

FLORIDA DEPARTMENT OF EDUCATION



K-12: 2008-94
Date: 8/25/08

Dr. Eric J. Smith
Commissioner of
Education

Technical Assistance Paper



Questions and Answers: State Board of Education Rule 6A-6.03014, Exceptional Student Education Eligibility for Students Who Are Visually Impaired

Summary: The purpose of this technical assistance paper (TAP) is to provide technical assistance regarding the recent revision of State Board of Education Rule 6A-6.03014, Florida Administrative Code, Exceptional Student Education Eligibility for Students Who Are Visually Impaired, including changes in terminology, clarification of eligibility criteria, and evaluation requirements.

Contact: Dawn Saunders
Program Specialist
(850) 245-0478
dawn.saunders@fldoe.org

Status:

- New Technical Assistance Paper
 Revises and Replaces Existing Technical Assistance Paper: 1991-9

Issued by the
Florida Department of Education

Division of Public Schools
Bureau of Exceptional Education and Student Services

<http://www.fldoe.org/ese>

Table of Contents

A. General Information

- A-1. What are the major changes in Rule 6A-6.03014, Florida Administrative Code? 1

B. Evaluation/Reevaluation

- B-1. Has the medical eligibility criteria of the rule changed? 1
- B-2. What is the district’s responsibility to obtain appropriate medical documentation? 2
- B-3. What is the district’s responsibility if the ophthalmologist or optometrist provides incomplete information? 2
- B-4. In what order should assessments be performed? 2
- B-5. Which skills are known to be impacted by visual impairment? 2
- B-6. What are some examples of assessments that address all areas known to be impacted by visual impairment? 3
- B-7. When would an orientation and mobility assessment not be appropriate? Who makes this decision? 4
- B-8. Can the individual educational plan (IEP) team determine that no evaluation is necessary when it is time for reevaluation? 4
- B-9. Why is an eye medical evaluation required for a child who has previously been determined to be totally blind? 5
- B-10. What happens when updated medical and/or functional vision assessment information cannot be obtained (e.g., parent will not consent for testing)? 5

C. Eligibility

- C-1. Do all students with a 20/70 visual acuity meet criteria for programs for students with visual impairment? 6
- C-2. If a student can be corrected (with glasses or contacts) to above 20/70, but he or she refuses to wear corrective lenses, is that student eligible using uncorrected visual acuity? 6
- C-3. If a student’s “good eye” is patched during school hours, is that student eligible for services if the un-patched eye has decreased visual acuity that is 20/70 or worse? 6
- C-4. In reference to medical eligibility specific to peripheral visual field, what is the definition of “so constricted that it affects the student’s ability to function in an educational setting?” 6
- C-5. What does “visual perceptual and/or visual motor difficulties” mean? Why are students with these difficulties typically ineligible for programs for students with visual impairment? 7
- C-6. Are cortical visual impairments (CVI) considered a visual perceptual disorder? 7
- C-7. For students who are older than five years of age, have multiple disabilities, and are unable to be tested using traditional measures, can a different type of report be used? 7

D. Educational Services

- D-1. If there is no teacher of the visually impaired in the school district, what are the district’s responsibilities?..... 8
- D-2. What service delivery models should be used with a student with visual impairment and multiple disabilities? 8
- D-3. What is the school district’s responsibility related to coordination and/or initiation with other entities (i.e., Division of Blind Services)? 8
- D-4. If the parent and the district disagree on an appropriate learning medium or the use of more than one learning media, what is the recourse? 9
- D-5. Can a parent get a print copy of textbooks to have at home to help their student who reads braille? 9
- D-6. Where can additional information about providing appropriate services for students who are blind or visually impaired be found? 9

Appendices

- Appendix A: Rule 6A-6.03014, Florida Administrative Code..... 10
- Appendix B: Rule 6A-6.0331, Florida Administrative Code 12

A. General Information

A-1. What are the major changes in Rule 6A-6.03014, Florida Administrative Code (FAC.), Exceptional Student Education Eligibility for Students Who Are Visually Impaired?

The major changes to the rule include the following:

- Terminology revised to reflect language that is currently used in the field of visual impairment (e.g., “low vision” replaces “partially sighted”)
- Clarification provided that students with visual perceptual and/or visual motor difficulties are not included in the definition of a student with a visual impairment
- Provisions added to allow the use of birth to five criteria for older students who cannot be tested by conventional means due to additional disabilities
- Clarification provided regarding the evaluation process, specifically:
 - For additional evaluation to occur, students must first meet medical eligibility
 - Evaluation must address all areas known to be impacted by vision loss
- Removed the vision screening portion of the rule, as it does not pertain to programs for students with visual impairments and is addressed in school district health plans

B. Evaluation/Reevaluation

B-1. Has the medical eligibility criteria of the rule changed?

