to reflect the student's academic progress on the FS/NGSSS Access Points.
2. The grade must not be based upon the student's effort or conduct.
3. Specific information regarding the student's progress toward mastery of the IEP goals is not integrated into the academic grade.
4. The grade must provide, for both students and parents, a clear indication of each student's academic performance.
5. Specific information regarding a student's progress toward mastery of IEP goals must be provided to the parent four times a year, concurrent with the issuance of report cards using the ESE-EMS Status Report of Goals.

Students with disabilities who are English Language Learners (ELL) and who are enrolled in basic courses (e.g., language arts, reading, mathematics, social science, and science) taught by exceptional student teachers, shall be provided with appropriate second language strategies. Provisions for grading ELL exceptional students are delineated in the current Student Progression Plan.

RESOURCES
<b>M-DCPS Student Progression Plan 2021-2022</b> <a href="http://ehandbooks.dadeschools.net/policies/93.pdf">http://ehandbooks.dadeschools.net/policies/93.pdf</a>

## **H. ESE Essential Area: Statewide District Testing – Florida Assessment of Student Thinking (FAST), Florida Standards Alternate Assessment (FSAA), and End of Course (EOC) Assessment Result Waivers**

Pursuant to the requirements set forth in IDEA, students with disabilities must be included in each state's system of accountability and students with disabilities must have access to the general curriculum. The Every Student Succeeds Act (ESSA), which replaced the No Child Left Behind Act (NCLB), also addresses the inclusion of all children in a state's accountability system by requiring states to report student achievement for all students as well as for specific groups of students (e.g., students with disabilities, students for whom English is a second language) in disaggregated categories.



- **Florida Assessment of Student Thinking (FAST)**

Florida Assessment of Student Thinking, or FAST, refers to the Coordinated Screening and Progress Monitoring (CSPM) System assessments, which are aligned to the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards. FAST assessments include VPK through 10th grade English Language Arts (ELA) and VPK through 8th grade Mathematics. End-of-Course (EOC) assessments are not considered part of FAST.

On an annual basis, FDOE provides information to school districts regarding accommodations to be used for eligible students with disabilities in the administration of the FAST, as described in the Teacher's Administration Manual (TAM). The manual will be distributed at the annual training sessions.

- **Florida Standards Alternate Assessment (FSAA)**

The Florida Standards Alternate Assessment (FSAA) is designed for students whose participation in the general statewide assessment is not appropriate, even with the provision of accommodations. FSAA adheres to the requirements set forth in Florida Statutes Section 1008.22, requiring assessments that accurately measure the core curricular content for students with significant cognitive disabilities.

IEP teams are responsible for determining whether students with disabilities will be instructed in the general standards or through the alternate academic achievement standards (AAAS), otherwise known as Access Points, based on criteria outlined in Rule 6A-1.0943(5), Florida Administrative Code (F.A.C.). The IEP team should consider the student's present level of educational performance in reference to Florida's academic achievement standards when placing the student on a modified curriculum. The IEP team should also be knowledgeable of the guidelines and the use of appropriate testing accommodations.

To facilitate informed and equitable decision-making, IEP teams must consider the eligibility and exclusionary criteria explained in Rule 6A-1.0943(5), Florida Administrative Code and the curriculum decision section of the IEP. These questions will guide the IEP team in determining the appropriate course of instruction and assessment for the student.

Eligibility to be administered the FSAA and participate in Access Courses hinges on the student having a most significant cognitive disability as defined in Rule 6A-1.0943 paragraph (1)(f) set forth below:

A “**most significant cognitive disability**” is defined as a global cognitive impairment that adversely impacts multiple areas of functioning across many settings and is a result of a congenital, acquired, or traumatic brain injury or syndrome and is verified by either:

1. A statistically significant below average global cognitive score that falls within the first percentile rank (i.e., a standard, full-scale score of 67 or under); or
2. In the extraordinary circumstance when a global, full-scale intelligent quotient score is unattainable, through a school district-determined procedure that has been approved by the FDOE under paragraph (5)(e) of this rule.

For a student to participate in the statewide, standardized alternate assessment, all of the following criteria must be met:

- The student must receive ESE services as identified through a current IEP and be enrolled in the appropriate and aligned courses using alternate achievement standards for two (2) consecutive full-time equivalent reporting periods prior to the assessment.
- The student must be receiving specially designed instruction, which provides unique instruction and intervention supports that is determined, designed and delivered through a team approach, ensuring access to core instruction through the adaptation of content, methodology or delivery of instruction and exhibits very limited to no progress in the general education curriculum standards;
- The student must be receiving support through systematic, explicit and interactive small-group instruction focused on foundational skills in addition to instruction in the general education curriculum standards;
- Even after documented evidence of exhausting all appropriate and allowable instructional accommodations, the student requires modifications to the general education curriculum standards;
- Even after documented evidence of accessing a variety of supplementary instructional materials, the student requires modifications to the general education curriculum standards;
- Even with documented evidence of the provision and use of assistive technology, the student requires modifications to the general education curriculum standards;
- Even with direct instruction in all core academic areas (i.e., English language arts, mathematics, social studies and science), the student exhibits limited or no progress on the general education curriculum standards and requires modifications.
- Unless the student is a transfer student, the student must have been available and present for grade-level general education curriculum standards instruction for at least 70% of the school year prior to the assessment;
- Unless the student is a transfer student, the student must have been instructed by a certified teacher for at least 80% of the school year prior to the assessment;

- The assessment instrument used to measure the student's global level of cognitive functioning was selected to limit the adverse impact of already-identified limitations and impairments (e.g., language acquisition, mode of communication, culture, hearing, vision, orthopedic functioning, hypersensitivities, and distractibility);

In addition to meeting all of the eligibility criteria listed above for participation in the statewide, standardized alternate assessment, the student cannot meet any of the exclusionary criteria indicated below.

### **Exclusionary Criteria**

A student is **not eligible to participate** in the statewide, standardized alternate assessment if any of the following apply:

- The student is identified as a student with a specific learning disability or as gifted.
- The student is identified only as a student eligible for services as a student who is deaf or hard of hearing or has a visual impairment, a dual sensory impairment, an emotional or behavioral disability, a language impairment, a speech impairment, or an orthopedic impairment; or
- The student scored a level 2 or above on a previous statewide, general education curriculum standardized assessment administered pursuant to Florida Statute Section 1008.22(3)(a) and (b), unless there is medical documentation that the student experienced a traumatic brain injury or other health-related complication subsequent to the administration of that assessment that led to the student having the most significantly below-average global cognitive impairment.

If the IEP team determines that all applicable statements under eligibility criteria and none of the statements under exclusionary criteria accurately characterize a student's current educational status, then the student should be enrolled in access courses and be allowed to participate in the FSAA program to provide meaningful evaluation of the student's current academic achievement.

In accordance with Rule 6A-6.0331(10)(b), F.A.C., if the IEP team decides that the student will receive instruction in Access Points and participate in the FSAA program, the student's parent must provide signed consent to have the student instructed in and assessed on Access Points.

Following the IEP team's determination that a student will be instructed in Access Points and participate in the FSAA, a determination must be made by the IEP team regarding the use of the FSAA-Performance Task or FSAA-Datafolio to assess the student.

### • **FSAA Performance Task (PT)**

The FSAA-Performance Task provides tiered participation within the assessment for students working on Access Points at various levels of complexity. Each item set is built with three Levels of cognitive demand, with Task 1 representing the least complex tasks

and Task 3 representing the most complex tasks. This tiered progression provides students the opportunity to work to their fullest potential and allows for a greater range of access and challenge.

- **FSAA-Datafolio**

The FSAA-Datafolio supports students with the most significant cognitive disabilities who typically do not have a formal mode of communication and are working at pre-academic levels. The FSAA-Datafolio demonstrates student progress on a continuum of access toward academic content rather than mastery of academic content. Student progress is shown through reduced levels of assistance (LOA) and increased accuracy. For students being assessed via the FSAA-Datafolio, teachers submit students' evidence collected across three collection periods throughout the school year. The activity choices are teacher developed from typical classroom activities/tasks that are aligned to Access Point standards. Evidence from all three collection periods is submitted by the teacher through an online platform that is independently scored to determine the student's progress.

Additional information is available in the Assessment Planning Resource Guide for Individual Education Plan (IEP) Teams located under Resources on the FSAA Portal, <https://fsaa.fsassessments.org>, for further information.

### **Instruction in the State Standards Access Points Curriculum and Florida Standards Alternate Assessment**

To consider instruction for the student in the state standards access points curriculum and student eligibility to participate in the FSAA, the IEP meeting must be scheduled by the LEA representative with at least ten (10) days' notice to the parents before the meeting date. The purpose for the IEP meeting indicated on the NOM as recorded on ESE-EMS would be to consider student instruction in the State Standards Access Points Curriculum and participation in the FSAA. Parents may agree to waive the ten (10) day prior notice requirement.

Parents have the right to consent or refuse consent for the student's instruction in the State Standards Access Points Curriculum and participation in the FSAA. If the parent refuses to consent to the provision of instruction in the state standards access points curriculum and student participation in the FSAA, the LEA representative must record the refusal of parental consent on ESE-EMS. The IEP team must consider developing a new IEP or requesting a due process hearing to object to the parent's refusal to consent.

The district may not proceed without parental consent unless all reasonable efforts to obtain the parent's consent and the parent's failure to respond have been documented. Alternatively, the district must obtain approval through a due process hearing to allow the student to receive instruction in the State Standards Access Points Curriculum and participate in the FSAA.



- **School Level Coordinator (SLC)**

Each year, school administrators must designate a School Level Coordinator (SLC) to facilitate administration of the FSAA. The SLC attends professional development, monitors teacher training and timelines, coordinates the distribution and collection of FSAA materials, and communicates with the district Alternate Assessment Coordinator (AAC). School administrators are required to designate one teacher who will serve as the SLC. The SLC CANNOT be a teacher who will administer the assessment.

Information Sessions for School Administrators and School Level Coordinators (SLCs) regarding policies and procedures related to the administration of the FSAA are offered each year during January or February.

- **Teacher Training Procedures for the FSAA-PT**

To ensure consistent and accurate administration of the FSAA, FDOE requires teachers administering the assessment to complete training on proper administration procedures. Teachers who have not previously administered the FSAA or who have not administered the FSAA in the past two (2) years must complete a one-day in person administration training session. For teachers who have previously completed the one-day in person administration training, a mandatory online yearly update training is provided each fall by the FDOE. This training is accessible through the FDOE FSAA portal, <https://fsaa.fsassessments.org>.

- **Teacher Training Procedures for the FSAA Datafolio**

With respect to the FSAA Datafolio, teachers must also complete annual in person administration training offered by FDOE during the summer and fall of each new school year.

Information regarding training for new teachers who are assigned students during the school year who participate in the FSAA Datafolio is available by contacting the district AAC at [ese@dadeschools.net](mailto:ese@dadeschools.net), with FSAA Datafolio as the subject. District-led training will be provided. Information will be distributed annually through a Weekly Briefing.

- **Waiver of Statewide, Standardized Assessment Results for Students with Disabilities**

**Waiver – FSA/FAST/FSAA/EOC Assessments**

Students with disabilities may be eligible for a waiver of statewide, standardized assessment results for the purpose of receiving a course grade and a standard high school diploma. The waiver is available for the 10th grade English Language Arts assessment, Civics (EOC) assessment, Algebra I (EOC) assessment, Geometry (EOC) assessment, Biology I (EOC) assessment, United States History (EOC) assessment and the FSAA-PT or FSAA Datafolio.

To be considered for a statewide, standardized assessment results waiver, the student must meet the following criteria:

1. Identified as a student with a disability, as defined in s. 1007.02, F.S.:
  - The term “student with a disability” means a student who is documented as having an intellectual disability; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; an emotional or behavioral disability; an orthopedic or other health impairment; an autism spectrum disorder; a traumatic brain injury; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.
2. The student has a current IEP.
3. The student must have taken the statewide, standardized assessment with appropriate allowable accommodations at least once.
4. In accordance with s. 1008.22(3)(c)2., F.S., the IEP team determine whether a statewide, standardized assessment accurately measures the student’s abilities, taking into consideration all allowable accommodations for students with disabilities.

IEP teams should review appropriate documentation including classroom work samples, course grades, teacher observations, relevant classroom data derived from formative assessments, intensive remediation activities on the required course standard, higher-level required course work (honors, advanced placement, related postsecondary coursework through dual enrollment program, etc.).

#### • **Waivers for FSA/FAST/FSAA Results and Graduation Requirements**

In accordance with the requirements of the Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act, IEP teams may waive the required passing score for one or both sections of the FSA/FSAA under specific circumstances. Students with disabilities who have withdrawn from day school and who have enrolled in adult general education may choose to re-enroll in day school and request consideration for an FSA/FSAA waiver if it is determined that the student has not yet reached age 22 and the student meets the criteria listed on Section One of the FSA waiver form.

To be considered for the waiver from the graduation requirement, the student must:

1. be identified as a student with disability;
2. have an IEP;
3. have received instruction to prepare students to demonstrate proficiency in the core content necessary for grade-to-grade progression and high school graduation;
4. have completed the 10th grade FSA/FAST/FSAA for ELA with appropriate allowable accommodations at least once and be progressing toward meeting the state’s credit/course and cumulative grade point average (GPA) requirements and any other district requirements for graduation with a standard diploma.

The IEP team must determine whether the FSA/FAST/FSAA can accurately measure the student's abilities, considering allowable accommodations. The decision to grant an FSA/FAST/FSAA waiver is objective, based on completion of the FSA/FSAA waiver form. The FSA/FAST/FSAA waiver document does NOT signify that the student will graduate with a standard diploma, as a student will only be awarded a standard high school diploma once it has been determined that the student meets the FSA/FAST/FSAA waiver criteria AND all other state and district requirements for graduation with a standard diploma.

Following the IEP meeting, the signed waiver form and required attachments must be placed in the student's cumulative folder. A list of all students who have received the FSA/FAST/FSAA waiver must be maintained at the school site and provided to the registrar, counselor, and other school-based personnel as appropriate. Schools must ensure that the registrar enters the correct graduation code and graduation date in the DSIS PF3 screen for all students who have an FSA/FAST/FSAA waiver and have met the graduation requirements. Students graduating with standard diploma and waiver should have the correct graduation code which the district publishes annually.

Students have the right to maintain confidentiality for all information in their educational records and bar disclosure of information without permission. Students who receive an FSA/FAST/FSAA waiver secure a standard diploma that omits any "flag" signaling the entry of the graduation code that identifies students who have received the waiver.

**NOTE:** Students who are eligible solely for the Hospital/Homebound Instructional Program (HHIP) are not eligible for an FSA/FAST/EOC waiver.

- **Exemptions to Student Participation in Statewide Program Testing**

A student may be granted an exemption from participation in statewide program testing if the IEP team determines that he/she is prevented from demonstrating mastery of skills measured by the statewide assessment due to a medical complexity, or an extraordinary circumstance or condition, as set forth in s.1008.22(3)(c), F.S. The presence of a learning, emotional, behavioral, or significant cognitive disability, or the student's placement in HHIP is not, in and of itself, an adequate criterion for receipt of an exemption.

- **Medically Complex Exemption**

Medical complexity refers to a documented condition of medical fragility, intensive care needed due to severe conditions/impairment, or technology dependence for daily living that prevents the student from performing on a statewide assessment. To be exempted from participation in statewide program testing due to the student's medically complex condition, written parental consent is required along with a determination by the IEP team that an exemption is warranted.

If the parent has provided written consent and the IEP team has determined that the student should not be assessed based on the student meeting criteria for a medically complex exemption, the parent may select one of the following assessment exemption options:

1. A one-year exemption can be approved by the district superintendent as described in s. 1008.22(9), F.S.
2. A one-, two- or three-year or a permanent exemption can be approved by the FDOE Commissioner of Education as described in s. 1008.22(9), F.S.

- **Extraordinary Circumstance and Condition Exemption**

An extraordinary circumstance involves a situation in which accommodations allowable for use in the statewide standardized assessment are not offered to a student during the current year's assessment administration in light of technological limitations in the test administration program. With respect to an extraordinary condition, the student must have an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided.

RESOURCES
<p><b>FDOE Technical Assistance Paper – Statewide Assessment for Students with Disabilities:</b> <a href="https://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf">https://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf</a></p> <p><b>Graduation Requirements for Florida's Statewide Assessments</b> <a href="https://www.fldoe.org/core/fileparse.php/7764/urlt/GradRequireFSA.pdf">https://www.fldoe.org/core/fileparse.php/7764/urlt/GradRequireFSA.pdf</a></p> <p><b>M-DCPS FSAA Website:</b> <a href="https://fsaa.dadeschools.net/#!/rightColumn/1283">https://fsaa.dadeschools.net/#!/rightColumn/1283</a></p> <p><b>Weekly Briefing ID#: 33586</b> – Requesting Medical Complexity and Extraordinary Exemptions for Participation in Statewide Standardized Assessments</p>

## **I. ESE Essential Area: Functional Behavior Assessment (FBA)/Social Emotional-Behavior Intervention Plan (SE-BIP)**

A Functional Behavior Assessment (FBA) is a comprehensive and individualized, solution-oriented process to address student behavior challenges. Through information gathered from the Structured Interview: Functional Behavior Assessment (FBA) ([FM 6660](#)) and additional data collected, an informed hypothesis is devised to discern the function or purpose of the misbehavior. A Social Emotional - Behavior Intervention Plan (SE-BIP) ([FM 6287](#)) is designed based on the FBA to chart interventions that will improve student behavior outcomes.

### **• FBA/SE-BIP Multiple Uses**

LEAs must be aware that the FBA process is used for multiple purposes to address a student's challenging behavior. The FBA process is used in the following manner for:

1. Tier 3 of the Multi-Tiered System of Supports (MTSS)/Response to Intervention - Behavior (RtI-Behavior) (students without disabilities).
2. Students with disabilities eligible in programs for students with ASD and E/BD; and students in other exceptional student education (ESE) programs as indicated on the IEP.
3. Students assigned to an Alternative Educational Setting (AES), School Center for Special Instruction (SCSI), Student Success Center, or Pathways.

District Policy: The student's SE-BIP must be reviewed prior to an accumulation of 6 days assigned to the AES, SCSI, Student Success Center, or Pathways. The SE-BIP must be reviewed to determine whether or not it addresses the current behavior of concern, if not, a new FBA process must be initiated, Notice of Intent and Parental/Guardian Consent to Conduct a Screening ([FM 6279](#)) must be signed by the parent/guardian, new data collected, and a new SE-BIP developed. If the student does not have a SE-BIP, the school must immediately initiate the FBA Process.

### **• FBA/SE-BIP Procedures**

Initiation of the FBA process starts with the completion of the Structured Interview [FM 6660](#). Before data is collected consent must be obtained using Notice of Intent and Parental/Guardian Consent to Conduct a Screening ([FM 6279](#)).

### **• SE-BIP Implementation and Monitoring**

The LEA and school staff are responsible for following through with the FBA process and developing and monitoring the implementation of a SE-BIP. If the student has an IEP, the LEA must review the goals as the IEP must contain behavioral goals that reflect the SE-BIP. In order to ensure that the SE-BIP is effectively working, there must be evidence through consistent and accurate progress monitoring (e.g., data collection) to show that the replacement behavior is increasing and/or the behavior of concern is decreasing

The SE-BIP should be reviewed a minimum of 4 times per year. The outcome of the interventions should be documented on the SE-BIP (refer to page 9 of the SE-BIP for progress monitoring) as well as documented on the quarterly IEP Status of Goals progress reports. Any revisions or changes to the SE-BIP must be reflected on the student's IEP goals and services. The LEA should refer to Functional Behavior Assessment (FBA) Checklist ([FM 6997](#)) and follow the step-by-step guide to complete the FBA process and review Weekly Briefing #: 24361.

ESE-EMS will automatically update the Matrix of Services with any updates and additional required services (e.g., counseling) as documented on the IEP.

#### FORMS

**FM 6660** – Structured Interview Functional Behavior Assessment (FBA)

<https://api.dadeschools.net/wmsfiles/61/pdfs/6660.pdf>

**FM 6279** – Notice of Intent and Parental/Guardian Consent to Conduct a Screening

<http://api.dadeschools.net/wmsfiles/61/pdfs/6279.pdf>

**FM 6287** – Social/Emotional-Behavior Intervention Plan (SE-BIP)

<https://api.dadeschools.net/wmsfiles/61/pdfs/6287.pdf>

**FM 6997** – Functional Behavior Assessment (FBA) Checklist

<http://api.dadeschools.net/wmsfiles/61/pdfs/6997.pdf>

#### RESOURCES

**Weekly Briefing ID#: 24361** – Procedural Changes for the Functional Behavior Assessment and Social Emotional – Behavior Intervention Plan in the Exceptional Student Education – Electronic Management System

**Weekly Briefing ID#: 31931** – Functional Behavior Assessment (FBA) Process

## **J. ESE Essential Area: English Language Learners with Disabilities**

- **Procedural Guidelines**

The Department of ESE monitors schools to ensure the appropriate identification and placement of students with disabilities who speak a language other than English at home. Each year, the Department of ESE reviews data and conducts site visits at selected schools to ensure that students with disabilities who are identified as English Language Learners (ELLs) are provided with appropriate instruction and services in accordance with the requirements set forth in their IEPs. School-site administrators and LEA representatives must adhere to the guidelines and procedures set forth in both the LEA Guide and the Bilingual/ESE online resource [padlet](#).

