

STATE BOARD OF EDUCATION
Consent Item
January 17, 2017

SUBJECT: Approval of Amendment to Rule 6A-6.0334, Individual Educational Plans (IEPs) and Educational Plans (EPs) for Transferring Exceptional Students

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1001.02(1), 1003.01(3), 1003.57, F.S.

EXECUTIVE SUMMARY

The purpose is to establish requirements with regard to the convening of an IEP team meeting when a full-time virtual program is not considered appropriate for a student. The proposed rule also makes provision for use of a gifted plan or corresponding documentation from an out-of-state district, when a student who has been determined to be gifted in another state moves to Florida.

Supporting Documentation Included: Proposed Rule 6A-6.0334, F.A.C.

Facilitator: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

6A-6.0334 Individual Educational Plans (IEPs) and Educational Plans (EPs) for Transferring Exceptional Students.

(1) Individual ~~e~~ducational ~~p~~lans (IEPs) and ~~e~~ducational ~~p~~lans (EPs) for students who transfer school districts within Florida. If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to a new Florida school district and enrolls in a new school, the new Florida school district (in consultation with the parents or legal guardians) must provide free and appropriate public education (FAPE) to the student, which includes services comparable to those described in the student's ~~child's~~ IEP or EP from the previous Florida school district, until the new Florida school district either:

(a) Adopts the student's ~~child's~~ IEP or EP from the previous school district; or

(b) Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rules 6A-6.03011-.0361, F.A.C.

(2) IEPs for students transferring to or from a Florida school district and a full-time virtual program under Section 1002.37 or 1002.45, F.S.

(a) In accordance with subsection (1) of this rule, if an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program under Section 1002.37 or 1002.45, F.S., the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

1. Adopts the student's IEP or EP from the previous school or school district; or

2. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011-.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

(b) When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with Section 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise

the IEP as needed, to meet the student's needs in the virtual environment.

(c) When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with Section 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

(3) ~~(2)~~ IEPs ~~or EPs~~ for students who transfer from outside Florida. If an exceptional education student who had an IEP ~~or EP~~ that was in effect in a previous school district in another ~~s~~State transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the ~~student child~~ with FAPE (including services comparable to those described in the ~~student's child's~~ IEP ~~or EP~~ from the previous school district), until the new Florida school district:

(a) Conducts an initial evaluation pursuant to subsections 6A-6.0331(4) and (5), F.A.C., (if determined to be necessary by the new Florida school district); and,

(b) Develops, adopts, and implements a new IEP ~~or EP~~, if appropriate, that meets the applicable requirements of Rules 6A-6.03011-.0361, F.A.C.

(c) The new school district is not required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services in Florida under this rule.

(4) Gifted plans for students transferring. If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. Students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services.

(a) The new school district is not required to obtain parental consent for the initial provision of services for transferring gifted students determined eligible for services in Florida under this rule.

(b) For the purposes of this rule, a gifted plan could include documentation from the previous school district in

another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

(5) ~~(3)~~ Transmittal of records. To facilitate the transition for a student child described in subsections (1)-(4) of this rule ~~and (2)~~ above:

(a) The new school district in which the student enrolls must ~~take reasonable steps to~~ promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student child, from the previous school district in which the student child was enrolled, pursuant to 34 CFR 99.31(a)(2); and,

(b) The previous school district in which the student child was enrolled must ~~take reasonable steps to~~ promptly respond to the request from the new school district.

Rulemaking Authority 1001.02(1), 1003.01(3), 1003.57, ~~1006.09~~ FS. Law Implemented 1001.03(8), ~~1001.42(4)(1)~~, 1003.01(3), 1003.57 FS. History—New 7-13-83, Formerly 6A-6.334, Amended 3-9-92, 12-22-08.