No. Medical eligibility has not changed for students with visual impairments. However, for students with multiple disabilities or those students who cannot be evaluated through conventional means, provisions were made to use birth to five criteria for these students. Additionally, the medical eligibility criteria indicates that students who have learning problems that are primarily the result of visual perceptual and/or visual motor difficulties are not included in the definition of “student with a visual impairment.” Visual acuity measures of 20/70 or worse in the better eye with best correction, restricted visual field, and conditions leading to progressive vision loss remain the primary medical eligibility criteria for students being evaluated for this program.

B-2. What is the district’s responsibility to obtain appropriate medical documentation?

In accordance with Rule 6A-6.0331, FAC., Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction, it is the responsibility of the school district to obtain medical documentation. If the parent or guardian does not have a current report from an ophthalmologist or optometrist licensed to practice in the state of Florida, it is the district’s responsibility to obtain such information, either by assisting with transportation, scheduling an appointment, or otherwise assisting the parent in obtaining the required information (e.g., paying medical costs).

B-3. What is the district’s responsibility if the ophthalmologist or optometrist provides incomplete information?

District personnel should obtain a signed Release of Information form from the parent/guardian and communicate with the eye doctor.

B-4. In what order should assessments be performed?

Per Rule 6A-6.03014(3)(a)2, FAC., if one of the listed medical criteria is met, then a comprehensive assessment of those skills known to be impacted by visual impairment may be performed. To provide appropriate accommodations for additional testing, the functional vision assessment, also listed in the rule, should be completed prior to performing additional evaluations.

B-5. Which skills are known to be impacted by visual impairment?

Many areas of development are impacted by a visual impairment. Consequently, skill development in these areas may warrant additional instruction. For students who are visually impaired, these skills are addressed in the expanded core curriculum. According to the National Agenda for the Education of Children and Youths with Visual Impairments, Including Those with Multiple Disabilities, the expanded core consists of:

- Compensatory or functional academic skills, including communication modes orientation and mobility
- Social interaction skills
- Independent living skills
- Recreation and leisure skills
- Career education
- Use of assistive technology Visual efficiency skills¹

¹ Heubner, K. M, Merk-Adam, B, Stryker, Donna, & Wolfe, K. (2004). *The National Agenda for the Education of Children and Youths with Visual Impairments, Including those with Multiple Disabilities* (Revised). New York: AFB Press.

B-6. What are some examples of assessments that address all areas known to be impacted by visual impairment?

Many commercially available assessments can assist in determining if a student has need for instruction in core curriculum or the expanded core curriculum areas. Some examples of these include, but are not limited to:

- Texas Assessment Kit
- Assessment and Ongoing Evaluation Independent Living Curriculum (TSBVI)
- Oregon
- Brigance
- Key Math
- Learning Media Assessments
- Functional Vision Assessments
- Reading Inventories
 - John's Basic Reading
 - DIBELS
 - ERDA
 - DAR
- Braille
 - Minnesota Braille Skills Inventory
 - Braille Assessment Inventory
 - Braille Requisite Skills Inventory
 - Mangold
 - ABLIS
 - ISAVE
- Every Move Counts
- Brigance (Pre-K)
- Assessment of Developmental Skills for Young Multihandicapped Sensory Impaired Children (SKI-Hi)
- INSITE Developmental Checklist²

The Florida Instructional Materials Center for the Visually Impaired (FIMC-VI) professional library has a variety of assessments for loan to school district personnel. The Florida State University (FSU) Visual Disabilities program also has a variety of assessments that may be of use. Contact information for FSU faculty may be found at <http://www.careersinblindness.com/faculty.html>. Assessments and curricula that contain assessments found on the Texas School for the Blind and Visually Impaired Web site (<http://www.tsbvi.edu>) are available for purchase and/or download.

² Ratzlaff, K. (2006, August). *Expanded core curriculum*. Retrieved June 23, 2008, from [http://www.fimcvi.org/articlepdfs/Kay's Expanded Core Curriculum.ppt](http://www.fimcvi.org/articlepdfs/Kay's%20Expanded%20Core%20Curriculum.ppt).