- **ELL Students Determined Eligible for Exceptional Student Education**

If the IEP team concludes that the ELL student is eligible for placement in ESE, English for Speakers of Other Languages (ESOL) services and assessments are no longer documented in the ELL Plan and are instead recorded on the IEP by the IEP team unless the student has a primary exceptionality of Speech Impaired (code F), Language Impaired (code G) or Gifted (code L). For students who are Speech Impaired, Language Impaired or Gifted, ESOL services and assessments must continue to be documented by the ELL Committee on the ELL Student Plan and not on the IEP.

To include information regarding ESOL services and assessments in the student's IEP, the Programs for ELL Section of the IEP must be completed in ESE-EMS by the IEP team. The LEA representative must ensure that prior ELL Student Plans that may have been developed for the student are retained in the student's cumulative record.

The results of the Spring administration of the Assessing Comprehension and Communication in English State-to-State (ACCESS) for English Language Learners (ELL) from the Kindergarten ACCESS for ELLs or the ACCESS for ELLs are used to determine the ESOL level for ELL students enrolled in general education who are subsequently deemed eligible for ESE placement. The ESOL level and date of assessment documented on the IEP must correspond with the date of the ESOL level update that appears in the lower right-hand corner of the student's DSIS J-Screen.

- **Initial IEP Eligibility Meeting and ESOL Assessments**

New students to M-DCPS who are eligible for ESE placement and pre-Kindergarten students with disabilities who previously received a "Y" (Yes) response on the Home Language Survey ([FM 5196](#)) must be tested for English Language proficiency. All Pre-Kindergarten students who receive a "Yes" response to *any* of the three Home Language Survey (HLS) questions, will be *tested for English language proficiency* starting May 1<sup>st</sup> before entering Kindergarten.



LEA representatives must:

1. Ensure that each student with a disability newly placed in ESE who may require ESOL placement (based on responses from the Home Language Survey) is tested for ESOL within 20 school days of the student's enrollment in ESE.
2. **Confirm that the school's data input clerk receives the results of the student's ESOL Level test in order to update the J-Screen prior to October FTE.**
3. Verify that an interim IEP has been completed (before October FTE) that incorporates ESOL Services and related Priority Educational Needs (PENs), Goals, Accommodations, etc.
4. Ensure that all new Kindergarten students with disabilities receive the Oral Language Proficiency Scale – Revised (OLPS-R1st Semester (yellow form) and the 2nd Semester (pink form), if they were not tested prior to entering Kindergarten.
5. Ensure that the school data clerk enters the following ESOL information into the J-screen for Kindergarten students deemed eligible for ESOL: Entry Date – First day of Kindergarten, Date of Assessment and Basis or Entry. Once completed, an IEP meeting must be convened by the LEA representative and the appropriate ELL sections of the IEP must be completed in ESE-EMS before the October FTE Survey 2 period.

- **Schedules and ESOL Courses for ELL SWD (ESOL Levels 1-4)**

For elementary level students with disabilities receiving ESOL and ESOL related instruction in the general education or ESE program, the appropriate Elementary School Academic Program (ESAP) code must be used for the student's course schedule. The ESAP Program Guide for students with disabilities is located on the Bilingual/ESE online resource [padlet](#). Upon entering the appropriate ESAP Code, ESOL information will automatically transfer to the Limited English Proficiency Courses (DSIS J-Screen) and the current ESE courses (DSIS PF4), as applicable.

For secondary level students with disabilities receiving ESOL instruction in the general education program, the appropriate course(s) and/or ESE teacher's employee number will rollover to the DSIS J-Screen upon the school's scheduling of the student into the appropriate general education ESOL courses. For secondary level students with disabilities receiving ESOL instruction by an ESE teacher in an ESE classroom the Intensive Reading, MJ Language Arts (6th-8th grade) or the English 1-2-3-4 (9th-12th grade) course must be double-coded with the grade appropriate Developmental Language through ESOL course to ensure proper entry of the student's information on the DSIS J-Screen.

For students with disabilities enrolled in Access Points ELL courses, schools should refer to the [M-DCPS Course Code Directory](#), to ensure placement in appropriate courses.

- a. Select 2022-2023 School year
- b. Download spreadsheet
- c. For elementary level students, select Elementary ESE Course



- d. For secondary level students, select Secondary School Courses (6-12) and then select either ESE grades 6-8 or ESE grade 9-12

- **Annual ESOL Level Update (ESOL Levels 1-4)**

It is required that all ELL students must be assessed for ESOL on an annual basis. The ESOL level on the DSIS J-screen is automatically updated by Instructional Technology Services (ITS) for all students who participate in the annual Spring administration of the Kindergarten ACCESS for ELLs, ACCESS for ELLs, or the Alternate ACCESS for ELLs. For students with disabilities who participate in the Spring administration of Kindergarten ACCESS for ELLs, ACCESS for ELLs, and Alternate ACCESS for ELLs, and for whom there is no ESOL level change to the student's IEP, the ESOL assessment date should be documented on the IEP not later than the first semester of the following school year. **In all instances, LEA representatives must ensure that IEPs for ELL students receiving ESOL services reflect the same ESOL level and ESOL level test date as is depicted on the DSIS J-screen.**

In conducting an interim IEP meeting to record an ESOL level update on the IEP, IEP team members, particularly the student's ESE teacher, must consider inconsistent data (if applicable).

For ELL students with disabilities who *did not* participate in the Spring administration of the ACCESS for ELLs Assessment, the following procedures apply to discern the student's annual ESOL Level:

1. Students on *standard curriculum* complete the **CELLA Online** to update the corresponding ESOL level and assessment date on the IEP.
2. Students on *modified curriculum* complete the **Continuum of ESOL Placement Tests for Exceptional Students** to update the corresponding ESOL level and assessment date on the IEP.

Following administration of the appropriate assessment, the J-Screen must be updated by the school data clerk to reflect the ESOL level identified by the test. If the test results indicate that the student's ESOL level did not change from the preceding year, the same ESOL level in the DSIS J-Screen must nevertheless be typed into the DSIS J-screen to update the annual level entry. If the test results reveal that the student's ESOL level decreased (e.g., If the Spring Administration of the ACCESS score for the student was level 3 and then the student was administered the CELLA online and scored a level 2), the previous higher level must be re-entered on the DSIS J-Screen to update the annual level entry.

Schools can update ESOL levels on the DSIS J-Screen with the appropriate Quad AAAA access. Schools no longer need to submit requests for J-screen corrections or updates to the Bilingual/ESE Office. If school personnel are unable to update an ESOL level entry on DSIS, appropriate school site staff such as school administrator, ESE Chairperson, ELL coordinator, completes the Request for Correction on J-Screen for Bilingual/ESE Student ([FM 7675](#)) and transmits completed form by fax to 305-598-4639 or the Bilingual/ESE office may be contacted at 305-598-2436.

Following the update of the student's ESOL level in the DSIS J-screen, the LEA representative must convene an interim/annual IEP meeting to update the ESOL Level and ESOL level date in the IEP.

- **SWD with ESOL Levels 1-4 and the IEP in ESE-EMS**

To ensure accurate and thorough information regarding ESOL supports and services are reflected on the IEP, LEA representatives must complete the ELL sections of the IEP by locating ESOL under Event Overview in ESE-EMS and entering the following information:

1. Type and Location of ELL Services – (refer to the Bilingual/ESE online resource [padlet](#) for Directions Regarding ELL Services in ESE-EMS).
2. ESOL Levels I-IV, Present Levels and Goals: Curriculum and Learning Environment – Priority Educational Needs (PEN).
  - At least one of the student's PENs must reflect the English Language Acquisition Skills. Choose one pen from the drop-down menu.
3. Measurable Annual Goals and Benchmarks and/or Individual Transition Plan
  - Add goals and benchmarks, as needed, based on the student's standard or modified curriculum needs (e.g., "Given a passage, Susana will use oral language skills in English to identify the sequence of events in a story in 4 out of 5 opportunities")
4. Transition Statement (Present Level and Goals)
  - The transition statement, if appropriate, should include outcomes (e.g., vocational or professional career interests) or post-school outcomes. (e.g., "Increase the student's English vocabulary to prepare him/her for graduation requirements").
5. Assurances
  - The assurances reflecting the communication needs of ELL SWD must be marked for ESOL levels 1-4.
6. Classroom and Flexible Accommodation (select from the drop- down menu)
7. ACCESS for ELLs Accommodations (ELL) (select from the drop- down menu)
8. Services
  - Specialized instruction, supplementary aids and services, amount and frequency of services and location must be checked in this section and must concur with the Type and Location of ESOL Services.
  - ELL services will automatically reflect in the Matrix of Services Domain (Curriculum and Learning).

- **Inconsistent Test Data Report for ELL Students with Disabilities in Grades 3-12**

For students listed on the Inconsistent Test Data Report provided by the district Bilingual office, who did not meet ESOL exit criteria based on the criteria set forth in State Board Rule (SBR) 6A-6.0903, an IEP meeting should be convened by the LEA representative

at the beginning of the school year, but not later than the end of the first semester to review the Spring ACCESS for ELLs and FSA/FSAA ELA results and identify appropriate actions as determined by all available data for the following:

1. If the ELL student with disabilities scored proficient on the Spring ACCESS for ELLs as noted in the chart below identifying ACCESS proficiency scores across diverse grade levels, but the student did not pass the FSA/FSAA ELA, further testing is not needed.

### Proficient Scores for ACCESS for ELLS

Grade Clusters	Composite	Reading
K-2	4.0 or greater	4.0 or greater
3-12	4.0 or greater	4.0 or greater
1-12 Alternate Assessment	P1 or greater	N/A

- The IEP team must review the student's academic record and consider the results from the Spring ACCESS for ELLs assessment along with the supporting criteria listed below to determine whether the student is English language proficient. The IEP team must document all records reviewed in the student's IEP.
- Prior educational and academic experience (e.g., report card grades or other assessment data from other school districts or private schools) social experience, and a student interview; (e.g., documented observation of student socializing with peers in English, documented basic interview with student in English) completed by a current or previous teacher.
- Written recommendation and observation by a current or previous teacher.
- Level of mastery of basic competencies or skills in English (ACCESS for ELLs assessments) according to state or national criterion-referenced standards (or other language assessments from other states, if applicable);
- Test results from other assessments (e.g., FSA, FSAA, iReady Data, etc.)

Following a review of all pertinent records, if the IEP team determines that the student is English language proficient, the student shall be exited from the ESOL program in accordance with the appropriate exit procedures for ELL students with disabilities noted below. If the IEP team determines that the student is not English language proficient, the student must remain enrolled in the ESOL program. The IEP team must consider the impact of the student's disability in its assessment of English language proficiency and the parents' preference may be reviewed. The final determination must be documented in the conference notes of the student's IEP.

In cases where the ELL student with disabilities passed the FSA/FSAA ELA but **did not pass** the Spring ACCESS for ELLs 2.0, the student **must be administered** the CELLA Online if the student is on standard curriculum to enable the IEP team to determine whether exiting the student from ESOL is the most appropriate course of action. (e.g., If the student scores

an overall “Proficient” on the CELLA Online, the IEP team may consider exiting the student). For students on modified curriculum, the student **must be administered** a test from the ***Continuum of ESOL Placement Tests for Exceptional Students*** to allow the IEP team to determine whether exiting the student from ESOL is the most appropriate course of action. (e.g., If the student scores a Level 5, then the IEP team may consider exiting the student).

- **ELL and IEP Exit Procedures for Students with Disabilities**

ESOL levels and exit information will automatically be updated by ITS on the DSIS J-Screen as determined by the most recent Kindergarten ACCESS for ELLs, ACCESS for ELLs, or Alternate ACCESS for ELLs test results for each student who meets ELL exit criteria.

LEA representatives should observe the procedures set forth below to facilitate exiting a student with disabilities from ESOL. As a preliminary step, for elementary students, the ESAP program code must first be revised to reflect a non-ESOL ESAP program code before exiting the student from ESOL in the DSIS J-Screen. Similarly, for secondary level ELL students, the student’s schedule must first be updated to remove ESOL courses before exit information can be entered in the DSIS J-Screen

1. Convene an annual or interim IEP team meeting to exit the student prior to the October FTE Survey Period. Conduct the IEP team meeting and DO NOT LOCK it on ESE EMS!
2. Revise the J-screen ESOL EXIT DATE field must be manually entered on the same date that the annual or interim IEP meeting is held to ensure that the J-screen ESOL EXIT DATE matches the annual or interim IEP meeting date (please ensure that the date of the IEP meeting is entered and not the date of the assessment). The basis of EXIT information should NOT be changed. The Basis of Exit: H, I, or J reflects the student exited based in meeting state and district ELL Exit criteria.
3. In the conference notes section of the IEP, write the following statement “Parent will be given a DRAFT copy of the IEP until rollover of J-screen EXIT Date reflects the same date as the annual/interim IEP meeting date”.
4. Following rollover from the J-screen to ESE-EMS, the ESOL EXIT Date should match the date of the annual or interim IEP meeting date.
5. Twenty-four hours (24) after the J-screen update is completed, the LEA representative should lock the IEP on ESE EMS, distribute the updated IEP to the appropriate personnel, gather signatures as needed, and send a copy to parent.

- **ELL Exit Criteria – Required Scores**

**Proficiency Scores Required for ELL Exit Criteria**

<b>Grade Clusters</b>	<b>Composite</b>	<b>Reading</b>	<b>FSA/FSAA ELA</b>
K-2nd	4.0 or greater	4.0 or greater	N/A
3rd-12th	4.0 or greater	4.0 or greater	Level 3 or greater
1st-2nd Alternate Assessment	P1 or greater	N/A	N/A
3rd-10th Alternate Assessment	P1 or greater	N/A	Level 3 or greater
11th-12th Alternate Assessment	P1 or greater	N/A	Level 3 or greater

**Exiting or Extension of Services for ELL Students with Disabilities Enrolled for Three or More Years in ESOL**

In accordance with State Board Rule 6A-6.09022, the ELL status of a student with disabilities must be monitored by the IEP team by reviewing the number of years (continuous semesters) that the student has been enrolled in the ESOL program in addition to the student's performance on the state assessment and other pertinent data. Following the three (3) year date of the student's initial enrollment in a school in the United States, the IEP team must re-evaluate the student's progress towards English language proficiency at each annual IEP meeting. The LEA representative should convene the IEP meeting to conduct the ELL review and the outcome must be documented on the IEP not later than the first semester of the school year after the three-year anniversary of the student's enrollment in a U.S. school.

- If the student's IEP meeting is held between the first day of school and September 30th and the student participated in the Spring ACCESS for ELLs 2.0 or was administered the CELLA Online during the preceding school year, further assessment is NOT needed unless the school IEP team determines that the student will benefit from an additional Language Proficiency Assessment.
- If the student's IEP meeting is held on or after October 1st the ESE teacher will administer the following Language Proficiency Assessments.
  - a. ELL students with disabilities in 3rd – 12th grades on standard curriculum shall be administered the CELLA Online.
  - b. ELL students with disabilities in 3rd – 12th grades on modified curriculum will be administered a test from the *Continuum of ESOL Placement Tests for Exceptional Students*.

It is the responsibility of the LEA representative to ensure that the school data entry clerk verifies that the Date of Entry into US Schools (DEUSS) date is correct in PF19.

A Notice of Meeting (NOM) in ESE-EMS must be completed by the LEA representative or ESE Chairperson to schedule an IEP meeting for consideration of Exit/Extension of Services for ESOL meeting.

- a. Under “The Purpose of this Meeting is to” select “Other” and type in: Consider Exit/Extension of Services for ESOL.
- b. Auditors will verify that the purpose of the meeting was documented in the NOM.

If the student earns a score of Proficient on the CELLA Online or Continuum of ESOL Placement Tests for Exceptional Students, then the IEP Team may consider exiting the student from the ESOL program during the IEP Team Meeting.

The IEP Team recommendations must include a clearly noted rationale to exit or extend. To “Exit the ESOL Program” based on review of all available data:

1. The student’s academic record will be reviewed holistically, and the IEP team shall consider the results from the Spring ACCESS for ELLs, CELLA online or Test from the Continuum assessments along with a review of the following supporting criteria to determine whether the student is English language proficient. The IEP Team must document the records reviewed in the student’s IEP.
  - a. Prior educational and academic experience (e.g., report card grades or other assessment data from other school districts or private schools) social experience.
  - b. Level of mastery of basic competencies or skills in English (ACCESS for ELLs assessments) according to state or national criterion-referenced standards (or other language assessments from other states, if applicable);
  - c. Test results from other assessments (e.g., FSA, FSAA, iReady Data, weekly assessments).
2. Following a review of all pertinent records, if the IEP team determines that the student is English language proficient, the student shall be exited from the ESOL program following the appropriate exit procedures for ELL SWD.
3. The CELLA Online or a test from the Continuum assessments must be documented under Assessment section of the student’s IEP. Additionally, the determination must be documented under the conference notes of the student’s IEP.

To request “Extension of Services” if the student did not meet exit criteria of “Proficient” on the CELLA Online or a test from the Continuum assessments, the ELL SWD will remain in the ESOL Program.

1. If the IEP team determines that the student is not English language proficient, the student will remain enrolled in the ESOL program.
2. The CELLA Online or a test from the Continuum assessments must be documented under the Assessment section of the student’s IEP.
3. Determination must be documented in the conference notes of the student’s IEP, stating that the team is recommending Extension of Services because the student did not meet exit criteria at this time.

#### Six Years or More in the ESOL Program:

For ELL SWD **with six years or more in the ESOL program**, the IEP Team must meet to consider exiting the student from the ESOL program based on pertinent data (years/semesters in the ESOL program, grades, i-Ready, etc.).

1. **The ESOL exit date on DSIS J-Screen must be the same as the IEP meeting date.**
2. The conference notes on the IEP must include a statement indicating that:
  - a. *the student was exited based on consideration of the impact of the student's disability in the decision to exit the student.*

J-Screen Data Update for ESOL Exiting (Level 5):

ELL SWD who are exited from the ESOL program by the IEP Team require exit data to be *manually* entered in the DSIS J-Screen by the school IMMEDIATELY AFTER LOCKING the IEP.

1. ESOL Level - 5
2. Exit date (date of the IEP and NOT the date of the assessment)
3. Basis of exit: "L" - EL Committee (IEP team)

**NOTE:** Please make sure that the IEP is LOCKED just in case the manual update is not completed immediately.

Schools can update ESOL levels or exit students regardless of years in the ESOL program with the appropriate Quad AAAA access. Schools no longer need to submit requests for J-Screen corrections to the Bilingual/ESOL ESE Office.

- When exiting students from ESOL, the ESAP Code (elementary) and the schedule change to remove ESOL course(s) (secondary) must be processed.

If unable to update an ESOL level, complete the Request for Correction on J-Screen for Bilingual ESOL/ESE Student ([FM 7675](#)) and fax the completed form to 305-598-4639 or, for assistance, contact the office at 305-598-2436.

#### • **Post Exit Monitoring in ESE-EMS**

The Post Program Review (PPR) Section on the hard copy of the finalized IEP must be documented during each of the PPR dates. During the corresponding PPR dates, the student's Language Arts/ESE teacher provides the recommendation to be entered on the hardcopy kept in the cum. The Language Arts/ESE teacher must update the "Change in Status" and "Refer to IEP Team" section on the hardcopy of the PPR of the IEP.

1. The Language Arts/ESE teacher's name, employee number, date and signature must be documented on the printout.
2. Scan the printout and save in the following format:
  - a. ID #\_ELL\_PPR#\_DATE (e.g., 123456\_ELL\_PPR1\_11\_01\_2021)
  - b. In ESE-EMS select attachments, select Upload, then upload the corresponding PPR saved under the format specified.
  - c. Follow these steps for each of the four PPR dates.



Florida Department of Education (FLDOE): Amendment (dated November 15, 2019) to, State Board Rule 6A-6.09091 F.A.C. and Florida's Every Student Succeeds Act (ESSA):

- The purpose of this amendment is to allow English Language Learners (ELLs) who have recently exited the English for Speakers of Other Languages (ESOL) program to receive accommodations for the statewide assessment program. The effect of this amendment is that ELLs recently exited from ESOL would receive accommodations on the statewide assessments during the Post Program Review period (two years).

Free Appropriate Public Education

The **entering or exiting** of a SWD from the ESOL program constitutes a change in the provision of Free Appropriate Public Education (FAPE) since there will be changes to the student's PEN(s), goal(s), and modifications and/or accommodations.

