

Florida Department of Education
Proposed State Board of Education Rules - Exceptional Student Education Programs
Background Information and Chronology of Activities

Federal Requirements - The Individuals with Disabilities Education Act (IDEA)

- ◆ In June 1997, the IDEA (Public Law 105-17) was re-authorized and signed into law.
- ◆ The final regulations to implement IDEA '97 (34 CFR Part 300) were published March 2, 1999.
- ◆ States are required, to be eligible for funds, under this Act (20 USC 1412(a)), to:
 - ⇒ Have in effect policies and procedures established to ensure that it meets specified conditions related to:
 - Free Appropriate Public Education (FAPE)
 - Full Educational Opportunity Goal
 - Child Find
 - Individualized Education Program (IEP)
 - Least Restrictive Environment (LRE)
 - Procedural Safeguards
 - Evaluation
 - Confidentiality
 - Transition from Part C (Infants and Toddlers with Disabilities) to Preschool Programs
 - Children in Private Schools
 - State Educational Agency Responsible for General Supervision
 - Obligations Related to and Methods of Ensuring Services
 - Procedural Requirements Related to Local Educational Agency Eligibility
 - Comprehensive System of Personnel Development
 - Personnel Standards
 - Performance Goals and Indicators
 - Participation in Assessments
 - Supplementation of State, Local, and Other Federal Funds
 - Maintenance of State Financial Support
 - Public Participation
 - State Advisory Panel
 - Suspension and Expulsion Rates

Rule Development Timelines

- ◆ Florida's policies and procedures regarding programs for students with disabilities on the above are included in:
 - ⇒ Florida Statutes
 - ⇒ State Board of Education Rules (Chapter 6A-6, FAC)
 - ⇒ Florida State Plan under Part B of the Individuals with Disabilities Education Act for Fiscal Years 1995, 1996, and 1997

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- ◆ Florida is in “transition” as it revises its policies and procedures to comply with IDEA '97.
- ◆ The rules proposed for the State Board of Education adoption are the first of a series of rule revisions required for compliance with IDEA '97.
- ◆ December 10, 1999 - Notice of Development of Proposed Rules and Rule Development Workshops published in Florida Administrative Weekly
- ◆ December 15, 1999 - Distributed copies of Notice of Intent to approximately 150 “Interested Persons”
- ◆ January 5, 2000 - Conducted three rule development workshops in Ft. Lauderdale, Tampa, and Tallahassee
 - ⇒ A total of 61 persons attended representing:
 - Parents/advocacy organizations (10)
 - Parent attorneys (2)
 - School districts (46)
 - Agencies and the general public (3)
- ◆ February 18, 2000 -- Notice of Development of Proposed Rules and Rule Development Workshops published in Florida Administrative Weekly
- ◆ February 18, 2000 - Distributed copies of Notice of Rule Development to approximately 212 “Interested Persons” (including all persons in attendance at the January workshops)
- ◆ March 10, 2000 - Conducted three Rule Development Workshops in Ft. Lauderdale, Tampa, and Tallahassee
 - ⇒ Approximately 78 persons attended representing:
 - Parents/advocacy organizations (12)
 - Parent attorneys (2)
 - School districts (52)
 - Agencies and the general public (12)
 - ⇒ Written Comments were received from 10 persons representing:
 - Parents/advocacy organizations (7)
 - School districts (3)
- ◆ May 26, 2000 – Notice, including full text, published in Florida Administrative Weekly
- ◆ June 9, 2000 - Distributed copies of Proposed Rules and a Summary of Changes Made after the March, 2000 workshops to approximately 350 “Interested Persons”
- ◆ June 19, 2000 - Cabinet Aides Meeting and Written Comments Received from Three Individuals/Organizations
 - ⇒ Proposed rules revised to address issues/concerns raised
- ◆ June 26, 2000 - Proposed Rules Deferred to July 25, 2000 SBE Meeting
 - ⇒ Additional comments received from three persons representing parents/advocacy organizations and others