- The **Prior Written Notice of Proposal of Refusal (PWNPR)** form must be completed in ESE-EMS when an ELL SWD enters or exits from the ESOL program at an IEP meeting.

State Board Rule 6A-6.0902 3.d, F.A.C. to Opt-Out of ESOL Services

If a parent refuses placement or is adamant about opting out of ESOL services, then the school must have an IEP meeting to remove ESOL instructional courses and services however, **the student will continue to be classified as ELL until he/she meets exit criteria**. The following rule must be explained to the parent and the following note **must be documented** in the conference notes area of the IEP:

- IEP Conference Notes of IEP:  
In accordance with State Board Rule 6A-6.0902 3.d, F.A.C., "Parents have the right to have their child immediately removed from a language instruction educational program and to decline to enroll the student in such a program or choose other instructional options, if available." The Parent has requested to have \_\_\_\_\_ removed from the ESOL program but understands that their child will still be classified as ELL until they have met exit rule requirements. Parent also understands that their child will no longer be eligible for any Title III services (have parent initial next to conference note).
- Following the meeting, enter The LEP Services: "LN" in the DSIS J-Screen.

If the student is secondary, they must be scheduled into English ELA and an Intensive Reading course however, both the ELA and Reading teachers **must still be ESOL endorsed** because rule states that the district cannot forgo responsibility for properly trained teacher to provide instruction.

If the student is in elementary, the ESAP Code must be changed to remove the ESOL course, but the teacher must still be ESOL endorsed.

- The student will continue to take the Kindergarten ACCESS for ELLS, ACCESS for ELL/Alternate ACCESS for ELLS assessment on a yearly basis and may be exited once they meet the appropriate exit criteria.

- **Procedures to Request a Language Proficiency Dominance Screening**

A Language Proficiency Dominance Screening (LPDS) is conducted by a Bilingual Assessor for ELL students having significant academic and/or behavior difficulties within the general education program to determine if language is a factor in their academic progress.

Referral for Assessment:

An ELL Committee must be convened with no exception, to review the ELL's performance and to document in ELlevation that a request for a Language Proficiency Dominance Screening (LPDS) has been requested along with a reason for referral. The following information will also be verified upon receipt of a referral:

1. ESOL levels 1 and 2 students with less than 2 years in the ESOL Program:
  - a. Student is exhibiting severe academic difficulties in the Home Language Arts (HLA) class as evidenced by failing grades (D's and F's) and/or
  - b. Student is exhibiting severe behavior issues as documented by FBA and SE-BIP. Information is documented on Student Case Management Information (PF-14).
  - c. Students who have been in the ESOL program for less than 2 years with no documented evidence of severe academic and/or behavior difficulties will require further review before a LPDS is conducted.
2. ESOL levels 1- 4 students with more than 2 years in the ESOL program:
  - a. Student is exhibiting severe academic difficulties in the ESOL Language Arts/Reading and Home Language Arts (HLA) class as evidenced by failing grades (D's and F's); and/or
  - b. Student is exhibiting severe behavior issues as documented by FBA and SE-BIP. Information is documented on Student Case Management Information (PF-14).
  - c. Student is receiving interventions.
3. ESOL level 5 students during Post Program Review Monitoring Period:
  - a. Student is exhibiting severe academic difficulties in Language Arts/Reading as evidenced by failing/regressing grades (D's and F's).
  - b. The Basis of exiting ESOL exit on the DSIS J-Screen was L (ELL Committee).
4. Reevaluation:
  - a. A school psychologist may request an LPDS as part of a reevaluation for a student who is already participating in a program for students with disabilities.

Once the ELL Committee has been convened, student performance has been reviewed, and the ELL Committee has made the determination to request a LPDS, then the school MUST email the appropriate forms ([FM 6279](#) or [FM 4961](#) – if applicable) to the ESE Support at [ese@dadeschools.net](mailto:ese@dadeschools.net), to initiate the review of the LPDS referral request. **DO NOT EMAIL CONSENT FOR SCREENINGS** directly to the assessors assigned to your school.

### Results of Screening:

After a LPDS, the ELL Committee must be convened, and further action must be recommended and documented in the student's ELL plan in ELLevation based on the review of the LPDS results.

- **LPDS Reports Validity Period**

The results of the LPDS are valid for one to two years and will be determined by the Bilingual Assessor following a review of the student information and documentation.

- **Retention of ELL SWD**

Promotion/Retention of an ELL SWD *DOES NOT* require the review and recommendations of the IEP Committee. Refer to Student Progression Plan, section H Promotion/Retention Policies for specific information. This is an administrative school-site decision.

FORMS
<b>FM 4762</b> – Continuum of ESOL Placement Tests for Exceptional Students <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/4762.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/4762.pdf</a>
<b>FM 6279</b> – Notice of Intent and Parental/Guardian Consent to Conduct a Screening <a href="https://api.dadeschools.net/wmsfiles/61/pdfs/6279.pdf">https://api.dadeschools.net/wmsfiles/61/pdfs/6279.pdf</a>
<b>FM 7675</b> – Request for Correction on “J” Screen <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/7675.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/7675.pdf</a>

RESOURCES
<b>M-DCPS Bilingual/ESE Website:</b> <a href="http://ese.dadeschools.net/ESOL_ESE/">http://ese.dadeschools.net/ESOL_ESE/</a>
<b>M-DCPS Department of Bilingual Education and World Languages Website:</b> <a href="https://bilingual.dadeschools.net/#!/fullWidth/3177">https://bilingual.dadeschools.net/#!/fullWidth/3177</a>

### III. General Procedures: At-a-Glance

#### A. Assistive Technology

The goal of Assistive Technology (AT) is to enable independence and to facilitate the full participation of students with disabilities in all school activities.

AT is a continuum ranging from simple to complex. The IEP team should consider the least restrictive AT (simplest solution) before a more complex solution. The School Team (ST), which may consist of teachers, parents, therapists, paraprofessionals, school administrators, and other pertinent school staff, will identify the student and determine the area(s) of concern within the curriculum.

- **AT consideration**

IDEA requires each IEP team to consider Assistive Technology for the student at every IEP meeting. *For information on AT consideration and the AT process, please see this presentation: [AT Process Presentation](#).*

- **AT Assessment Process**

If the IEP Team, after considering assistive technology for the student, determines that (a) the student needs AT to access his/her IEP goals and/or curriculum tasks, or (b) the student's assistive technology needs have changed and need to be reviewed, then parental consent for AT assessment will be secured, using Notice of Intent and Parental/Guardian Consent to Conduct an Assistive Technology Assessment ([FM 7641](#)). Members of the AT assessment team may include members of the School Team and other district support personnel, such as ESE Curriculum Support Specialists, or Local Assistive Technology Specialists (LATS).

Section 1003.575, Florida Statutes, states that "an assistive technology evaluation must be completed within 60 school days." The 60-school day timeline begins when the IEP team makes the recommendation for such an evaluation. This timeline begins on the date the parent signs consent ([FM 7641](#)) for the AT evaluation.

When consent is secured, the ST/IEP Team will commence the assessment using the Assistive Technology Assessment and Implementation Plan K-12 (ATIP) ([FM 7067](#)). The ATIP includes embedded web links to AT resources, such as photos of AT tools and ideas, information on AT tools/strategies and free downloads of digital tools. School teams are encouraged to explore the links when completing the ATIP and considering appropriate tools for the student.

Once the ATIP has been initiated and sufficient data has been collected, school teams may request the following types of support as needed:

1. support with AT currently being used by the student,
2. trial of an AT device that is not accessible at the school
3. on-site training,
4. or email or phone support from a LATS.

Members of the ST may request such support using the "AT Help Desk" (large orange icon) on the AT website at <https://atech.dadeschools.net/#!/fullWidth/1226>. The completed original documents ([FM 7067](#) and [FM 7641](#)) should be stored in the student's cumulative folder.

- **Assistive Technology Assessment Report**

If ATIP strategies and tools are successful, the recommendations for AT tools and services required for the student to access his/her IEP goals and/or curriculum tasks are documented on the IEP. An IEP meeting is convened to review the AT Assessment. Information from the ATIP will be documented in detail on the IEP (and updated at least yearly) in one or more of the following sections: Present Levels of Educational Performance, Goals, Assurances, Assistive Technology and Conference Notes.

### **Timelines for Completion of Assistive Technology Assessment**

<b>Step</b>	<b>Procedure</b>	<b>Time</b>
<b>Step 1</b>	Obtain baseline data on student performance without AT (observation of the student)	Prior to IEP meeting or within 10 school days after IEP meeting
<b>Step 2</b>	Obtain parental/guardian consent for Assistive Technology Assessment and Implementation Plan	At or after IEP meeting
<b>Step 3</b>	Schedule next IEP meeting to review the results of Assessment	At IEP meeting when consent is obtained
<b>Step 4</b>	Determine team member roles for assessment and implementation	At IEP meeting or within 5 school days after IEP meeting or parental/guardian consent
<b>Step 5</b>	Assessment and implementation of ATIP strategies, tools and trials	Over the course of the assessment
<b>Step 6</b>	Data collection of the ATIP strategies, tools, and trials	At least weekly during the assessment period
<b>Step 7</b>	Document the results on the AT Assessment Report and conduct IEP meeting to discuss the results of the assessment	No more than 60 school days after obtaining consent for assessment/evaluation
<b>Step 8</b>	Review of the Assistive Technology in place and update the AT Assessment Report (page 7 of <a href="#">FM 7067</a> ) and the IEP.	At least annually and when student's assistive technology needs change

### FORMS

**FM 6790** - Assistive Technology Equipment Release/Transfer from M-DCPS to Family, Other School District or Agency

<http://api.dadeschools.net/wmsfiles/61/pdfs/6790.pdf>

**FM 7067** - Assistive Technology Assessment and Implementation Plan (K-12)

<http://api.dadeschools.net/wmsfiles/61/pdfs/7067.pdf>

**FM 7641** - Notice of Intent and Parental/Guardian Consent to Conduct an Assistive Technology Assessment

<http://api.dadeschools.net/wmsfiles/61/pdfs/7641.pdf>

### RESOURCES

**Florida Department of Education Technical Assistance Paper – “Assistive Technology for Students with Disabilities”:**

<http://info.fldoe.org/docushare/dsweb/Get/Document-6801/dps-2013-65.pdf>

**M-DCPS Assistive Technology Resource Website:** [www.mdcps-at.com](http://www.mdcps-at.com)

**M-DCPS Assistive Technology Website:** <https://atech.dadeschools.net/#!/fullWidth/1226>

## **B. Consent for Specified Services**

By law, parental consent must be obtained in the event that the IEP team recommends placement of a student in a specialized ESE Center only for students with disabilities and/or instruction of the student in the State Standards Access Points Curriculum and Florida Standards Alternate Assessment. The LEA representative is required to ensure that parents understand their rights with respect to the recommended course of action and their independent exercise of the ability to consent or decline the specified service recommended for the student. All information must be documented in the IEP.

### **• Placement in an ESE Center School**

1. If the IEP meeting is convened for the consideration of placement of the student in an ESE center or special day school, the school must provide a notice to the parents at least 10 days before the meeting.
  - a. On ESE-EMS, the purpose of the Notice of Meeting should be “consider student placement in an ESE Center”.
2. Parents can agree to waive the 10-day prior notice requirement when considering placement in an ESE center or special day school.
3. Parents have the right to consent or refuse placement.
  - a. Written consent or refusal must be obtained and documented on ESE – EMS - Student Placement in ESE Center and documented in the conference notes of the IEP.
4. If the parent signs, “I do not consent for placement”, within ten school days, the District must reconvene to develop and implement a new placement in accordance with a new IEP or must request a Due Process hearing. The school’s LEA must notify the ESE Center.
5. This right to consent or refusal does not apply for a change to an Interim Alternate Educational Setting (IAES) for a student with disability who violates a District School Board’s Code of Student Conduct (carries or possesses a weapon; knowingly possesses, uses or sells illegal drugs; inflicts serious bodily injury upon another person). s. 1003.57(1)(h), F.S.)
6. The District may not proceed without parental consent unless the District documents reasonable efforts to obtain the parent’s consent and the parent has failed to respond or the District obtains approval through a Due Process hearing.



### **C. Discipline and Manifestation Determination**

The M-DCPS Code of Student Conduct defines distinct violations that frequently cause disruption of the educational process. Students with disabilities (SWD), students without disabilities, and students who are gifted may engage in behaviors which, under normal circumstances, could warrant disciplinary action.

- **Manifestation Determination (MD)**

In accordance with the District's initiative to decommission traditional outdoor suspensions, the necessary procedures for conducting a Manifestation Determination (MD) meeting when a student with a disability has been referred to an Alternative Educational Setting (AES), School Center for Special Instruction (SCSI), the Student Success Center (SSC), Pathways, or at any time the SWD is removed from the traditional settings are listed below.

#### Manifestation Determination Procedures

1. A Manifestation Determination-Individual Education Plan (MD-IEP) meeting must be conducted by the school-based LEA following IDEA requirements. The school-based LEA must be aware that when a SWD is assigned to the SCSI, SSC, Pathways or excluded from the traditional classroom setting (which includes bus suspensions), the removal constitutes a change of placement, and the MD-IEP MUST be conducted within the specific time period outlined below. The MD-IEP meeting event on the Exceptional Student Education-Electronic Management System (ESE-EMS) is created.
  - a. A SWD must not reach the 10th day of the assignment to a SCSI, the SSC, Pathways or exclusion from the traditional classroom setting, including bus suspensions without having an MD-IEP meeting. This requirement is valid with the start of each new school year.
2. After the initial 10-day assignment to SCSI, the SSC, Pathways, or exclusion from the traditional classroom setting, including bus suspensions, a MD-IEP meeting must be convened on ESE-EMS after each individual assignment. A procedural error will result if IDEA guidelines to conduct an MD-IEP are not met.
  - a. For example, if the student is assigned to an SSC for 1 day after the initial 10-day assignment and Initial MD-IEP meeting, another MD-IEP meeting must be convened. The MD-IEP meeting must be created and completed on ESE-EMS for each assignment of a SWD to SCSI, SSC, Pathways, or any exclusion from the traditional classroom setting, including bus suspensions.
3. All procedures for preparing and conducting an Individual Education Plan (IEP)/Section 504 Plan meeting (e.g., creating, completing and distributing Notice of Meeting to parents and team members) on ESE-EMS must be followed. Parents must receive a 10-Day notice unless the parent waives the right to reasonable notice.

4. The MD decision must be made on a case-by-case (individual incident) basis, considering the circumstances and facts and not based on the disability category.
5. A Staffing Specialist must be the LEA and conduct MD-IEP meetings on ESE-EMS in all cases where an Interim Alternative Educational Setting (AES) (IAES) is being considered and discussed.
6. The School Psychologist must be present at all manifestation determination meetings and the student's most recent evaluation must be reviewed in conjunction with an annual/interim IEP/Section 504 Plan meeting conducted on ESE-EMS.

#### Procedures if a MD is Determined

If the behavior is a manifestation of the student's disability, the team must consider additional interventions and other resources, and review and modify the existing Social Emotional-Behavior Intervention Plan (SE-BIP). If the student does not have a SE-BIP, the team must begin the FBA process. The student must immediately be returned to the current placement unless the parent and district agree to a change in placement through a voluntary assignment. The SE-BIP must be completed upon return to the current placement.

- **Procedures for Implementing the 45 School Day Alternative Placement Rule for Students with Disabilities**

1. IDEA 2004 at 20 USC 1415 (k)(1)(G)(i)-(iii) identifies three specific instances of conduct that may trigger unilateral placement of a student with a disability in an Interim Alternative Educational Setting (IAES), without regard to whether the behavior is determined to be a manifestation of the child's disability.
2. An IAES is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.
3. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child:
  - a. carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency.
  - b. knowingly possesses or uses illegal drugs\*, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or
  - c. has inflicted serious bodily injury\*\* upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency.

When a student commits one of the special circumstances listed above, the school site where the violation occurred should contact the parent/guardian and take the following actions:

1. Provide the parent/guardian with the Notice of Procedural Safeguards for Students with Disabilities
2. Immediately place an E5 in District Student Information System (DSIS), PF14 Student Case Management (SCM)
3. Email completed Request for Expulsion/Alternative Educational Placement ([FM 6562](#)) to [ALTED@dadeschools.net](mailto:ALTED@dadeschools.net)
4. Provide notice of 10-Day Temporary Administrative Assignment to Pathways Consideration of Administrative Assignment/Expulsion ([FM 7603](#)).

**Note:** Copies of documents must be retained for future meeting(s).

The sending school must immediately update District Integrated Student Information System (DSIS) with code E5 (expulsion request), submit Request for Expulsion/Alternative Educational Placement (FM 6562), to [alted@dadeschools.net](mailto:alted@dadeschools.net) and follow up to ensure the School Police Automated Reporting (SPAR) is updated in DSIS. The student will be assigned to the alternative education site as contact is made with the Division of Educational Opportunity and Access (DEOA). Copies of the student's IEP should be provided to the assigned site by the sending school. The assigned alternative education site shall implement the student's IEP/Section 504 Plan, including all related services upon enrollment.

**Note:** If a student is arrested and sent to the Juvenile Assessment Center (JAC), the time at the JAC is not included in the 45-school day timeline for alternative placement. Upon discharge and withdrawal from the JAC, the student should **be re-enrolled at the sending school site until the assignment to alternative education is completed. During this time the district shall provide alternative options for the student to access education.**

Within 10 school days of the incident, if the student is not detained, a MD IEP/Section 504 meeting must be convened at the alternative education site to determine if the behavior is a manifestation of the student's disability. Personnel (Administrator, ESE Program Specialist/Department Chairperson/Section 504 Coordinator, and General Education Teacher) from the sending school must be represented at the IEP/Section 504 Plan meeting.

1. The DEOA Staffing Specialist will email the sending school the request for information, which will include the MD IEP/Section 504 meeting date, time, and location.
2. The alternative education site must have the student's cumulative folder 48 hours prior to the scheduled meeting. The DEOA Staffing Specialist must review the cumulative folder before the meeting.
3. A MD IEP/Section 504 Plan draft must be completed by the sending school with the assistance of the DEOA Staffing Specialist in ESE-EMS.
4. A copy of the Structured Interview: Functional Behavior Assessment (FBA) ([FM 6660](#)) and a DRAFT of the Social Emotional – Behavior Intervention Plan (SE-BIP) must be brought to the meeting facilitated by the LEA, DEOA Staffing Specialist.

For those students where the behavior was found to be a manifestation of the disability, the receiving alternative education school is responsible for maintaining a record of the number of days the student is enrolled. Ten (10) days prior to the end of the mandatory 45-school day placement, the alternative school shall notify the parent/guardian, referring school, and corresponding ESE Service Center of the scheduled an IEP/Section 504 Plan meeting. The meeting will be held at the alternative school with representatives from the home and/or referring school. The team shall determine the next appropriate placement for the student. The following placements shall be considered:

1. Remain at the Interim Alternative Education Setting under appropriate circumstances
  2. Return to sending school
  3. Assignment to another school
  4. Consider other IEP placement options
- Possession of marijuana for personal consumption is exempt from this special circumstance.
  - Serious bodily injury applies only when there is:
    - a substantial risk of death,
    - extreme physical pain,
    - protracted and obvious disfigurement, or
    - protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

### FORMS

**FM 6287** – Social/Emotional-Behavior Intervention Plan (SE-BIP)

<http://api.dadeschools.net/wmsfiles/61/pdfs/6287.pdf>

**FM 6562** – Request for Expulsion/Alternative Educational Placement

<http://api.dadeschools.net/wmsfiles/61/pdfs/6562.pdf>

**FM 6660** - Structured Interview Functional Behavior Assessment (FBA)

<http://api.dadeschools.net/wmsfiles/61/pdfs/6660.pdf>

### RESOURCES

**FDOE Technical Assistance Paper – Manifestation of the Disability and Related Discipline Issues:**

<http://www.fldoe.org/core/fileparse.php/7571/urlt/ManifestationDetermination.pdf>

**FDOE Technical Assistance Paper - Functional Behavioral Assessment and Behavioral Intervention Plans**

<http://www.fldoe.org/core/fileparse.php/7590/urlt/0107234-tap99-3.pdf>

**Weekly Briefing #: 21730** – Manifestation Determination Procedures

## **D. Due Process and Mediation**

- **Due Process:**

A request for a Due Process hearing may be submitted by a parent or by the district (but typically the parent) to address disputes arising from the IEP team's proposal or refusal to initiate or change the identification, evaluation, eligibility determination or educational placement of a student or other matters relating to the provision of FAPE for the student. The process may lead to a formal hearing conducted by an administrative law judge (ALJ) with Florida's Division of Administrative Hearings (DOAH). Once a parent submits a formal request for Due Process, the LEA is responsible for gathering all documents regarding the student. This includes all documents on ESE-EMS, the student's cumulative folder, and all communication between the parent and school on the matter at hand.

A Request for Exceptional Student Education (ESE) Due Process ([FM 5773](#)) must be completed by parents or district officials. The form must be completed and submitted to the Clerk of the School Board. The directions for submission are on the form. The form should detail the substance of the disputed action and it must be based on an alleged violation that occurred not more than two (2) years before the complaining party knew/should have known about the alleged action that is the basis of the due process complaint. Parents need not retain an attorney to file a request for a due process hearing.

Upon submission of the form, a "stay put" requirement is instituted that directs all parties to maintain the services and supports currently in place for the student. The proposed adjustment to student identification, evaluation, eligibility determination or educational placement that prompted the request for due process is suspended pending a resolution of the request for a due process hearing. The LEA representative needs to ensure that the "stay put" requirement is upheld. Most due process complaints are resolved without the need for a hearing, often at resolution meetings facilitated by the district ESE Compliance team. A resolution meeting must be convened within 15 calendar days from the time of receipt of the formal Due Process complaint. The LEA representative and other school team members may be asked to participate in resolution meetings.

In certain instances, an expedited due process hearing may be requested by the parent if the FDOE Commissioner of Education denies a request for an extraordinary exemption from a specific state assessment or if the parent seeks a hearing related to disciplinary issues.

- **Mediation:**

As a preliminary measure preceding the submission of a request for a due process hearing, FDOE allows parents of students with disabilities and district personnel to resolve disputes arising from the IEP team's proposal or refusal to initiate or change the identification, evaluation, eligibility determination or educational placement of a student or other matters relating to the provision of FAPE for the student, through a voluntary mediation process. Both parties must agree to participate in mediation and the parent's agreement does not constitute a waiver of the right to seek a due process hearing.

Parents are required to complete a Request for Mediation ([FM 6331](#)). Unlike requests for due process hearings, submission of a request for mediation does not suspend the IEP team's proposed adjustment to student identification, evaluation, eligibility determination or educational placement through a "stay put". The disputed actions recommended by the IEP team are enacted pending the resolution of the matter in mediation.

Mediation is led by a qualified and impartial mediator assigned by the FDOE. All discussions shared during mediation remain confidential. If an agreement is reached between the parents and district officials during the mediation, the agreement is considered a legally binding contract that is enforceable in a state court of competent jurisdiction or in a U.S. district court.

### **Procedures for LEA Representatives to Address Parental Disagreements with IEP Team Decisions:**

Document the disagreement in the Conference Notes section of the IEP in ESE-EMS.

1. Complete a Prior Written Notice of Proposal or Refusal (PWNPR).
2. Provide to the parent:
3. A copy of the IEP, including the completed PWNPR and Notice of Procedural Safeguards for Parents of Students with Disabilities, distributed and downloaded from ESE-EMS;
  - a. Request for Exceptional Student Education (ESE) Due Process ([FM 5773](#)); and,
  - b. Request for Mediation ([FM 6331](#)).
4. Confirm that the parent understands the Procedural Safeguards, Request for Due Process and Request for Mediation.
5. Notify the corresponding ESE Service Center administrator.

### **FORMS**

**FM 5773 - Request for Exceptional Student Education (ESE) Due Process**

<http://api.dadeschools.net/wmsfiles/61/pdfs/5773.pdf>

**FM 6331 - Request for Mediation**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6331.pdf>

### **RESOURCES**

**FDOE Request for Exceptional Student Education (ESE) Due Process Form**

<http://www.fldoe.org/core/fileparse.php/7675/urlt/0064501-requestforesedueprocess.pdf>

**FDOE Mediation Request Form**

<http://www.fldoe.org/core/fileparse.php/7675/urlt/0064494-mediationrequestform.pdf>

**FDOE Technical Assistance Paper - Education Related Florida Statutes and Rules 6A-6.03311 Procedural Safeguards and Due Process Procedures for Parents and Student with Disabilities**

<http://www.fldoe.org/core/fileparse.php/7690/urlt/1BTOC.pdf>



## E. Extended School Year (ESY)

The Extended School Year (ESY) program offers ESE services for students with disabilities beyond the typical 180-day school year at no cost to the parent. School districts are not required to provide ESY services for all students with disabilities. ESY is distinguished from other summer programs in that all therapies and nursing services are provided to the students as delineated in the student's IEP

The IEP team determines student eligibility for ESY, the type of services to be received, and the duration and frequency of services. The decision is based on the individual goals delineated on each student's IEP, in accordance with district procedures and federal mandates. Students who are eligible for ESY services can participate at any time within the timeframes specified. Services vary in intensity, type, and location depending upon the students' needs. Services are typically provided using the same calendar allotted for the basic summer school program. However, the calendar may be individualized based on the recommendations of the IEP team.

An IEP team decision to provide ESY services may be made at any time during the school year. In determining eligibility for ESY services, the IEP team examines data aimed at assessing the student's emerging skills, the prospect of regression during school recesses, anticipated time required for recoupment of critical life skills, rate of progress, and the nature or severity of the student's disability. At least two data sources, including the student's performance on alternate assessment, if applicable, must be reviewed by the IEP team in considering ESY placement for the student.

LEA representatives must ensure that the IEP team addresses the following guiding questions while weighing the propriety of ESY for the student. Answers to each question must be recorded in ESE-EMS:

- Do the data indicate the likelihood that significant regression will occur in critical life skills related to **academics**, or, for pre-Kindergarten students, **developmentally appropriate preacademic skills**, and that those skills cannot be recouped within a reasonable amount of time without ESY services? Will significant or substantial regression occur on IEP goal/related services without ESY services?
- Do the data indicate the likelihood that significant regression will occur in critical life skills related to **communication**, and that those skills cannot be recouped within a reasonable amount of time without ESY services? Will emerging critical life skills be significantly impacted without ESY services?
- Do the data indicate the likelihood that significant regression will occur in critical life skills related to **independent functioning and self-sufficiency**, and that those skills cannot be recouped within a reasonable amount of time without ESY services? Will behaviors related to the disability be significantly impacted without ESY services?
- Do the data indicate the likelihood that significant regression will occur in critical life skills related to **social/emotional development or behavior**, and that those skills cannot be recouped within a reasonable amount of time without ESY services? Will previously learned critical life skills/goals be significantly impacted without ESY services?
- Do the data indicate the likelihood that the student is at a **crucial stage** in the development of a critical life skill, and that a lapse in services would substantially



jeopardize the student's chances of learning that skill? This may include **emerging skills** as well as **critical points of instruction** on existing skills. Is the **nature or severity** of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of ESY services? The nature of the disability may include the student's **rate of progress**.

- Are there **extenuating circumstances** pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without ESY services?
- Is the student in need of ESY services?

IEP team decisions with respect to student eligibility for ESY services must be documented on ESE-EMS in the following ESY Sections:

- ESY Goals
- ESY Accommodations
- ESY Assistive Technology
- ESY Services
- ESY Transportation
- ESY Medications

ESY services **cannot** exceed services provided during the school year and must align with the student's current IEP.

RESOURCES
M-DCPS ESE ESY Website: <a href="https://esy.dadeschools.net/#!/rightColumn/1256">https://esy.dadeschools.net/#!/rightColumn/1256</a>

## F. Family Empowerment Scholarship Unique Abilities (FES UA) Program



The Family Empowerment Scholarship Unique Abilities (FES UA) Program which replaced the John M. McKay Scholarship Program for Students with Disabilities on July 1, 2022, is a State of Florida school choice program that allows families to identify a public or private school setting and utilize additional options to select programs and private providers to tailor their child's educational experience. Students that are currently participating in The John M. McKay Scholarship Program for Students with Disabilities will be able to remain in their current public or private school setting available under the FES UA program.

Recent legislation impacting the state's K-12 scholarship programs has expanded the Family Empowerment Scholarship Program into two branches of eligibility, the Family Empowerment Scholarship for Educational Options (FES EO) provides the choice of private school setting for students and the Family Empowerment Scholarship for Students with Unique Abilities (FES UA).

- FES UA offers families of students with disabilities, as young as 3 years of age, access to additional education options. Families may choose to enroll their student in another public school, **or** they may receive a personal education savings account (ESA) for their student to be used to cover expenses for private providers of services such as tutoring, counseling, and therapies.
- The FES UA Program allows parents to choose a public school other than their child's current assigned public school. Parents must apply for the scholarship through one of the approved Scholarship Funding Organizations (SFO) listed below. SFO agencies are responsible for determining eligibility, awarding, and distributing funding to eligible student accounts, and approving eligible expenditures.
- Upon receipt of approval, parents must complete the Family Empowerment Scholarship Unique Abilities District School Transfer Application ([FM 6063](#)) and transmit the completed form by e-mail to [ese@dadeschools.net](mailto:ese@dadeschools.net).
- Families must apply **and annually renew** their participation in FES UA through one of the approved SFO agencies.
- If a student is a current recipient of a John McKay scholarship and his/her private school continues to be an approved facility for state scholarship programs, the student can continue to attend the school using FES UA funds. Parents will be required to select **one** of the two SFO agencies to manage their FES UA funds. Additional information regarding the selection process will be provided to parents by e-mail from the FDOE, the student's current private school, and from the SFOs.
- Students using the John McKay Scholarship public school option will be able to continue attending their public school of choice under the FES UA public school option. The district will continue to work with families in facilitating requests for public-school choice.

Parents who may be interested in applying for the FES UA Program, should contact one of the two scholarship funding organizations that administer these programs:

[A.A.A. Scholarship Foundation- FL, LLC](#)

P.O. Box 15719

Tampa, Florida 33684

Phone/Fax: 888-707-2465

[info@aaascholarships.org](mailto:info@aaascholarships.org)

[Step Up For Students](#)

P.O. Box 54367

Jacksonville, Florida 32245-4367

Phone: 877-735-7837

[info@stepupforstudents.org](mailto:info@stepupforstudents.org)

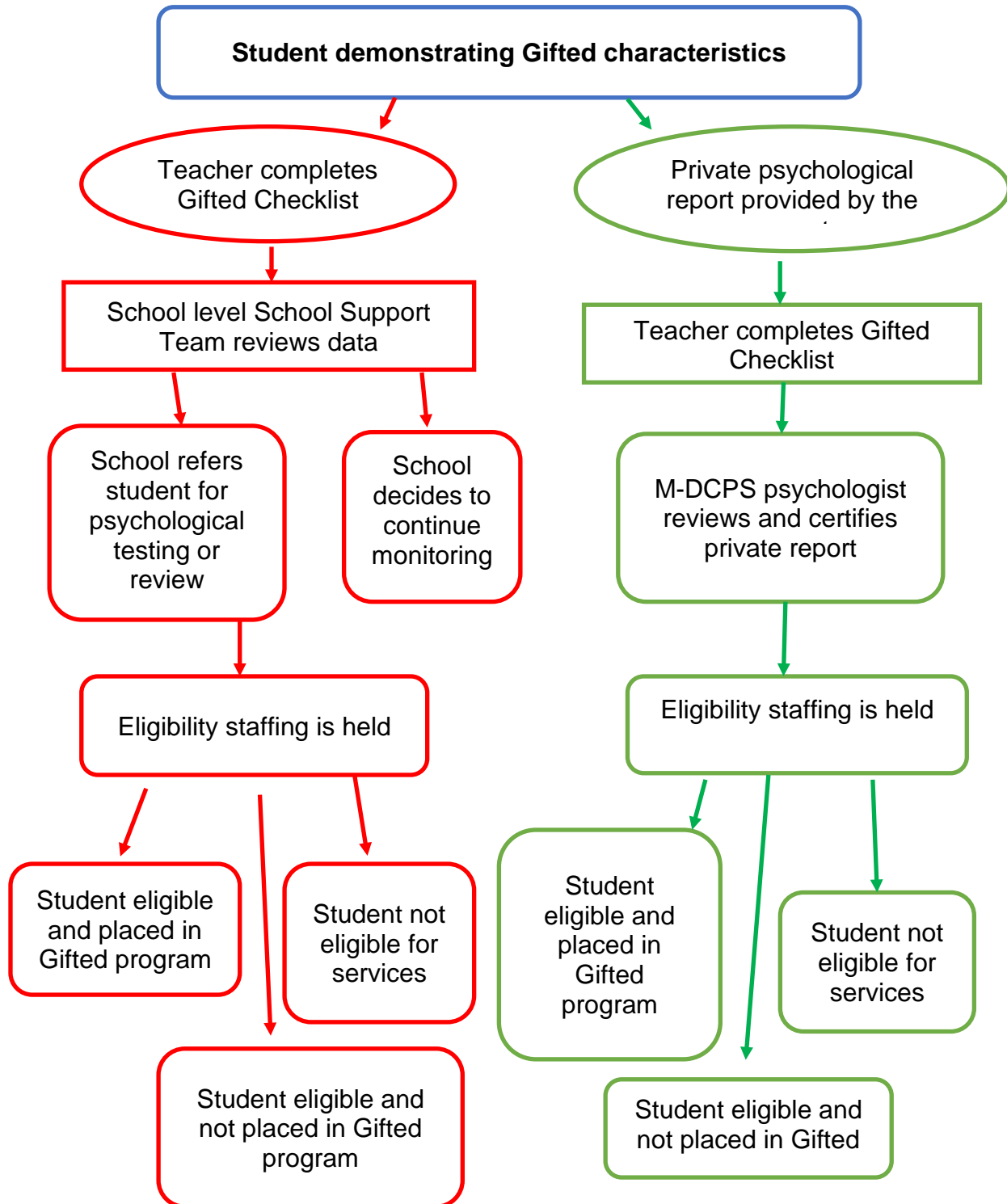
LEA representatives must ensure that parents receive the FES US Fact Sheet during every IEP meeting. The form is distributed through ESE-EMS.

FORMS
<b>FM 6063 – Family Empowerment Scholarship Unique Abilities District School Transfer Application</b> <a href="https://api.dadeschools.net/wmsfiles/61/pdfs/6063.pdf">https://api.dadeschools.net/wmsfiles/61/pdfs/6063.pdf</a>

RESOURCES
<b>Florida Department of Education – Office of Parental Choice Information Hotline:</b> 1-800-447-1636
<b>Florida Department of Education – School Choice Website:</b> <a href="http://www.fldoe.org/schools/school-choice/">http://www.fldoe.org/schools/school-choice/</a>
<b>Florida Department of Education – The McKay Transition to FES FAQ</b> <a href="https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/mckay/fes-faqs.stml">https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/mckay/fes-faqs.stml</a>
<b>M-DCPS Family Empowerment Scholarship Unique Abilities (FES UA):</b> <a href="https://familyempowermentscholarshipua.dadeschools.net/#!/rightColumn/5029">https://familyempowermentscholarshipua.dadeschools.net/#!/rightColumn/5029</a>

## G. Gifted Referral Process

### Referral Process for Gifted Eligibility



FORMS
<b>FM 7051 - Gifted Characteristics Checklist</b> <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/7051.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/7051.pdf</a>

RESOURCES
<b>Advanced Academics Website:</b> <a href="http://advancedacademicprograms.dadeschools.net">http://advancedacademicprograms.dadeschools.net</a>

## H. Homebound or Hospitalized Instructional Program (HHIP)

The Homebound/Hospitalized Instructional Program (HHIP) is available for students with disabilities who are confined to the home, hospital, or other medical facility. Medical authorization signed by a licensed physician is required for participation in HHIP. As guided by the requirements set forth in the student's IEP, a certified teacher provides instruction in the student's home or hospital room, or the student is assigned to participate in a virtual class from his/her home. Parents and students must sign an agreement which specifies their responsibilities during the student's enrollment in the program. Students who are not students with disabilities but due to sudden illness, accident or other situation are now confined to the home, hospital or medical facility for a minimum of 15 school days in succession can be included in the HHIP.

- **Criteria for HHIP**

A referral to the HHIP can be made by the student's doctor, hospital personnel, teacher, counselor or parent. Eligibility requirements include medical certification that the student is expected to be absent from school a minimum of fifteen (15) consecutive school days. The Request for Consideration of Enrollment in the Homebound/Hospitalized Instructional Program ([FM 5539](#)) signed by the parent and the student's physician should be submitted to the LEA representative without delay. The student is not required to accrue absences in order to submit the form.

Upon receipt of the completed request, the school LEA representative must ensure that the form is transmitted by fax (305-447-3761) to the Brucie Ball Educational Center (BBEC) with a completed Consent Form for Mutual Exchange ([FM 2128](#)) authorizing BBEC staff to contact the physician.

For students referred to HHIP by a physician's medical diagnosis, a BBEC staff member will contact the family to arrange a staffing or IEP meeting to consider HHIP placement and the development of an initial or updated IEP. The meeting will be held at BBEC or virtually via Zoom. Personnel from the referring school may attend the meeting. BBEC personnel will collaborate with the referring school to secure pertinent information and documents prior to the IEP meeting. During the IEP meeting, the parent and student will be required to sign the Miami-Dade County Public Schools Homebound/Hospitalized Instructional Program Parent and Student Agreement, ([FM 6887](#)).

For students referred to HHIP in light of a physician's psychiatric diagnosis, the completed [FM 5539](#) and [FM 2128](#) must be provided by the LEA representative to the corresponding ESE Service Center to schedule an IEP meeting at the student's current school. IEP team members will review the range of programmatic options available for the student. If the student was previously placed as a student with ASD, E/BD or IND, a district representative from the appropriate ESE program and a representative from BBEC will attend the IEP meeting.

In the event that HHIP placement is considered appropriate for the student, particularly if the student must access his/her education at home to accommodate treatment involving a stabilizing medication or the student is in the midst of an acute phase of their disorder (that prohibits the student from leaving the home to attend school), the IEP team may determine that the student is eligible for HHIP services for a period of up to six months.

At the conclusion of the HHIP placement period of up to six (6) months, a reevaluation may be conducted by the appropriate BBEC and M-DCPS staff. The IEP team will be convened by BBEC to review the reevaluation results and the student's Present Levels of Academic Achievement and Functional Performance (PLAFF) and current educational needs. The IEP team may recommend that the student:

- Continue HHIP placement for an additional specified period;
- Return to the home school with supports, as needed;
- Receive specially designed instruction and/or related services in the assigned school as an ESE student.

- **Dismissal from HHIP**

For students who have an exceptionality in addition to HHIP, as the end of the student's HHIP placement period approaches:

1. The BBEC placement specialist will schedule an IEP meeting at BBEC or virtually to consider dismissal from HHIP placement and to develop a new IEP that will be implemented at the receiving school.
2. The principal/designee or LEA representative of the student's receiving school will be notified and invited to attend the meeting as personnel from the student's receiving school must participate in the meeting either in-person or virtually through Zoom.

The student will not be permitted to enroll in his/her regular school or at the receiving school absent completion of the IEP meeting by BBEC personnel and dismissal from HHIP. The IEP team will review the student's current needs and amend the IEP accordingly.

For students who do not have an exceptionality in addition to HHIP, as the end of the student's HHIP placement period approaches:

1. The BBEC placement specialist will schedule an IEP meeting at BBEC or virtually to consider dismissal from HHIP placement. In addition, if the IEP team determines that an evaluation to determine eligibility in another special education exceptionality is needed and has not occurred, then the evaluation is scheduled at that time.



### FORMS

**FM 2128** - Consent Form for Mutual Exchange of Information

<http://api.dadeschools.net/wmsfiles/61/pdfs/2128.pdf>

**FM 5539** - Request of Consideration of Enrollment in the Hospital Homebound Instructional Program

<http://api.dadeschools.net/wmsfiles/61/pdfs/5539.pdf>

### RESOURCES

**Weekly Briefing #: 16640** – Hospital Homebound Instructional Program Education Policy Revisions

## **I. Model Communication Plan (MCP)**

For students who have been identified as deaf or hard of hearing (DHH) or dual sensory impaired (DS), the Model Communication Plan (MCP) is a required component of the initial and annual IEP process. The LEA representative must ensure that the MCP is completed and updated at each IEP meeting to address the student's:

1. current language and communication needs;
2. opportunities for direct communication with peers and professional personnel in the student's language and communication mode;
3. current academic level; and
4. full range of needs, including opportunities for direct instruction in the student's language and communication mode.

The LEA representative must also ensure that a representative from the district's Deaf and Hard of Hearing Services office or a teacher of the Deaf and Hard of Hearing is invited and attends each initial and annual IEP meeting to verify that the MCP is reviewed effectively and revised as needed.

<b>RESOURCES</b>
<b>FDOE Communication Plan (Fillable Form)</b> <a href="https://www.fldoe.org/core/fileparse.php/7690/urlt/14CommunicationPlan.doc">https://www.fldoe.org/core/fileparse.php/7690/urlt/14CommunicationPlan.doc</a>

## J. Nursing Services

### Procedures for Requesting In-School Nursing Services: Initial Orders

In-school nursing services may be considered for students after the IEP/504 team reviews the health-related needs, develops necessary accommodations, and implements all appropriate options available through the Comprehensive Health Services Office. In-school nursing services may be appropriate for students who are **unable** to self-administer treatment with supervision by trained school staff in accordance with Florida Statute 1006.062.