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- ◆ June 26 – July 18, 2000 - Proposed rules revised to incorporate comments received
- ◆ July 19, 2000 – State Board of Education Cabinet Aides meeting
- ◆ July 26, 2000 – Rules withdrawn at State Board of Education meeting
- ◆ September – December, 2000 – Rules revised based on subsequent comments
- ◆ January 2, 2001 – Distributed copies of the “current revised” rules to approximately 125 “Interested Persons” and requested comments/suggestions
- ◆ January 18-19, 2001- Review of rules by State Advisory Committee for Exceptional Students
- ◆ April 11, 2001 – Review of rules by representatives from State Advisory Committee for Exceptional Students
- ◆ April – May, 2001 – Developed three new rules on individual educational plans (IEPs) for students with disabilities, educational plans (EPs) for students who are gifted and services plans for students with disabilities placed in private schools by their parents
- ◆ June 1, 2001 – Shared copies of the three procedural safeguards rules with members of the Florida School Board Attorneys Association
- ◆ June 28, 2001 – Review of rules by Bureau staff and selected other persons
- ◆ July, 2001 – Developed a new rule on procedural safeguards for parents of children with disabilities placed in private schools by their parents
- ◆ July 24, 2001 – Met with a group of interested persons at the Catholic Diocese Office
- ◆ September, 2001 – Copies of all DRAFT rules distributed to approximately 225 “Interested Persons”
- ◆ October 5, 2001 – Notice of Rule Development Workshops with copies of DRAFT rules published in the Florida Administrative Weekly
- ◆ October 30, and November 5, 6, and 9, 2001 – Five rule development workshops held in Jacksonville, Naples, Ft. Lauderdale, Tampa, and Chipley
 - ⇒ Approximately 150 persons in attendance
 - ⇒ Received written comments from approximately 100 persons/organizations
- ◆ November, 2001 – January, 2002 – Review and incorporation of comments into revised rules
- ◆ February 7, 2002 – DRAFT rules distributed to State Advisory Committee for the Education of Exceptional Students for “final” review and comment
- ◆ February, 2002 – DRAFTs of selected rules sent to ESE, Student Services Directors, advocates and other stake-holders (approximately 150 persons) for informational purposes and “final” review and comment

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- ◆ February – March, 2002 – Rules revised based on public comment; meetings held with individual advocates/lobbyists (e.g., Catholic Diocese, attorney, Advocacy Center representative) regarding rule revisions
- ◆ April – August, 2002 – Rules revised based on review by and contracted attorney and OSEP’s review of state’s eligibility documentation/checklist (received July 31, 2002); identification of major policy issues for review by leadership
- ◆ August – October, 2002 – Review by General Counsel’s Office
- ◆ November, 2002 – DRAFT rules distributed to State Advisory Committee for the Education of Exceptional Students for review
- ◆ January 31, 2003 – Meetings held with individual advocates/lobbyists/district representatives regarding rule revisions on discovery in due process hearings
- ◆ March, 2003 - DRAFT rules distributed to school district personnel and other interested persons for review
- ◆ Summer/Fall 2003 – Review by General Counsel’s Office and revisions for due process section of rule
- ◆ September 12, 2003 – Proposed Rules advertised in Florida Administrative Weekly
- ◆ October 1, 2, 7, and 9, 2003 – Conducted five Rule Development Workshops (Tampa, Tallahassee, Sanford, Ft. Lauderdale, and Jacksonville)
 - ⇒ Approximately 79 persons attended representing:
 - Parents/advocacy organizations (23)
 - School districts (43)
 - Agencies and the general public (11)
 - ⇒ Written comments were received from 17 persons representing:
 - Parents/advocacy organizations (11)
 - School districts (6)
- ◆ February 13, 2004 - Final proposed rules published in Florida Administrative Weekly (FAW)
- ◆ February 16-20 – FAW advertised rules distributed through paperless communication, mail outs, and listed on the DOE website.
- ◆ March 16, 2004 - Presentation for Adoption by State Board of Education