The IEP/504 In-School Nursing Contact needs to follow the steps below when in-school nursing services are to be considered:

1. School site staff provides parent the necessary forms with the student's name and demographic information completed. (Refer to Weekly Briefing #31512.)  
Forms include:
  - a. Physician's Referral for In-School Nursing ([FM-4560](#)) (pages 1 and 2)
  - b. Authorization for Medication ([FM 2702](#)) (one medication per form)
  - c. Consent Form for Mutual Exchange of Information ([FM 2128](#))
  - d. If a student has a diagnosis of one of the categories below, an Action Plan **must** also be completed:
    - Asthma, Asthma Action Plan ([FM-7683](#))
    - Diabetes, Diabetes Medical Management Plan/Treatment Authorization ([FM-7596](#))
    - Seizures, Seizure Action Plan ([FM-7682](#))
    - Allergies, Weekly Briefing ID#: 19576
2. Parent follows up with physician and returns the completed forms, the In-School Nursing Services Request packet, to school staff.
3. The IEP/504 In-School Nursing Contact must be aware of the appropriate authorization forms to be completed to comply with the requirements under the Florida School Health Administrative Guidelines. The IEP/504 In-School Nursing Contact must ensure the following:
  - A. Physician's Referral for In-School Nursing ([FM 4560](#)), is completed by the physician.
  - B. The Action Plan is completed by physician. Parent signs the plan in the designated area.
  - C. Authorization for Medication ([FM 2702](#)), is completed by the physician for each medication. Parent signs in the designated area.
    - For diabetes, utilize Diabetes Medical Management Plan/Treatment Authorization ([FM 7596](#)), as this takes the place of C, above.
  - D. Consent Form for Mutual Exchange of Information ([FM 2128](#)), is completed by the parent. IEP/504 In-School Nursing Contact verifies the name of the physician(s) completing the medical documentation is listed on [FM 2128](#).

4. IEP/504 In-School Nursing Contact scans the forms and transmits the completed packet by e-mail to [In-Schoolnursing@dadeschools.net](mailto:In-Schoolnursing@dadeschools.net), and hand delivers the in-school nursing request packet originals to the respective ESE Service Center or to JRE Lee Educational Center.
5. The District In-School Nursing Liaison reviews the packet and determines if the packet documents and supports the need for nursing services. If a packet is incomplete or services are unclear, an email will be sent requesting clarification.
6. The District In-School Nursing Liaison will designate nursing support with the contracted vendor and the date that nursing services are scheduled to begin.
7. Upon approval of the nursing services, the District In-School Nursing Liaison will email directions to the respective ESE Service Center, the school's administration, and the School's IEP/504 In-School Nursing Contact providing instructions for documenting nursing services on the student's IEP or Section 504 Plan.
  - a. *Do not add Nursing Services to the IEP or 504 until a start date is provided.*
  - b. *Once the IEP/504 meeting has taken place, reply "all" to the instructions email and attach the updated plan.*

## **Procedures for In-School Nursing Services: Annual Updates/Change Orders/Discontinuation**

### **Annual Updates/Change Orders**

In-school nursing services provided for students with health-related needs must be updated annually. **Nursing services cannot be provided for students with expired orders.**

**When renewing orders, the required forms are the same as when requesting nursing services for the first time. When the physician indicates a change in orders, the required forms are the same as when requesting nursing services for the first time.**

The IEP/504 In-School Nursing Contact needs to follow the steps below when in-school nursing services are up for renewal:

1. School site staff provides parent the necessary forms with the student's name and demographic information completed. (Refer to Weekly Briefing #31512.)

Forms include:

  - a. Physician's Referral for In-School Nursing ([FM-4560](#)) (pages 1 and 2)
  - b. Authorization for Medication ([FM-2702](#))(one medication per form)
  - c. Consent Form for Mutual Exchange of Information ([FM-2128](#))
  - d. If a student has a diagnosis of one of the categories below, an Action Plan **must** also be completed:
    - Asthma, Asthma Action Plan ([FM-7683](#))

- Diabetes, Diabetes Medical Management Plan/Treatment Authorization ([FM-7596](#))
  - Seizures, Seizure Action Plan ([FM-7682](#))
  - Allergies, Weekly Briefing ID#19576
2. Parent follows up with physician and returns the completed forms to school staff.
  3. The IEP/504 In-School Nursing Contact must be aware of the appropriate authorization forms to be completed to comply with the requirements under the Florida School Health Administrative Guidelines. The IEP/504 In-School Nursing Contact must ensure the following:
    - A. Physician's Statement ([FM 1920](#)) is completed by the physician.
    - B. The Action Plan is completed by physician. Parent signs the plan in the designated area.
    - C. Authorization for Medication ([FM 2702](#)), is completed by the physician for each medication. Parent signs in the designated area.
      - For diabetes, utilize Diabetes Medical Management Plan/Treatment Authorization ([FM 7596](#)), as this takes the place of C, above.
    - D. Consent Form for Mutual Exchange of Information ([FM 2128](#)), is completed by the parent. IEP/504 In-School Nursing Contact verifies the name of the physician(s) completing the medical documentation is listed on [FM 2128](#).
  4. IEP/504 In-School Nursing Contact scans the forms and transmits the completed packet by e-mail to [In-Schoolnursing@dadeschools.net](mailto:In-Schoolnursing@dadeschools.net), and hand delivers the in-school nursing request packet originals to the respective ESE Service Center or to JRE Lee Educational Center.
  5. The District In-School Nursing Liaison reviews the packet and ensures the packet is complete. If a packet is incomplete or services are unclear, an email will be sent requesting clarification. If the packet is complete, in-school nursing services will continue and no e-mail correspondence is necessary.
  6. The District In-School Nursing Liaison will communicate with the vendor and share the In-School Nursing Services packet with the updated orders.
  7. The School's IEP/504 In-School Nursing Contact must schedule the annual update meeting to the IEP/504 plan.

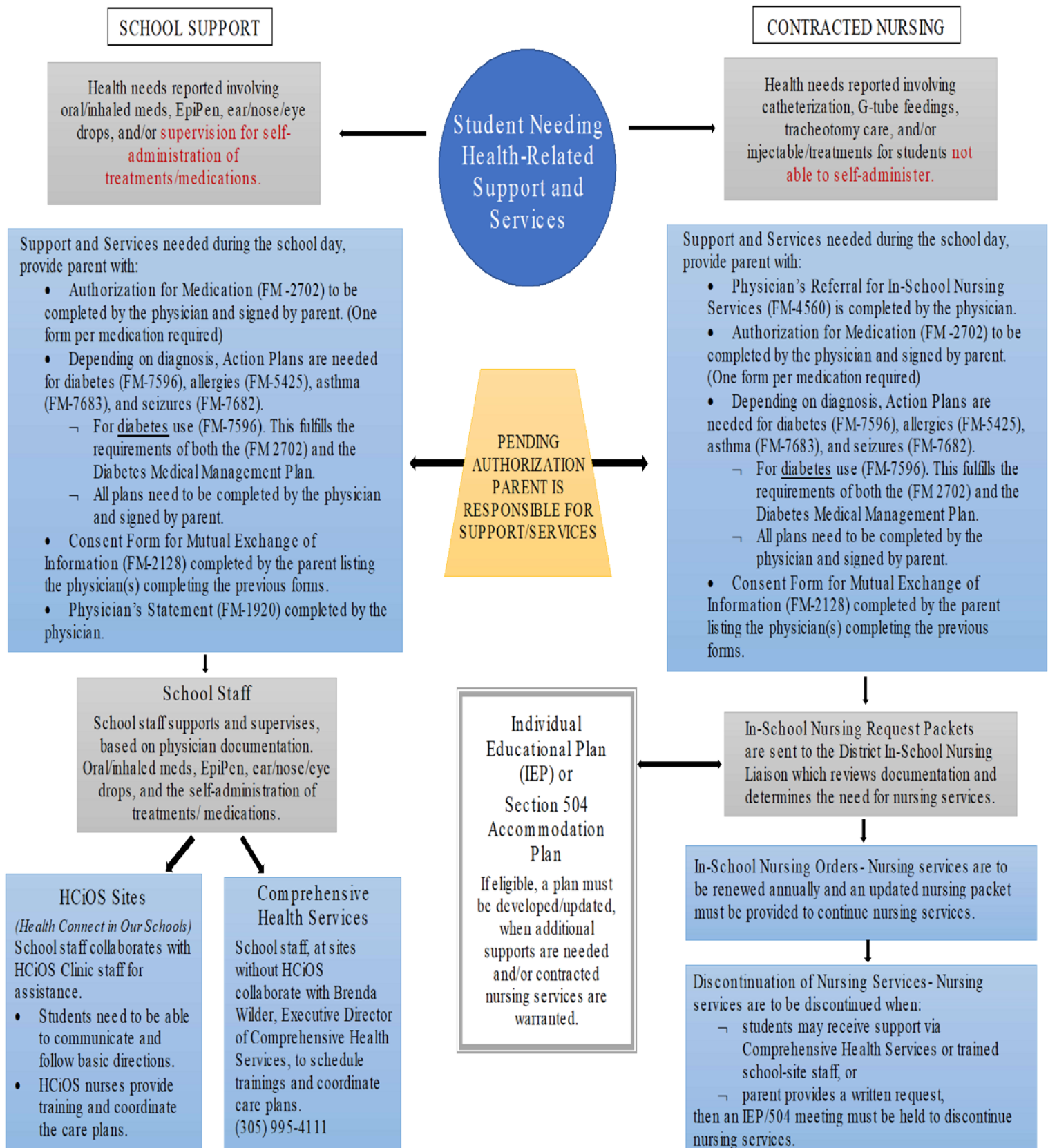
### **Discontinuation**

In-school nursing services provided for students with health-related needs requesting to discontinue service, either by the physician or the parent, must provide written documentation with the request.

The School's IEP/504 In-School Nursing Contact must follow these steps:

- When the parent requests for their child to no longer receive in-school nursing services, the request must be made in writing.

- When the IEP/504 In-School Nursing Contact receives a discontinuation of nursing services request:
  1. Notify the District In-School Nursing Liaison via e-mail to [In-Schoolnursing@dadeschools.net](mailto:In-Schoolnursing@dadeschools.net) and attach the documentation indicating discontinuation request.
  2. Schedule an IEP/504 to remove in-school nursing services from the plan.





### FORMS

**FM 2128** - Consent Form for Mutual Exchange of Information

<http://api.dadeschools.net/wmsfiles/61/pdfs/2128.pdf>

**FM 2702** - Authorization for Medication

<http://api.dadeschools.net/wmsfiles/61/pdfs/2702.pdf>

**FM 4560** - Physician's Request for In-School Nursing and or Respiratory Therapy

<http://api.dadeschools.net/wmsfiles/61/pdfs/4560.pdf>

**FM 7596** - Diabetes Medical Management Plan/Treatment Authorization (DMMP)

<http://api.dadeschools.net/wmsfiles/61/pdfs/7596.pdf>

### RESOURCES

**Florida Statue 1006.062, Administration of medication and provision of medical services by district school board -personnel -**

<http://www.flsenate.gov/Laws/Statutes/2011/1006.062>.

**Weekly Briefing ID#: 31512** - Procedures to Request In-School Nursing Services

## K. Occupational Therapy/Physical Therapy

Occupational Therapy (OT) and Physical Therapy (PT) are related services designed to support a student's educational goals in achieving FAPE. The services are educationally relevant and are not provided to address underlying medical or rehabilitative conditions as the intent is to support the student's motor and/or sensory needs to facilitate his/her participation in the curriculum. The LEA representative should ensure that the student's need for OT and/or PT is discussed during the IEP or Section 504 meeting and properly recorded in the Conference Notes section of the IEP.

Occupational and Physical Therapy		
Therapy	Goal	Qualification for ESE Eligibility
Occupational Therapy (OT) provided by a school-based qualified occupational therapist	Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.	Provided to students whose physical, motor or neurological deficits result in significant dysfunction in daily living skills, academic learning skills, or adaptive, social or emotional behaviors to a degree that hinders the student's effective participation in the instructional environment.
Physical Therapy (PT) provided by a school-based qualified physical therapist	A specially prescribed program directed toward the development, improvement, or restoration of neuromuscular or sensorimotor function, relief of pain, or control of postural deviations to attain the exceptional student's functional performance in an educational setting.	A student must have one or both of the following: identified physical impairment, motor deficits, or developmental delays that significantly interfere with the achievement of learning; muscular or neuromuscular conditions, skeletal deformities, trauma, and physically debilitating conditions that limit the student's ability to attain functional performance within the educational setting.

The request for OT and/or PT services during an IEP meeting must be reflected in the Conference Notes section of the IEP. LEA representatives must adhere to the following procedures to request an assessment for OT and/or PT:

- **Procedure to Request Student Assessment for OT**

1. The current IEP or Section 504 Plan must be implemented, and the impact of existing strategies and accommodations must be documented in order to determine their effectiveness prior to submitting a request for an OT/PT assessment. If current interventions, strategies and accommodations have not succeeded in meeting the student's motor needs, a request for an OT assessment should be submitted.
2. An assessment for OT does not require a medical referral.
3. The LEA representative secures a completed Request and Consent for PT/OT Assessment ([FM 6552](#)) from the student's teacher and obtains signatures from a school administrator and the student's parent.
4. The completed [FM 6552](#) and a copy of the student's current IEP or Section 504 Plan must be transmitted as a complete packet in a single e-mail addressed to [ESEOTPT@dadeschools.net](mailto:ESEOTPT@dadeschools.net). Information regarding the results of strategies that have been implemented to date for the student and specific issues that may require OT support should be included in the e-mail message.

- **Procedure to Request Student Assessment for PT**

1. The current IEP or Section 504 Plan must be implemented, and the impact of existing strategies and accommodations must be documented in order to determine their effectiveness prior to submitting a request for an OT/PT assessment. If current interventions, strategies and accommodations have not succeeded in meeting the student's motor needs, a request for a PT assessment should be submitted.
2. The LEA representative secures a completed Request and Consent for PT/OT Assessment ([FM 6552](#)) from the student's teacher and obtains signatures from a school administrator and the student's parent.
3. Physician's Referral for Physical Therapy Assessment ([FM 2515](#)) must be provided to the parent requesting their assistance in securing a completed form from the student's physician.
4. The completed [FM 6552](#), [FM 2515](#) and a copy of the student's current IEP or Section 504 Plan must be transmitted as a complete packet in a single e-mail addressed to [ESEOTPT@dadeschools.net](mailto:ESEOTPT@dadeschools.net). Information regarding the results of strategies that have been implemented to date for the student and specific issues that may require PT support should be included in the e-mail message.

- **Private OT or PT Evaluations Submitted by Parents:**

If the parent submits an OT or PT evaluation from a privately hired OT or PT therapist to request OT and/or PT services for the student, the parent must be instructed to sign Consent Form for Mutual Exchange of Information ([FM 2128](#)). The private evaluation serves as an additional source of information reviewed by the district-based therapist and is not dispositive in determining whether the request for OT and/or PT services will be granted.

Upon receipt of the signed [FM 2128](#), the LEA representative must schedule an interim IEP meeting to discuss the student's needs for additional supports through OT and/or PT. For students who have a Section 504 Plan, the LEA representative convenes an SST meeting to review the private evaluation data and determine if additional data are needed. In the event that the IEP/504 team determines that OT and/or PT services may be required for the student, the private evaluation will be included in the packet with a completed [FM 6552](#) and the signed [FM 2128](#) to request an assessment by a district-based OT or PT therapist.

- **Recommendations for Change in Frequency or Discontinuation of Services:**

### **Change in Frequency of OT/PT Services**

Recommendations to revise the frequency of OT or PT services can be made by the assigned service provider and the IEP team, are processed by the LEA representative through an interim IEP meeting to review the proposed adjustment. The NOM includes the assigned OT/PT therapist(s) as an IEP team member and clarifies that a proposed change in the frequency of OT/PT services will be considered during the meeting. The IEP team's decision regarding the proposed changes in the frequency of OT/PT services must be recorded on the Request for a Change in Frequency and transmitted by e-mail to [ESEOTPT@dadeschools.net](mailto:ESEOTPT@dadeschools.net) or by fax to 786-268-4746.

A Prior Written Notice of Proposal or Refusal (PWNPR) must be completed to document any change in the frequency of OT and/or PT services and the Conference Notes section of the IEP must be updated accordingly.

### **Discontinuation of OT or PT Services**

Recommendations to discontinue OT and/or PT services can be made by the assigned service provider and the IEP team and are processed by the district staffing specialist. Following the staffing specialist's receipt of a notice by the OT/PT office to consider discontinuation of services, the staffing specialist will contact the assigned OT/PT therapist(s) and the LEA representative to schedule an interim IEP meeting to discuss the recommendation. The LEA representative must issue a NOM that includes the assigned OT/PT therapist(s) as an IEP team member and clarifies that the proposed termination of OT/PT services will be considered during the meeting. The IEP team's decision regarding the proposed discontinuation of OT/PT services must be recorded on the Request for a Change in Frequency and transmitted by e-mail to [ESEOTPT@dadeschools.net](mailto:ESEOTPT@dadeschools.net) or by fax to 786-268-4746.

A Prior Written Notice of Proposal or Refusal (PWNPR) must be completed to document any change in the provision of OT and/or PT services and the Conference Notes section of the IEP must be updated accordingly.

## **Procedures for Students Transferring into M-DCPS**

For students with active IEPs denoting OT/PT services transferring from other counties, the LEA representative must convene an IEP meeting to generate a new M-DCPS IEP and secure a completed [FM 6552](#). The frequency for OT/PT services indicated on the out of county IEP must be reflected on the M-DCPS IEP and the LEA representative must immediately notify the OT/PT therapist(s) who provides services for the school that a new transfer student with OT/PT services on the IEP has enrolled at the school. The OT/PT therapist will review the completed [FM 6552](#) and the out of county IEP in conducting an assessment. The results of the OT/PT therapist's assessment are reviewed during a follow-up interim IEP meeting. The interim IEP meeting will be led by a district staffing specialist if the results of the assessment recommend no further OT/PT services.

1. For students entering M-DCPS with an expired IEP that included the provision of OT or PT services, a newly generated IEP must not indicate OT or PT services as the services expired with the outdated IEP. The LEA representative must direct the IEP team to consider requesting an updated OT or PT assessment in accordance with the procedures set forth above for initial assessments. An interim IEP meeting should be scheduled after the student has had an opportunity to accommodate to his/her new educational setting and thereby afforded the student's teacher(s) and the assigned OT or PT therapist an ability to observe the student and obtain current relevant data that will guide the assessment.

## **OT/PT Procedures for Students Transitioning to HHIP**

The IEP team must discuss whether the goal(s) aligned to the OT/PT services should or can continue to be implemented by the HHIP teacher in the HHIP setting.

If the goal is appropriate and therapy support may be necessary, the frequency of therapy services is added to the IEP and parents/guardians are provided forms Change in Health Status ([FM 4502](#)) and Request and Consent for PT/OT Assessment ([FM 6552](#)).

Upon receiving these forms, the therapists will schedule an assessment during the teacher's visits.

## Occupational Therapy and Physical Therapy Courses

LEA representatives must ensure that students with OT/PT services on their IEP are scheduled into the appropriate courses. Corresponding course codes are listed below.

Course Codes	Grades
OT 7763050	Pre-K- 5th
PT 7763070	Pre-K- 5th
OT 7866050	6 <sup>th</sup> – 8 <sup>th</sup>
PT 7866070	6 <sup>th</sup> – 8 <sup>th</sup>
OT 7966020	9 <sup>th</sup> – 12 <sup>th</sup>
PT 7966010	9 <sup>th</sup> – 12 <sup>th</sup>

### FORMS

**FM 2515** - Physician's Referral for Physical Therapy Assessment

<http://api.dadeschools.net/wmsfiles/61/pdfs/2515.pdf>

**FM 4502** - Physician's Referral for Change in Health Status for Physical and Occupational Therapy

<http://api.dadeschools.net/wmsfiles/61/pdfs/4502.pdf>

**FM 6552** - Request and Consent for PT/OT Assessment

<http://api.dadeschools.net/wmsfiles/61/pdfs/6552.pdf>

## **L. Private Service Providers in Educational Setting**

- **Permitting Private Service Providers in the Educational Setting**

By law, public schools must permit private service providers hired by parents to observe students in the educational setting, collaborate with public school instructional personnel, and provide services for the student at school. Private providers include applied behavior analysts, registered behavior technicians (RBT), speech-language pathologists, occupational therapists, physical therapists, psychologists, and clinical social workers.

Private providers must meet the standards of good moral character applicable to public school personnel and they must possess a valid and current certificate or license in their field. School administrators must require proof of certification or licensure and refer private providers to the M-DCPS Fingerprinting Office to complete mandatory Level 2 background screening, prior to granting the provider access to observe or deliver services to students. Private providers who lack certification or licensure for their field shall not be granted access to provide services for students at the school site. Refer to [Weekly Briefing #: 31173](#) for further clarification.

- **Request for Private Services**

Parents and private providers must initiate requests to permit a private provider to deliver services for students at the school by submitting a completed Application for Public-Private Collaboration ([FM 7514](#)). The completed form must include information regarding the purpose and requested frequency, duration, and location for the private service. Private providers and parents must also sign Agreement-Public-Private Collaboration ([FM 7515](#)) and a Consent Form for Mutual Exchange of Information ([FM 2128](#)) must also be signed by the parent. All forms must be placed in the student's cumulative folder.

To foster collaboration, public-school personnel must consent to the time and place for the delivery of private services in the educational setting. All parties must ensure that private services will not disrupt or intrude on instructional time. To that end, school administrators must schedule private therapy providers on alternate days that do not conflict with similar therapeutic services offered by M-DCPS personnel for the student. School administrators must instruct private providers to sign in and out in the school's main office as they arrive and depart each day.

The services delivered by a private provider do not alter the district's obligation to provide services and supports for a student as delineated in the IEP or Section 504 Plan. LEA representatives may include information regarding the student's receipt of private therapy services in the Conference Notes section of the student's IEP, but information regarding private provider services must not be documented in the content areas of the IEP.



### FORMS

**FM 2128** – Consent Form for Mutual Exchange of Information

<http://api.dadeschools.net/wmsfiles/61/pdfs/2128.pdf>

**FM 7515** – Agreement – Public-Private Collaboration

<http://api.dadeschools.net/wmsfiles/61/pdfs/7515.pdf>

### RESOURCES

**Weekly Briefing #: 31173** – Guidelines for Permitting Private Service Providers in the Educational Setting

## **M. Procedural Safeguards**

Parents of students with disabilities who have IEPs must receive a copy of the Notice of Procedural Safeguards for Parents of Students with Disabilities (Procedural Safeguards) at least one time during the school year. Procedural Safeguards include information regarding the right to prior written notice, parental consent, access to educational records, the availability of mediation and the opportunity to present and resolve complaints through applicable state complaint and due process hearing procedures. The Procedural Safeguards also address independent educational evaluations, procedures for students who are subject to placement in an interim alternative educational setting, requirements for the placement of students with disabilities in private school by their parents at public expense, and civil actions and attorney's fees.

- **Procedures**

The LEA representative must provide a copy of the Procedural Safeguards to the parents through Distribution Manager on ESE-EMS with the written notice of the annual IEP meeting. Distribution through ESE-EMS automatically records the date that the Procedural Safeguards were provided to the parent on the IEP.

The LEA must ensure that a copy of the Procedural Safeguards is provided to the parent during each of the following instances:

- Upon initial referral or parent request for a psycho-educational evaluation;
- In accordance with applicable discipline procedures when a change in placement occurs;
- Upon the receipt of the first state complaint from the parent in a school year;
- Upon the receipt of the first request for a due process hearing from the parent in a school year;
- Upon request by a parent, and/or;
- Upon the recommendation by the Superintendent to the FDOE Commissioner of Education that an extraordinary exemption for a given state assessment be granted or denied for a student.

The Procedural Safeguards must be provided to the parent in the native language or other mode of communication used by the parent, unless it is not feasible to do so. Procedural Safeguards are available on ESE-EMS in English, Spanish and Haitian-Creole and additional foreign language versions of the Procedural Safeguards are available on the FDOE and M-DCPS Department of ESE websites. The IEP team should ensure that parents understand their rights and responsibilities as set forth in the Procedural Safeguards.

## RESOURCES

**Florida Department of Education Notice of Procedural Safeguards for Parents of Students with Disabilities:** <http://www.fldoe.org/academics/exceptional-student-edu/beess-resources/presentations-pubs/#p>

**M-DCPS ESE Website:** <https://ese2.dadeschools.net/#!/fullWidth/4369>

## **N. Referrals to ESE Center School Procedures: Ruth Owens Kruse or Robert Renick Educational Centers**

According to Section 1003.5715, Florida Statutes, the IEP team determines the proposed action of placing the child in an ESE Center. The proposed action is determined necessary in order for the child to receive a free appropriate public education.

A child may not be placed in an ESE Center unless the parent has provided written consent, or the district has made documented and reasonable effort to obtain the parent's consent and they have failed to respond, or a district obtains approval through a due process hearing and/or appeals process.

The form for ESE Center school placement must be completed by the IEP team and signed by the parent. The form can be located in ESE -EMS within the IEP event for ESE Center placement. This same form must be completed and signed by the parent at every annual review IEP meeting. Please note – if the parent chooses to rescind/revoke consent to the ESE Center placement, the IEP team must convene to review present levels and data to determine if the child should return to their program school. If the team determines that the child continues to require ESE Center placement, the parent must sign stating that they do not consent for placement in an ESE Center and the district may obtain approval through a due process hearing and/or appeals process to have the student remain at the ESE Center.

Ruth Owens Kruse Educational Center and Robert Renick Educational Center are specialized schools designed to provide a structured, therapeutic educational setting for certain elementary, middle, and high school students identified as students with E/BD, ASD, OHI, and InD. The goal of the program is to enable students to increase self-control, develop more appropriate social skills and progress into a less restrictive environment.

The programmatic structure of the schools includes:

- Positive Behavior Interventions and Support
- Clinical and behavioral services infused throughout the day
- School-wide behavior management plan
- Instructional and support personnel for a low student/staff ratio

IEP Teams should review the following to ensure appropriateness of ESE Center placement:

### **Entrance Data Points for Review**

- Reevaluation Meeting held prior to IEP Meeting to review if further testing is needed
- Student Case Management updated to reflect services as well disciplinary actions
- Current psychiatric information from outside agencies, *if applicable*
- Ensure FBA and SE-BIP process is followed and is within the year timeline
  - Data should be graphed, and interventions aligned with IEP behavioral goals

### Exit Data Points for Review

- Successful progress towards replacement behavior
  - Steady progress to include positive trends through the level system
  - Student should be consistently progressing at an “Independent Level”
- Student should not be receiving referrals for attendance or disciplinary actions
- Careful review of FBA and SE-BIP process within the year timeline
  - Data should be graphed, and interventions aligned with IEP behavioral goals
  - Data must show steady improvement towards IEP behavioral goals
- Current psychiatric information from outside agencies, *if applicable*

**NOTE:** Typically, students attending Robert Renick Educational Center and Ruth O. Kruse Educational Center have already met criteria for exceptional student education and have participated in separate class E/BD settings at other schools. All attempts should be made to consider less restrictive settings before considering students for a Center School. In some instances, however, a Center School may be considered for a first-time ESE placement. The District ESE staff, ESE Service Center staff, and the Center School staff will consult each other on such cases.

FORMS
<b>FM 2128</b> – Consent for Mutual Exchange of Information <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/2128.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/2128.pdf</a>
<b>FM 6279</b> – Notice of Intent and Parental/Guardian Consent to Conduct a Screening <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/6279.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/6279.pdf</a>

## **O. Request for Additional IEP Support Allocation**

Requests to secure additional IEP support for a student, such as paraprofessional support, must be based on documented need that is clearly articulated in the Present Levels of Academic, Developmental and Functional Performance, and Supplementary Aids and Services sections of the IEP. The IEP must also specify targeted skills to support mastery among the IEP goals. On a quarterly basis, the IEP team must review IEP goals and chart the level of progress demonstrated by the student in determining whether additional IEP support will be continued.

When considering additional IEP support, the IEP team must consider:

- The level of academic and/or behavioral difficulties identified in the current IEP, along with strategies, accommodations and interventions to address same
- SE-BIP (including Progress Monitoring Data)
- Anecdotal records
- Medical documentation
- Student's class schedule
- Grade reports
- Other pertinent information

### **Procedures**

The LEA representative must schedule an IEP meeting to clearly document the student's individual needs with descriptive data supported statements that accurately depict the impact of the student's disability without the additional IEP supports sought. All statements and justifications for the student's added needs must be documented appropriately in one or more of the following areas of the IEP:

- Instructional/Academics
- Social/Emotional
- Behavioral
- Independent Functioning
- Health
- Transition

Complete the Additional IEP Support Allocation Worksheet with the IEP Team. This worksheet is merely a tool that school teams can use if they choose to capture notes on the need for additional IEP support.

If the IEP team agrees to request an additional IEP support, the LEA representative must document the request for additional IEP support and assistance in the Conference Notes section of the IEP by including the following statement "The IEP team recommends additional IEP support in the area(s) of Significant Need based on the student's need."

In the event that the IEP team disagrees with the request for additional IEP support sought by the parent, the LEA representative must complete a PWNPR and provide the parent

information regarding the right to seek a due process hearing or mediation. The LEA representative must document the IEP team's decision in the Conference Notes section of the IEP by including the following statement: "Parent/Legal Guardian/Adult Student are requesting additional IEP support. The IEP team will continue to document when and where additional support may be needed, and the nature and frequency of that support. The teacher will provide additional classroom supports as warranted, and the IEP team will reconvene in \_\_\_\_\_ to review data being collected."

If the IEP team determines that current allocations at the school are not adequate to support the student's IEP needs, the LEA representative must complete the following steps:

1. Complete Request for Additional IEP Support Allocation ([FM 6558](#)).
2. Transmit the completed ([FM 6558](#)) by e-mail to [ese@dadeschools.net](mailto:ese@dadeschools.net). The e-mail subject line should read *Additional IEP Support Allocation Request*.
3. The LEA representative must ensure that all required documents, including the signed IEP, FBA/SE-BIP, Assistive Technology Plan, communication plans, etc., have been uploaded to ESE-EMS.

Staff from the Department of ESE will review the documents provided and other relevant data and advise the school whether an on-site observation will be conducted. Based on the findings of the on-site observation and all information submitted data, a recommendation to approve or deny the request for additional IEP support allocation will be issued.

Following receipt of the decision rendered by the Department of ESE, the LEA representative will schedule an IEP meeting to consider the recommendations. If additional support allocation is approved by the Department of ESE, the Conference Notes section of the IEP must be revised to specify the services required by including the following statement: "Paraprofessional assistance is being provided to the student at this time. A goal(s) that the paraprofessional will support is documented in the goals section of the IEP. In addition, a Paraprofessional Support Assistance and Student Monitoring Plan will be completed and provided to the parent/guardian/adult student concurrent with every grading period."

The LEA representative must also complete a PWNPR due to change in FAPE and ensure that progress toward identified targeted skill(s) are documented and uploaded to ESE-EMS on a quarterly basis on the status of goals and on the Paraprofessional Support Assistance and Student Monitoring Plan. Similarly, if the Department of ESE declines to authorize additional IEP support allocation, the LEA representative with school administration needs to revisit existing IEP support resources and determine a plan for support. In addition, the LEA representative needs to inform the parent of the support plan. If the parent objects to the decision, the LEA representative must complete a PWNPR and provide the parent information regarding the right to seek a due process hearing or mediation.

### **On-going Annual Review**

The student's continued need for additional IEP support must be examined on a yearly basis and updated information must be documented in the Conference Notes of the annual IEP. The Status of Goals and Paraprofessional Support Assistance and Student Monitoring Plan



through ESE-EMS must also be updated each quarter to provide current information on the identified targeted skill(s) in accordance with every grading period.

For students that no longer require additional IEP support, the IEP team must document the change on the Conference Notes section of the IEP by including the following statement: "The IEP team has determined that the current IEP can be implemented with current school level resources and supports based on student's mastery of goals as evidenced on the Paraprofessional Support Assistance and Student Monitoring Plan and Status of Goals." The LEA representative must immediately notify the Department of ESE that a paraprofessional position is no longer required to provide additional IEP support for the student. A completed PWNPR must be submitted to note the change in FAPE.

FORMS
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<b>FM 6558 – Request for Additional IEP Support Allocation</b>
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<a href="http://api.dadeschools.net/wmsfiles/61/pdfs/6558.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/6558.pdf</a>
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## **P. Request for Sign Language Interpreters, American Sign Language (ASL) Interpretation or Transliteration Services**

In requesting the services of a sign language interpreter, the LEA representative must understand the difference between interpretation and transliteration. In particular:

1. **Interpretation:** The process of creating an equivalent meaning from the source language to the target language. (e.g., using an English/French bilingual interpreter to translate English language discourse into French for the French speaking participant).
2. **Transliteration:** The process of creating a message in a different mode within the same language, using literal translation (e.g., using an American Sign Language interpreter to communicate the substance of the English language discourse to the deaf or hard of hearing participant in ASL).

**All requests for sign language interpreters must be submitted by email to [ese@dadeschools.net](mailto:ese@dadeschools.net) not less than two (2) weeks prior to the meeting/event/activity.** In light of the limited availability of qualified sign language interpreters, requests made less than two (2) weeks prior to an event may result in the district's inability to provide an interpreter.

Requests must be transmitted by e-mail to [ese@dadeschools.net](mailto:ese@dadeschools.net) with "Sign Language Interpreter Services Request" as the e-mail subject title. Requests may also be submitted by fax to (305) 995-2049. The request must include the following information:

1. Type of event for which the sign language interpreter is sought (e.g., IEP meeting).
2. Meeting date, start time and estimated end time. Make accommodations for the interpreter to be a part of the program or event. Include any set up/preparation time. If the event exceeds the scheduled time allotted, the interpreter will try to accommodate.
3. If the interpreter is required for several dates and/or times (e.g., for block scheduling), the request must specify the dates, times and/or a copy of the schedule(s) for which interpreting services are required must be provided.
4. Address and location: correct address with any room number, specific location or Zoom link if virtual meeting.
5. Specify the language/transliteration method as not all individuals who are deaf/hard of hearing (DHH) use ASL. Please contact the Department of ESE at 305 995-1531 for assistance.
6. Name of the student who is DHH and student identification number.
7. Information and signatures from Sign Language interpreters if the interpreters are providing input for the IEP meeting or the meeting is a TIEP and the interpreter is providing direct services to the student in order to participate.

Note: For Sign Language Interpreter Services requests for parents/guardians and/or employees, the requests must be made through the M-DCPS Americans with Disabilities Act (ADA) Office. The Sign Language Interpreter Services Request for Parents/Guardians and/or Employees form, ([FM 7248](#)) must be submitted via email to [adaoffice@dadeschools.net](mailto:adaoffice@dadeschools.net).

## FORMS

**FM 6931** – Sign Language Interpreter Services Request for Post-Secondary Adult/Vocational Education Students

<http://api.dadeschools.net/wmsfiles/61/pdfs/6931.pdf>

**FM 7247** – Sign Language Interpreter Services Request for K-12 Students

<http://api.dadeschools.net/wmsfiles/61/pdfs/7247.pdf>

**FM 7248** – Sign Language Interpreter Services Request for Parents and/or Employees

<http://api.dadeschools.net/wmsfiles/61/pdfs/7248.pdf>

## **Q. Request for Spoken Language Interpreters**

In accordance with IDEA requirements and the State Board of Education vs. League of United Latin American Citizens (LULAC), et. al., consent decree, school districts must ensure that parents understand all meeting proceedings. To facilitate meaningful participation by parents whose native language is not English, the LEA representative must arrange for a spoken language interpreter to ensure that parents receive information in their native language and will thus be able to understand discussions regarding their child's identification, evaluation, educational placement and/or access to FAPE.

Spoken language interpreters must be proficient in English and in the foreign language they are interpreting for the parent. In the absence of the availability of a spoken language interpreter at the school, the LEA representative may secure a spoken language interpreter by contacting the Bilingual ESE Program several weeks prior to the scheduled meeting date. If an urgent IEP meeting is scheduled requiring a spoken language interpreter, the Bilingual ESE program will make every effort to accommodate the timeline. In the event that a spoken language interpreter cannot be secured by the Bilingual ESE Program office, district personnel may authorize the LEA representative to enlist a community or family member as the designated spoken language interpreter. However, if the parent requests an impartial spoken language interpreter, the LEA representative should arrange to comply with the parent's request.

In working with students who are ESOL Levels 1-4 and whose dominant language has not been determined to be English by a Language Proficiency Dominance Screening, evaluation specialists such as school psychologists or speech/language pathologists must use a spoken language interpreter when conducting the assessment.

- **Requesting an Interpreter**

To request a spoken language interpreter, submit the request to the Bilingual ESE Program by e-mail to [ese@dadeschools.net](mailto:ese@dadeschools.net), with "Request for Interpreter-Spoken Language" as the e-mail subject title. The request must include the following information:

1. Type of event for which the spoken language interpreter is sought (e.g., IEP meeting).
2. Meeting date, start time and estimated end time.
3. Address and location: correct address with any room number, specific location or Zoom link if virtual meeting.
4. Name of the student, student identification number and ESOL Level.
5. Name, telephone number and e-mail address of the individual submitting the request.
6. Name, telephone number and e-mail address of the onsite contact person (if different from the individual submitting the request).

To cancel or revise a request for a spoken language interpreter, the LEA representative must send an email to [ese@dadeschools.net](mailto:ese@dadeschools.net) no later than 72 hours before the scheduled meeting.

Prior to scheduled meetings, if the LEA representative is aware that the parent will require

a spoken language interpreter, the LEA representative must record **the name of the spoken language interpreter on the NOM**. At the conclusion of the meeting, the LEA representative should also ensure that the spoken language interpreter signs the signature page of the IEP (the interpreter will sign twice if he/she serves another role on the IEP team).

If the LEA representative learns during the meeting that a spoken language interpreter is required, the LEA representative must designate a member of the IEP team as the spoken language interpreter and **the use of the spoken language interpreter must be documented in the Conference Notes section of the IEP**. The spoken language interpreter should be instructed to sign the signature page of the IEP (the interpreter will sign twice if he/she serves another role on the IEP team). In the absence of the availability of a spoken language interpreter at the school, the LEA representative must reschedule the meeting to ensure that parental rights are protected.

## **R. Revocation of Special Education Services**

- **Informed Notice of Revocation of Consent for Special Education Services**

In the event that a parent submits a written revocation of consent for special education services seeking the termination of special education and related services for a student, the district must discontinue all ESE services for the student. The district is also required to provide prior written notice to the parent/guardian before the termination of special education and related services takes effect. 34 CFR §300.300(b)(4)

Revocation of parental consent for special education and related services bars the district from continuing to provide special education and related services to the student. The district will not be determined to be out of compliance with IDEA for failure to provide FAPE to an otherwise eligible student, as the revocation constitutes dismissal of the student from ESE services as a student with a disability. The district is not required to amend the student's educational records to remove any reference to the student's previous receipt of ESE services.

Following revocation of parental consent for special education and related services, the student is considered a general education student. The LEA representative works with school administration to ensure the student's new course schedule is reflective of a general education student schedule, such as changing Access course codes to standard curriculum, moving the student from a separate class setting to general education class setting. Classroom and testing accommodations available only to students with disabilities will no longer be permissible for the student. The student will be subject to the same disciplinary procedures applicable to general education students. Moreover, the student will not be eligible for a waiver of state standardized assessments or standard diploma options that are available to students with disabilities. Although the district may not utilize mediation or due process procedures to challenge the parent's revocation of consent, ESE services can be reinstituted by the parent through a parental request for an initial psycho-educational evaluation to determine the student's eligibility for special education and related services.

Upon receipt of a written revocation of consent from the parent, the LEA representative must create the Event IEP Revocation of Special Ed Services Consent on ESE-. The LEA representative is not required to convene an IEP meeting in order to process the parental revocation of consent for special education services. In completing the Revocation of Consent for Placement form, the LEA representative must identify all contacts that can assist the parent in understanding the Notice of Procedural Safeguards for Parents of Students with Disabilities and/or additional information regarding the student's educational placement and the date of discontinuation of services. The form must be signed by the parent and the LEA representative and distributed to the parent before authorizing the cessation of special education and related services. The signed Revocation of Consent for Placement form must be uploaded to ESE-EMS and the event must be locked to remove all future events from the system. Copies of the parent's initial written request for revocation of consent for special education and related services and the completed Revocation of Consent for Placement form must be placed in the student's

cumulative folder. The district must discontinue all special education and related services for the student by the next school day.



## S. Safe Crisis Management and Physical Restraint

M-DCPS applies Safe Crisis Management (SCM) as a physical restraint procedure to prevent students from injuring themselves or others. SCM is not intended to punish students and it is used only in emergency situations when an imminent risk of serious injury or death to the student or others exists. SCM is applied in a manner that conveys respect and dignity of the student. **ONLY qualified personnel who have completed specialized training and are certified can implement SCM.**

School personnel **MUST** be certified on the use of SCM techniques **BEFORE** implementing a technique on any student. In addition to initial SCM training, school personnel are required to **complete annual** refresher training sessions to maintain their certification. Although SCM techniques should only be applied to students who have physical restraint delineated on the SE-BIP (Part 5, Crisis Management Plan), trained staff are required to intervene in all Safety-to-Life situations.

Parameters for SCM prohibit the use of the Prone Bridge Restraint technique. In addition, as of July 1, 2021, the use of secured seclusion is no longer permitted in Florida.

### Procedures to follow **PRIOR** to the use of Physical Restraint:

1. The IEP team should discuss the prospective need to use physical restraint for the student at an IEP meeting and/or during the development/revision of the SE-BIP.
2. If the IEP team determines that physical restraint may be considered, if needed, the procedure must be documented on Part 5, Crisis Management Plan of the SE-BIP.
3. The LEA representative must obtain the parent's signature on Parent Notification of Physical Restraint Procedures ([FM 3446](#)) and upload the **original** signed Parent Notification of Physical Restraint Procedures document to ESE-EMS and include a copy in the student's cumulative folder. A copy of the completed form is also provided to the parent.
4. If the parent declines to sign the Parent Notification of Physical Restraint Procedures form, or he/she disagrees with the IEP team's decision to include physical restraint as part of the SE-BIP, the LEA representative must:
  - a. document the parent's dissent on the Conference Notes section of the IEP,
  - b. file the unsigned Parent Notification of Physical Restraint Procedures in the student's cumulative folder,
  - c. ensure that staff still document physical restraint procedure on the SE-BIP (Part 5, Crisis Management Plan).
  - d. upload the unsigned Parent Notification of Physical Restraint Procedures document to ESE-EMS and provide a copy to the parent/guardian.

### • Procedures to follow **AFTER** the use of Physical Restraint

1. Following each incident involving the use of physical restraint on a student, the LEA representative must notify the parent by telephone and e-mail **BEFORE** the end of the school day during which the incident occurred. If the parent cannot be

reached, call an authorized contact listed on the student's Emergency Contact Card.

2. Complete Notification of the Use of Physical Restraint ([FM 7637](#)) and transmit a copy to the parent by hand delivery, e-mail or by U.S. mail on the same day that the physical restraint occurred.
3. The LEA representative must obtain a **signed** Notification of the Use of Physical Restraint form from the parent and upload the form to ESE-EMS. If a signed form cannot be obtained, **at least two** reasonable attempts to retrieve the signed form must be documented on a log maintained by the school that records the following information for each attempt to obtain the form from the parent: date of each attempt, time, method of attempted transmittal, name and title of the individual from the school who attempted to transmit the document to the parent and any other pertinent information.
4. If the parent does not return the signed Notification of the Use of Physical Restraint form, the unsigned Notification of Use of Physical Restraint form must also be uploaded to ESE-EMS.
5. Within twenty-four (24) hours following the incident during which physical restraint was applied, the person who initiated the restraint must complete the FDOE Restraint Incident Form Template through the FDOE website (<http://web01.fl DOE.org/RestraintSeclusionIncident/Default.aspx>). If the incident occurs on a day before the school will be closed for the weekend or a holiday, the FLDOE Restraint Incident Form Template must be completed by the end of the following school day that the school re-opens.
6. Within 24 to 48 hours after the use of physical restraint, a **DRAFT** of the FDOE Restraint Incident Report Form must be completed by the reporting school's principal (Weekly Briefing ID #: 29688), on the FLDOE web-based reporting system.
7. The draft FDOE Restraint Incident Report Form will be reviewed by a FDOE Physical Restraint District-Level User.
8. Following review of the FDOE Restraint Incident Report by the district-level user, the reporting school's principal will finalize the draft and post the report on the FDOE web-based reporting system.
9. After the FDOE Restraint Incident Report has been finalized, a copy of the report will be forwarded by certified mail to the parent for signature. The report must be mailed to the parent within **three (3) school days from the date of the physical restraint incident**.
10. The LEA representative must obtain the FDOE Restraint Incident Report form signed by the parent and the signed report must be uploaded to ESE-EMS system. If the parent does not submit the signed report, all reasonable attempts to retrieve a signed FDOE Restraint Incident Report from the parent must be documented.

11. If the parent does not return the signed FDOE Restraint Incident Report, the school must maintain a log documenting at least two attempts to retrieve the signed report and upload an unsigned copy of the FDOE Restraint Incident Report to ESE-EMS.
12. If the physical restraint incident involved any injury to the student, information regarding the injury must be documented through the Non-Athletic Injury Report ([FM 7491](#)). If the physical restraining involved any injury to M-DCPS staff, the appropriate Workman's Compensation procedures must be followed, and paperwork completed.
13. Schools that report a physical restraint incident are also required to complete a Student Case Management referral and input same in DSIS for the behavior that prompted the need for physical restraint.

- **Monitoring the Use of Physical Restraint**

To track incidents involving the use of physical restraint, the principal's designee must complete Use of Physical Restraint Log ([FM 7481](#)) to record all physical restraint incidents and the log must be reviewed by the principal on a **weekly basis**. School administrators must analyze the log to discern patterns (by setting, staff, or specific students) and possible overuse of physical restraint. From the information collected, LEA representatives may consider reviewing student IEPs and/or behavioral plans, requesting technical assistance and/or professional development to support instructional and behavioral strategies and interventions that will mitigate instances of physical restraint.

#### FORMS

**FM 3446** - Parent Notification Physical Restraint Procedures

<http://api.dadeschools.net/wmsfiles/61/pdfs/3446.pdf>

**FM 7481** - Use of Physical Restraint Log

<http://api.dadeschools.net/wmsfiles/61/pdfs/7481.pdf>

**FM 7637** Notification of the Use of Physical Restraint

<http://api.dadeschools.net/wmsfiles/61/pdfs/7637.pdf>

#### RESOURCES

**FLDOE Restraint Incident Form Template**

<http://web01.fl DOE.org/RestraintSeclusionIncident/Default.aspx>

**FLDOE Restraint Incident Report**

<http://web01.fl DOE.org/RestraintSeclusionIncident/Default.aspx>

**Weekly Briefing ID #: 29688** – Updated School-Level User Access and Reporting Procedures for Emergency Physical Intervention Incidents Relating to Students with Disabilities.



## T. Service Animals

Pursuant to the Americans with Disabilities Act (ADA), public schools are required to make reasonable accommodations to allow individuals with disabilities access to programs and services. Service animals are recognized as a reasonable accommodation under the ADA as the animal is trained to work or perform tasks for an individual with a disability. Tasks performed by a service animal must be directly related to the handler's disability and may consist of a wide range of activities including many tasks set forth in [School Board Policy 8390](#).

Subject to prior approval by the district ESE department, service animals are permitted in schools or other district facilities. Service animals may also be allowed on district transportation, and at district sponsored events. Schools receiving requests to permit service animals for students with disabilities must complete Request for Use of Service Animal in School ([FM 7848](#)), and forward the request by e-mail to [ese@dadeschools.net](mailto:ese@dadeschools.net) with "Service Animal Request" as the e-mail subject. The request must include:

- A health certificate or report of examination from a veterinarian licensed in the State of Florida, indicating that the service animal has a vaccination license and is free of disease.
- A copy of the student's current IEP or Section 504 Plan documenting the need and use of a service animal.
- Level II criminal background check for the service animal handler pursuant to [School Board Policy 8475](#) if the handler is not the student.

### FORMS

#### **FM 7848 – Request for Use of Service Animal in School**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7848.pdf>

### RESOURCES

#### **Florida Department of Education Technical Assistance Paper - Updated Guidelines for the Use of Service Animals by Students with Disabilities**

<http://info.fldoe.org/docushare/dsweb/Get/Document-7345/dps-2015-60.pdf>

#### **M-DCPS School Board Policy 8390 – Animals on District Property**

<http://go.boarddocs.com/fl/sbmd/Board.nsf/goto?open&id=BK6KWX4FFF04>

## **U. Special Transportation Services**

The IEP/504 team must determine whether specialized transportation services (i.e., individualized stop with supervision, use of safety vest, bus aide) are necessary to allow students to access FAPE. If specialized transportation services are required to address student needs, the IEP/504 Plan must reflect the provision of specialized transportation services.

### **Prior to Convening an IEP/504 Meeting – Anticipated Need for Specialized Transportation Services**

If a student may require specialized transportation services, the LEA representative must contact the school's assigned School Bus Routing Office to discuss the student's unique needs with the assigned Routing Specialist or Route Manager, prior to convening an IEP/504 meeting. In anticipation of questions or concerns that may arise regarding transportation during the IEP/504 meeting, the Routing Specialist or Route Manager should be invited to attend the meeting to provide information regarding specialized transportation services. If the Routing Specialist or Route Manager agrees to participate in the IEP/504 meeting, including by telephone or through the submission of written recommendations, the participation must be documented on the NOM and in the IEP/504 plan. If participation in the IEP meeting by Transportation staff is not reflected in the NOM, the LEA representative must document on the IEP that the parent requested or approved of the Transportation staff member's participation in the IEP meeting as an additional team member(s).

### **General Requirements for Specialized Transportation Services**

To secure specialized transportation services, a student must be eligible for ESE services pursuant to IDEA requirements, or the student must be eligible for Section 504 Plan accommodations. Specialized Transportation Services can include Individualized Bus Stop, or Individualized Bus Stop with or without Parent Supervision.

If the IEP/504 team determines that the student requires specialized transportation services, the service must be documented on the Transportation section of the student's IEP/504 Plan in ESE-EMS. Specific details justifying the authorization of a specialized transportation service must be included in the IEP/504 Plan by checking the appropriate selection(s) from the drop-down menu when provided, or by including descriptive statements in the textbox section of the IEP/504 Plan.

- Only ONE *Primary* Transportation Mode can be selected.
- Only a staffing specialist may request and receive authorization for request of an *Alternate Mode of Transportation* for the student, such as a specialized bus service through a private provider. The staffing specialist will submit the request to district ESE administration, who in turn will confer with Transportation personnel prior to the IEP/504 meeting.

## Transportation under Two Miles

Students eligible for ESE services under only one or more of the six categories listed below, may not be eligible for specialized transportation services if they reside within two (2) miles from the school. However, specialized transportation may be authorized if the student's IEP/504 Plan specifically explains that the student is not physically capable of walking to the school.

Exceptionality	Code
Established Conditions (ages 0-2)	U
Gifted	L
Language Impaired	G
Other Health Impaired	V
Specific Learning Disability	K
Speech Impaired	F

## Individualized Bus Stop

An individualized bus stop offers a stop that is located as close to a student's residence as is possible and does not necessarily imply "door-to-door" bus service. In establishing an individualized bus stop, Transportation will identify the stop at the entrance to the student's residence whenever possible, practical and – most importantly – safe. However, certain circumstances preclude locating an individualized bus stop at the entrance to a student's residence, including:

- Residences located on a dead-end street, from which a bus cannot exit without being forced to back up.
- Residences located on a street with a cul-de-sac which lacks enough space to allow a bus to turn around in order to exit without being forced to back up.
- Residences located within a gated community that has an unattended entrance/exit gate. Drivers are not permitted to leave the bus to open or close a gate.
- Residences located in an area with narrow streets that do not provide sufficient clearance for a school bus to safely transit without damage.
- Residences located within an area which can be accessed only via privately owned/maintained roads and the property owner/manager has prohibited school buses from transiting on the property.

If an individualized bus stop cannot be established at the student's residence, Transportation will locate the bus stop at the closest point to the student's residence that can be safely accessed by the bus.

## Individualized Bus Stop with or without Parent Supervision

The IEP team may determine that parental supervision is required for the student when the student is being picked up or dropped off by the bus. For specialized transportation

services with an “Individualized Stop with Supervision” designated in the student’s IEP/504 Plan, the parent (or other responsible adult authorized by the parent) must accompany the student to the bus stop in the morning and he/she must wait with the student until the student is safely aboard the bus. Similarly, during the afternoon, the parent (or other responsible adult authorized by the parent) must be at the bus stop to receive the student when the bus arrives to drop off the student. In instances where the parent is not available at the designated drop off location, the student may be returned to the school and must be picked-up from the school by the parent.

### **Medically Fragile Students**

Medically fragile students have unique needs that may require a nurse or other medically trained individuals to accompany the student on the bus. Students with a tracheotomy who may require suctioning while riding, and students susceptible to seizures or other medical conditions that may require the immediate administration of medication may be deemed eligible for specialized transportation services that include accompaniment by medically trained professionals. In these cases, the LEA representative is required to ensure that the Nursing Orders submitted for the student specifically stated that the nurse must be with the student while being transported through M-DCPS Transportation. Refer to Nursing Services section of the LEA Implementation Guide for details on submitting Physician’s Request for In-School Nursing.

### **Medical Equipment**

Students with disabilities may be required to use certain medical equipment, including canes, crutches, oxygen tanks, tracheotomy equipment, safety vests, walkers and wheelchairs, when using transportation. If the IEP/504 team verifies that the student requires medical equipment when being transported, the LEA representative must ensure that a descriptive statement detailing the student’s need for the equipment is included in the textbox of the Transportation section of the IEP/504 Plan in ESE-EMS.

### **Bus Aides**

Bus aides may be required to ensure the safety of certain students with disabilities who have unique needs. As an example, students who will be transported in wheelchairs must have a bus aide as two adults (the bus driver and an aide) are required to safely operate the wheelchair lift on school buses. Additionally, students who exhibit self-injurious behavior may need a bus aide for safety purposes. However, bus aides (like bus drivers) are prohibited from administering medications to students and must not be assigned to a student for this purpose.

IEP teams may not authorize bus aides for students who do not require parental supervision at the bus stop unless the IEP includes specific details describing the individual circumstances that justify the assignment of a bus aide for the student. As a reminder, if a student may require specialized transportation services including



assignment of a Bus Aide, the LEA representative must contact the school's assigned School Bus Routing Office to discuss the student's unique needs with the assigned Routing Specialist or Route Manager, prior to convening an IEP/504 meeting.

### **Child Safety Restraint Seats**

IEP teams may authorize child safety restraint seats for Pre-Kindergarten students with disabilities when:

- The student weighs not more than forty (40) pounds (the student's weight must be verified by the school), and
- The student's unique needs necessitate transportation in a safety restraint seat to keep the student safe. Certain conditions that may require the authorization of a safety restraint seat include:
  1. Cerebral Palsy
  2. Cognitive limitations
  3. Impulsivity which impacts transportation safety
  4. Neuromuscular disorder
  5. Postural control and support
  6. Seizure disorder

The LEA representative must ensure that a descriptive statement detailing the student's need for the child safety restraint seat is included in the textbox of the Transportation section of the IEP/504 Plan in ESE-EMS.

### **Requests for Alternate Stop (Pick-up or Drop-off)**

Parent requests for pick-up or drop-off of the student at a location that is not the student's residence must be processed through Request for Alternate Transportation Stop for Special Education Students ([FM 7224](#)). The completed form, signed by the LEA representative and the parent, must be transmitted to Transportation by fax at the number specified on the form. Following review and approval of the request, the form will be updated to include the decision rendered by Transportation and verified by the Route Manager's signature. [FM 7224](#) must be updated each year, as the approved request does not automatically renew from year-to-year.

To approve an alternate stop request, Transportation must have an existing bus to which the alternate stop can be assigned. The bus must also have a seat available for the student and the bus must be able to safely access the requested location for the alternate stop. In addition, the change in route resulting from the alternate stop cannot increase the mileage for the trip by more than  $\frac{3}{4}$  of a mile or the riding time for other students on the bus by more than eight (8) minutes. Parents must be advised that bus drivers and bus aides CANNOT escort students from the bus to building entrances or from buildings to the bus and parents are required to arrange for assistance from a responsible adult in bringing the student to or from the bus. Upon approval of a request for an alternate stop, the alternate stop may not be adjusted more than once during a school year.

The LEA representative must record the approved alternate stop by ensuring that the alternate address is entered in the “L” screen in DSIS. The information will be transferred to BusPlanner which will allow Transportation to take the student to the alternate address.

### **Requesting a Safety Vest**

If the IEP team determines that the student requires the use of a safety vest while on the bus, the decision must be documented in the Special Transportation Services section of the IEP. Safety vests are recommended when a child poses a safety threat to himself or others while on the bus, such as not being able to stay in their seat, and self-injurious behaviors. The LEA representative must complete Request for Safety Vest ([FM 7850](#)), and transmit the completed form by e-mail to [ese@dadeschools.net](mailto:ese@dadeschools.net), with “Request for Safety Vest” as the subject title of the e-mail. The information will be reviewed by the OT/PT Office which will contact the school to provide pick-up information for the safety vest.

Schools must measure students carefully to ensure that the correct safety vest size is ordered as vests cannot be recycled for use by another student. If the school seeks a more restrictive vest (i.e., Houdini vest), the LEA representative must document the need for a Houdini vest on the student’s IEP and the parents must be notified that a more restrictive safety vest will be secured for the student.

In the event that the student outgrows the safety vest, or the vest is misplaced or damaged, the LEA representative must complete a revised Request for Safety Vest ([FM 7850](#)), and include the Transportation page of the student’s IEP as part of an updated packet. The packet must be submitted by e-mail to [ese@dadeschools.net](mailto:ese@dadeschools.net) as described above.

#### **FORMS**

##### **FM 2128 – Consent Form for Mutual Exchange of Information**

<http://api.dadeschools.net/wmsfiles/61/pdfs/2128.pdf>

##### **FM 6545 – Request for Special Transportation Services Due to Medical Needs**

<http://api.dadeschools.net/wmsfiles/61/pdfs/6545.pdf>

##### **FM 7224 – Request for Alternate Transportation Stop for Special Education Students**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7224.pdf>

##### **FM 7850 – Request for Safety Vest**

<http://api.dadeschools.net/wmsfiles/61/pdfs/7850.pdf>

## **V. Speech/Language Therapy**

Students who meet criteria in one or more of the following areas: articulation (i.e., phonology), voice, fluency (i.e., stuttering), and language receive speech and language services through placement in the Speech Program and/or Language Program or as a related service whereby students who have already been identified with a disability also receive speech/language to access the curriculum.

- **Referral Process**

### **Initial Eligibility for Speech/Language**

Upon receipt of a referral for speech and/or language by the student's teacher or parent, the LEA representative must complete Request for Assistance (RFA)/Data Profile Sheet ([FM 7073](#)). If the student has been referred on suspicion of a language impairment, the referral initiates the MTSS process to facilitate data collection and an observation by a speech language pathologist (SLP). Based on the periodic review of student data in response to interventions, the student may be assigned to a Tier III evaluation that will include a global assessment administered by the SLP to measure both receptive and expressive Language to include pragmatics. The LEA representative must ensure that the PF16 screen in DSIS is updated to reflect the date of the MTSS meeting, the date of parental consent and the date that the global assessment was conducted by the SLP.

If the student has been referred on suspicion of a speech impairment, the student's teacher must complete the RFA ([FM 7073](#)) and the SLP conducts a classroom observation. The MTSS team is convened to review speech, academic, ESOL and any social concerns and determine whether additional data will be collected through the MTSS process or a recommendation to expedite the prospective placement of the student in the Speech program will be issued. If expedited placement is sought, the signed Notice of Intent/Parental Consent to Evaluate ([FM 4961](#)) must be secured from the parent by the LEA representative. The form should indicate that hearing, vision, and speech will be evaluated and the PF16 screen in DSIS is updated to record the date of consent.

Following receipt of all completed documents for the hearing screening, vision screening, SLP classroom observation, signed Notice of Intent/Parental Consent to Evaluate ([FM 4961](#)), and Speech and Language Evaluation Summary Report ([FM 7418](#)) completed by the SLP, the LEA representative transmits the packet to the Chairperson for Speech and Language Services at the corresponding ESE Service Center for review and transmittal to the staffing specialist who will schedule the initial IEP meeting to verify the student's placement.

For students who have already been identified as students with disabilities with a current IEP, placement in the Language program and/or Speech program may be designated as a related service. The IEP meeting will be convened by the district staffing specialist and will include the SLP as a participant.

- **Private Speech/Language Evaluations**

Parents may submit a private speech/language evaluation. Upon receipt, the LEA representative must verify that the private evaluation was completed within the past year. The private evaluation must not be provided to the MTSS coordinator. nor should the evaluation be provided to the school's SLP.

The LEA representative must secure Receipt of Private Evaluation ([FM 7087](#)) from the parent and schedule a MTSS meeting with the student's teacher, parent and the SLP. Parental signature of Notice of Intent/Parental Consent to Conduct an Evaluation ([FM 4961](#)) is secured at the meeting. The LEA representative must ensure that the "Other" category is checked off with a notation indicating "Permission to review Speech/Language evaluation originating outside of M-DCPS". The form should also indicate that hearing, vision, and speech will be evaluated.

Following the MTSS meeting, the PF16 screen in DSIS is updated by the school's data entry staff. The school site SLP will review the private evaluation and complete Review of Speech-Language Reports Originating Outside Miami-Dade County ([FM 7383](#)). The school site SLP will also verify current licensure for the privately hired SLP through the [Florida Department of Health website](#).

- a. For K-12 students, [FM 4961](#), [FM 7383](#), the private evaluation report, SLP observation, and the hearing and vision screening forms are submitted to the Chairperson for Speech/Language at the corresponding ESE Service Center for review and transmittal to the staffing specialist who will schedule the initial IEP meeting to verify the student's placement.
- b. For Pre-Kindergarten students, if the private evaluation reflects scores that are below average and the evaluation was conducted within the past six (6) months, the procedures outlined above for K-12 students must be followed. In addition, the MTSS team should discuss any teacher and parent(s) concerns, data from the SLP observation, the student's academic and social skills, and second language acquisition, if applicable.
- c. For Pre-Kindergarten students, the school site SLP will submit the completed Notice of Intent/Parental Consent to Conduct an Evaluation ([FM 4961](#)), Review of Speech-Language Reports Originating Outside of Miami-Dade County Public Schools ([FM 7383](#)), Observation of Speech-Language Skills Prekindergarten(2) ([FM 7413](#)) or Observation of Speech-Language Skills Prekindergarten ([FM 7415](#)), and the hearing and vision screening forms to the Chairperson for Speech/Language at the corresponding ESE Service Center for review, and transmittal to the Pre-Kindergarten ESE Staffing Specialist Department.

- **SLP Attendance at IEP Meetings**

The SLP is a required member of the IEP and RT teams in cases involving students who are receiving services only through the Speech and/or Language Impaired Program(s). The LEA representative must ensure that the SLP attends any IEP meeting that is

convened to address change in the frequency of speech and/or language services or consideration for dismissal of the student from the speech and/or language program(s).

- **Speech/Language Program vs. Related Service Dismissals**

A student can be found eligible for dismissal from the Speech and/or Language Impaired Program(s) when the student no longer needs speech and/or language services to access the curriculum. If the student has received speech and/or language services as a related service, the related service may be discontinued but the student will remain eligible for ESE services in the remaining primary exceptionality category identified in the IEP

In the event of a change in frequency of speech and/or language services or dismissal or discontinuation of speech and/or language services as a related service, an IEP meeting must be conducted, and the LEA representative must ensure that the change is reflected in the PWNPR document in ESE-EMS.

- **Codes for Speech and Language Services**

To ensure that the student in need of speech and/or language services is appropriately scheduled, the following is a chart with the correct codes.

<b>Codes for the PF4 Screen</b>	
Speech Impaired: F	Language Impaired: G
Speech as a Related Service: X	Language as a Related Service: Y

<b>Service</b>	<b>Grade</b>	<b>Course Code</b>
Speech (Program or Related)	PreK – 5 <sup>th</sup>	7763030
Language (Program or Related)	PreK – 5 <sup>th</sup>	7763040
Speech (Program or Related)	6 <sup>th</sup> – 8 <sup>th</sup>	7866030
Language (Program or Related)	6 <sup>th</sup> – 8 <sup>th</sup>	7866040
Speech (Program or Related)	9 <sup>th</sup> – 12 <sup>th</sup>	7966030
Language (Program or Related)	9 <sup>th</sup> – 12 <sup>th</sup>	7966040

<b>FORMS</b>
<b>FM 1544</b> – Speech and Language Evaluation Report (for dismissals only) <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/1544.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/1544.pdf</a>
<b>FM 2125</b> – MTSS Vision Screening <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/2125.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/2125.pdf</a>

**FM 4196** – Hearing Screening Referral Letter

<http://api.dadeschools.net/wmsfiles/61/pdfs/4196.pdf>

**FM 4961** – Notice of Intent and Parental Consent to Conduct an Evaluation

<http://api.dadeschools.net/wmsfiles/61/pdfs/4961.pdf>

**FM 6279** – Notice of Intent and Parent/Guardian Consent to Conduct a Screening

<http://api.dadeschools.net/wmsfiles/61/pdfs/4961.pdf>

**FM 7073** – MTSS School Support Team/Problem Solving Team (SST/PST) Request for Assistance (RFA)

<http://api.dadeschools.net/wmsfiles/61/pdfs/7073.pdf>

**FM 7383** – Review of Speech-Language Reports Originating Outside of M-DCPS

<http://api.dadeschools.net/wmsfiles/61/pdfs/7383.pdf>

**FM 7408** – Assessment of Oral Mechanism

<http://api.dadeschools.net/wmsfiles/61/pdfs/7408.pdf>

**FM 7409** – MTSS Audiometric Screening

<http://api.dadeschools.net/wmsfiles/61/pdfs/7409.pdf>

**FM 7410** – Observations Related to Speech/Language Skills Grades K-12

<http://api.dadeschools.net/wmsfiles/61/pdfs/7410.pdf>

**FM 7411** – Assessment of Voice

<http://api.dadeschools.net/wmsfiles/61/pdfs/7411.pdf>

**FM 7413** – Observation of Speech-Language Skills Prekindergarten (2)

<http://api.dadeschools.net/wmsfiles/61/pdfs/7413.pdf>

**FM 7414** – Observation of Speech, Fluency, Voice Characteristics K-12

<http://api.dadeschools.net/wmsfiles/61/pdfs/7414.pdf>

**FM 7415** – Observation of Speech-Language Skills Prekindergarten

<http://api.dadeschools.net/wmsfiles/61/pdfs/7415.pdf>

**FM 7418** – Speech and Language Evaluation Summary Report

<http://api.dadeschools.net/wmsfiles/61/pdfs/7418.pdf>

**FM 7496** – School Support Team Head Start Prekindergarten Request for Assistance

<http://api.dadeschools.net/wmsfiles/61/pdfs/7496.pdf>

**FM 7621** – Receipt of Private Speech and/or Language Evaluation

<http://api.dadeschools.net/wmsfiles/61/pdfs/7621.pdf>

## W. Surrogate Parents

A “surrogate parent” is an individual who has been appointed to act in the place of a parent in rendering educational decisions and safeguarding a student’s rights pursuant to the requirements set forth in IDEA. A surrogate parent must be appointed for a student if the student’s parent, after reasonable efforts, cannot be located by the district, the student is a ward of the State under state law, or the student is an unaccompanied homeless youth.

The LEA representative must complete Request for a Surrogate Parent ([FM 4551](#)) to request the appointment of a surrogate parent by the district ESE office. LEA representatives must ensure that surrogate parents are invited to attend all meetings regarding the education of students with disabilities or students who may need ESE services. The mere transmittal of a NOM to the student’s home address and/or telephoning the home of the student who has been assigned a surrogate parent does not satisfy IDEA requirements relating to notifying and inviting surrogate parent participation in the educational decision-making process, particularly in light of the fact that students with surrogate parent assignments do not typically live with their assigned surrogate parents.

Surrogate parents must also receive information regarding the student’s progress (i.e., progress notes, progress towards IEP goals, etc.) as the surrogate parent will represent the student in ALL matters relating to identification, evaluation and educational placement. The surrogate parent’s role is intended to protect the best interests of the student in issuing decisions that affect the student’s education. Accordingly, surrogate parents **MUST** be invited, just as a natural parent would be, to all meetings that involve the education of students with disabilities or students who may need ESE services, including meetings for:

1. Initial, interim and/or annual IEP
2. SST/MTSS
3. Reevaluation team
4. Manifestation Determination
5. 10-day suspension
6. Review of progress, etc.

FDOE employees, M-DCPS personnel, employees from community-based care providers, the Florida Department of Children and Family (DCF), or any other public or private agency involved in the education or care of the child, group home staff, and therapeutic foster home parents **MAY NOT** serve as surrogate parents. In particular, the LEA representative must ensure that DCF case managers not assume a parental role in signing documents intended for parents or making educational decisions for students with disabilities or students who may require ESE services. DCF case managers may participate in IEP meetings, as appropriate, but must not act as decision-makers with respect to the student’s education. Similarly, LEA representatives must recognize that a Guardian Ad Litem cannot make educational decisions for students with disabilities or students who may require ESE services unless the Guardian Ad Litem has been appointed by the district as a surrogate parent following the submission of Request for a Surrogate Parent form ([FM 4551](#)).



FORMS
<b>FM 4551</b> – Request for a Surrogate Parent <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/4551.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/4551.pdf</a>

RESOURCES
<b>Florida Department of Education Technical Assistance Paper – Surrogate Parents for Students with Disabilities</b> <a href="https://info.fldoe.org/docushare/dsweb/Get/Document-6290/dps-2012-17.pdf">https://info.fldoe.org/docushare/dsweb/Get/Document-6290/dps-2012-17.pdf</a>



## X. Visual Impaired Programs – Eligibility/Orientation and Mobility

### • Procedures to Determine Eligibility for the Visually Impaired Program

In determining ESE eligibility and placement for students suspected of having a visual impairment, the LEA representative must complete the forms listed below and transmit the packet via email to [ese@dadeschools.net](mailto:ese@dadeschools.net), with the subject line “Visual Impairment Referral Packet”.

- Physicians Report of Eye Examination ([FM 1665](#)) for an eye exam completed within the past twelve (12) months. The form must be completed by an Optometrist or an Ophthalmologist in the State of Florida.
- Receipt of Private Evaluation or Documentation(s) ([FM 7087](#)) if a private evaluation has been received.
- Consent form for Mutual Exchange of Information ([FM 2128](#)) for the reporting licensed ophthalmologist or optometrist.

Upon receipt of the completed packet, district personnel from the Program for Students with Visual Impairments will contact the LEA representative to determine if a Functional Vision Assessment (FVA) is needed and/or request additional information as needed. If district personnel determine that a Functional Vision Assessment is needed, the school will need to conduct a meeting (a Re-evaluation Meeting if the student already has an IEP or SST if not) to obtain parental consent. The results of the FVA will be provided to the LEA representative who will, in turn, schedule an eligibility determination meeting with the school staffing specialist to review the results and determine placement.

### Procedures for Orientation and Mobility

Orientation and Mobility (O&M) is a related service that provides instruction to students with visual impairments to facilitate independence and safe movement within diverse environments, such as the home, school, and other facilities. Students who receive Orientation and Mobility Services must first be deemed eligible as visually impaired students.

To secure O&M as a related service for a visually impaired student, a Teacher of the Visually Impaired must conduct an FVA. The FVA incorporates an Orientation and Mobility Screening that will prompt a referral for a more thorough assessment by an O&M specialist.

FORMS
<b>FM 1665</b> - Physicians Report of Eye Examination <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/1665.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/1665.pdf</a>
<b>FM 2128</b> - Consent form for Mutual Exchange of Information <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/2128.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/2128.pdf</a>
<b>FM 7087</b> - Receipt of Private Evaluation or Documentation(s) <a href="http://api.dadeschools.net/wmsfiles/61/pdfs/7087.pdf">http://api.dadeschools.net/wmsfiles/61/pdfs/7087.pdf</a>

## Appendix A: Acronyms

Acronyms	Terms
AES	Alternative Education School
AT	Assistive Technology
ALJ	Administrative Law Judge
B.E.S.T.	Benchmarks for Excellent Student Thinking
DOAH	Division of Administrative Hearings
EP	Education Plan
EOC	End of Course
ELL/ESOL	English Language Learner/English for Speakers of Other Languages
ESE	Exceptional Student Education
ESE-EMS	Exceptional Student Education – Electronic Management System
ESY	Extended School Year
FAPE	Free and Appropriate Public Education
FAST	Florida Assessment of Student Thinking
FBA/SE-BIP	Functional Behavior Assessment/Social Emotional – Behavior Intervention Plan
FLDOE	Florida Department of Education
FSA/FSAA	Florida Standards Assessment/ Florida Standards Alternate Assessment
HHIP	Homebound or Hospitalized Instructional Program
IDEA	Individuals with Disabilities Education Act
IEE	Independent Educational Evaluation
IEP	Individual Educational Plan (State) or Individual Education Program (IDEA)
ISP	Individual Student Planning
LEA	Local Education Agency
LEP	Limited English Proficiency
LRE	Least Restrictive Environment
NGSSS	Next Generation Sunshine State Standards
O&M	Orientation and Mobility
OT	Occupational Therapy or Occupational Therapist
PBS	Positive Behavior Support
PLEP	Present Levels of Education Performance
PMP	Progress Monitoring Plan
PT	Physical Therapy or Physical Therapist
RtI	Response to Intervention
SCSI	School Center for Special Instruction (Indoor Suspension)
SLP	Speech/Language Pathologist
SOP	Summary of Performance
SP&P	Exceptional Student Education Policies and Procedures document
SST	School Support Team

## Appendix B: Exceptionality Codes

Areas of Eligibility	Codes
Autism Spectrum Disorder (ASD)	P
Deaf or Hard of Hearing (DHH)	H
Developmental Delay (Ages 0-5) (DD)	T
Dual Sensory Impairment (DSI)	O
Emotional or Behavioral Disability (E/BD)	J
Established Conditions (Ages 0-2) (EC)	U
Gifted	L
Hospitalized or Homebound (HHIP)	M
Intellectual Disability (IND)	W
Language Impairment (LI)	G
Orthopedic Impairment (OI)	C
Other Health Impairment (OHI)	V
Specific Learning Disability (SLD)	K
Speech Impairment (SI)	F
Traumatic Brain Injury (TBI)	S
Visual Impairment (VI)	I

Area of Related Service	Codes
Language Therapy	X
Occupational Therapy (OT)	D
Physical Therapy (PT)	E
Speech Therapy	Y

**\*Please refer to the SP&P for definitions of programs.**

## Appendix C: School Site LEA Organizational Recommendations

### LEA Recommended Tasks for August/September

Review monthly ESE-EMS Reports.

- Upcoming IEPs
- Upcoming Reevaluation Team (RT) Meetings
- Overdue IEPs Report

Ensure all documents in ESE-EMS from the previous school year have been locked.

Review IEPs for all students on modified curriculum.

- Weekly Briefing with additional information and next steps is forthcoming.

Establish school internal procedures for evaluation of students with disabilities and implementation of IEPs.

- Scheduling meetings
- Monitoring IEP services, programs, and time with non-disabled peers
- Updating records
- Reviewing completed IEPs for compliance and accuracy

Distribute copies of IEPs/IEPs At-a-Glance and 504 Plans to all general education teachers and service providers.

### LEA Recommended Tasks for October

Review monthly ESE-EMS Reports.

- Upcoming IEPs
- Upcoming Reevaluation Team (RT) Meetings
- Overdue IEPs Report

Review reports available from File Download Manager:

- Course Codes
- IEP Dates
- RT Dates
- Matrix Cost Factor

Compare available reports with information on DSIS in preparation for FTE

- DSIS Screens – PF4, PF17, PF16, PF18

Complete Status of Goals on ESE-EMS at the beginning/ending of the grading period

Review all IEPs completed for compliance and accuracy

LEA Recommended Tasks for November
Review monthly ESE-EMS Reports <ul style="list-style-type: none"><li>• Upcoming IEPs</li><li>• Upcoming Reevaluation Team (RT) Meetings</li><li>• Overdue IEPs Report</li><li>• Accommodations report<ul style="list-style-type: none"><li>◦ Monitor release of Weekly Briefing for instructions and deadlines related to accommodations.</li></ul></li></ul> <p>Review all IEPs completed for compliance and accuracy</p>



LEA Recommended Tasks for December
Review monthly ESE-EMS Reports <ul style="list-style-type: none"><li>• Upcoming IEPs</li><li>• Upcoming Reevaluation Team (RT) Meetings</li><li>• Overdue IEPs Report</li><li>• Accommodations report</li></ul> <p>Monitor release of Weekly Briefing for instructions and deadlines related to Deferral of Receipt of the Standard High School Diploma</p> <p>Review all IEPs completed for compliance and accuracy</p>



LEA Recommended Tasks for January
Review monthly ESE-EMS Reports <ul style="list-style-type: none"><li>• Upcoming IEPs</li><li>• Upcoming Reevaluation Team (RT) Meetings</li><li>• Overdue IEPs Report</li><li>• Accommodations report</li></ul> <p>Complete Status of Goals on ESE-EMS at the beginning/ending of the grading period</p> <p>Review all IEPs completed for compliance and accuracy</p>

### **LEA Recommended Tasks for February**

Review monthly ESE-EMS Reports

- Upcoming IEPs
- Upcoming Reevaluation Team (RT) Meetings
- Overdue IEPs Report
- Accommodations report

Review reports available from File Download Manager:

- Course Codes
- IEP Dates
- RT Dates
- Matrix Cost Factor

Compare available reports with information on DSIS in preparation for FTE

- DSIS Screens – PF4, PF17, PF16, PF18

Begin planning for articulation meetings with corresponding feeder schools

Monitor instructions and deadlines related to Florida Standards Alternate Assessment (FSAA)

Review all IEPs completed for compliance and accuracy

### **LEA Recommended Tasks for March**

Review monthly ESE-EMS Reports

- Upcoming IEPs
- Upcoming Reevaluation Team (RT) Meetings
- Overdue IEPs Report
- Accommodations report

Monitor instructions and deadlines related to Florida Standards Alternate Assessment (FSAA)

Monitor release of Weekly Briefing for instructions and deadlines related to ESY

Complete Status of Goals on ESE-EMS at the beginning/ending of the grading period

Review all IEPs completed for compliance and accuracy

### **LEA Recommended Tasks for April**

Review monthly ESE-EMS Reports

- Upcoming IEPs and Reevaluation Team (RT) Meetings
- Overdue IEPs Report
- Accommodations report

Monitor instructions and deadlines related to Florida Standards Alternate Assessment (FSAA), Florida Standards Assessment (FSA) and SAT-10

Begin preparation for ESY

- Monitor instructions and deadlines for ESY
- Identify students with ESY on IEP

Begin review of all IEPs with duration dates through September 30<sup>th</sup>

Review all IEPs completed for compliance and accuracy

### **LEA Recommended Tasks for May**

Review monthly ESE-EMS Reports

- Upcoming IEPs and Reevaluation Team (RT) Meetings
- Overdue IEPs Report

Ensure compliance with May 15<sup>th</sup> deadline for deferral of receipt of the standard high school diploma

Continue preparation for ESY

- Monitor instructions and deadlines for ESY
- Identify students with ESY on IEP

Review all IEPs with duration dates through September 30<sup>th</sup>

Review all IEPs completed for compliance and accuracy

### **LEA Recommended Tasks for June**

Review monthly ESE-EMS Reports

- Upcoming IEPs and Reevaluation Team (RT) Meetings
- Overdue IEPs Report

Complete Status of Goals on ESE-EMS at the beginning/ending of the grading period

Confirm ESY participation and transportation

- Monitor instructions and deadlines for ESY

Review all IEPs with duration dates through September 30<sup>th</sup>

Review all IEPs completed for compliance and accuracy

## **Anti-Discrimination Policy**

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

**Title VI of the Civil Rights Act of 1964** - prohibits discrimination on the basis of race, color, religion, or national origin.

**Title VII of the Civil Rights Act of 1964 as amended** - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

**Title IX of the Education Amendments of 1972** - prohibits discrimination on the basis of gender. M-DCPS does not discriminate on the basis of sex in any education program or activity that it operates as required by Title IX. M-DCPS also does not discriminate on the basis of sex in admissions or employment.

**Age Discrimination Act of 1975** - prohibits discrimination based on age in programs or activities.

**Age Discrimination in Employment Act of 1967 (ADEA) as amended** - prohibits discrimination on the basis of age with respect to individuals who are at least 40 years old.

**The Equal Pay Act of 1963 as amended** - prohibits gender discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

**Section 504 of the Rehabilitation Act of 1973** - prohibits discrimination against the disabled.

**Americans with Disabilities Act of 1990 (ADA)** - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

**The Family and Medical Leave Act of 1993 (FMLA)** - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons.

**The Pregnancy Discrimination Act of 1978** - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

**Florida Educational Equity Act (FEEA)** - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

**Florida Civil Rights Act of 1992** - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

**Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)** - prohibits discrimination against employees or applicants because of genetic information.

**Boy Scouts of America Equal Access Act of 2002** – No public school shall deny equal access to, or a fair opportunity for groups to meet on school premises or in school facilities before or after school hours, or discriminate against any group officially affiliated with Boy Scouts of America or any other youth or community group listed in Title 36 (as a patriotic society).

**Veterans** are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

### **In Addition:**

**School Board Policies 1362, 3362, 4362, and 5517** - Prohibit harassment and/or discrimination against students, employees, or applicants on the basis of race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, sex/gender, gender identification, social and family background, linguistic preference, pregnancy, citizenship status, and any other legally prohibited basis. Retaliation for engaging in a protected activity is also prohibited.

For additional information about Title IX or any other discrimination/harassment concerns, contact the U.S. Department of Education Asst. Secretary for Civil Rights or:

Office of Civil Rights Compliance (CRC)  
Executive Director/Title IX Coordinator  
155 N.E. 15th Street, Suite P104E  
Miami, Florida 33132

Phone: (305) 995-1580 TDD: (305) 995-2400

Email: [crc@dadeschools.net](mailto:crc@dadeschools.net) Website: <https://hrdadeschools.net/civilrights>

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