B-7. How does the child study team (CST) or individual educational plan (IEP) team determine if an orientation and mobility evaluation is appropriate?

The majority of students who are referred for an initial evaluation for programs for students who are visually impaired should, at a minimum, have an orientation and mobility screening performed by a teacher of the visually impaired or orientation and mobility specialist. The child study team or IEP team, upon reviewing the results of the screening, then determines whether or not the student is in need of a full orientation and mobility evaluation, performed by an orientation and mobility specialist.

It is important for teams to take into account that orientation and mobility encompasses more than the use of the long cane or other mobility devices, especially when making considerations for students with substantial residual vision. Students who are blind as well as those with low vision use orientation skills (using landmarks, clues, numbering systems, compass directions, familiarizing oneself with one's environment), protective techniques, and sighted guide. A committee was formed in 2002 by the Orientation and Mobility Division of the Association for the Education and Rehabilitation of the Blind and Visually Impaired (AER) to create a screening form for use by teachers of the visually impaired to determine if a student may need an orientation and mobility evaluation based on academic accommodations. This form may be found at <http://www.tsbvi.edu/Outreach/seehear/summer04/om-screening.doc>.³

B-8. Can the IEP team determine that no evaluation is necessary when it is time for reevaluation?

No. In accordance with 6A-6.03014(3)(b), FAC., “**reevaluation shall include a minimum of a medical eye examination within the last calendar year, functional vision assessment, learning media assessment, and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, FAC.** The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.”

According to Rule 6A-6.0331, FAC., a group that includes members of the IEP team as well as other qualified individuals may review existing data and determine whether additional data is needed. IEP teams may determine that a review of existing evaluations and other information are adequate to determine whether a student continues to be eligible for services and such data is also indicative of the student's current educational needs. Parents/guardians must be notified of this determination and of their rights to request an evaluation. Therefore, while a medical eye examination, functional vision assessment, and learning media assessment are required for reevaluation, the IEP team may determine that, given existing data, other evaluations are not necessary.

³ Marsh, R. A. (2005, February). *Screening students for O&M training needs*. Retrieved June 5, 2008, from <http://www.tsbvi.edu/Outreach/seehear/summer04/screening.htm>.

B-9. Why is an eye medical evaluation required for a child who has previously been determined to be totally blind?

There may be a change in the disease process that only routine medical eye examinations can detect. Only about 20 percent of the visually impaired population have light perception or less (totally blind).⁴ The majority of individuals who are visually impaired have some residual vision whether it is light perception, color perception, or form perception. The referring eye doctor should continue to monitor the eyes regularly for any eye conditions that could result in eye health complications or additional vision loss. For some students, especially those who were first tested at a very young age, the results of eye medical evaluations may fluctuate.

B-10. What happens when updated medical and/or functional vision assessment information cannot be obtained (e.g., the parent will not consent to testing)?

According to section 300.300(c)(1)(ii), Code of Federal Regulations (CFR), *if the parent refuses to consent to the reevaluation, the public agency may, but is not required to, pursue the reevaluation by using the consent override procedures [mediation or due process procedures]...* Additionally, the district is not in violation of its child find or evaluation obligations if it declines to pursue the evaluation or reevaluation in such cases (per section 300.300(c)(1)(iii), CFR).

If the parent or guardian has not responded to requests for consent for testing, districts should maintain documentation that reasonable efforts were made to obtain consent and that the parent or guardian was not responsive to these efforts.

Please note, the student **may not** be dismissed from exceptional student education programs because the parent does not provide consent for the reevaluation, unless the team is able to otherwise determine that the student no longer is a student with a disability in need of special education and related services.

C. Eligibility

C-1. Do all students with 20/70 visual acuity meet criteria for programs for students with visual impairment?

In accordance with 6A-6.03014(4)(b), FAC., the student must need special education as defined in Rules 6A-6.0331 and 6A-6.03411, FAC. Students may not be determined eligible for exceptional student education based on medical criteria alone. A complete evaluation will assist in determining if there is an educational need for special education and related services.

⁴ Lighthouse International. (2008). *Prevalence of vision impairment*. Retrieved June 23, 2008, from <http://www.lighthouse.org/research/statistics-on-vision-impairment/prevalence/>.

C-2. If a student can be corrected (with glasses or contacts) to above 20/70, but he or she refuses to wear corrective lenses, is that student eligible using uncorrected visual acuity?

Medical eligibility refers to the best corrected vision in the better eye, as indicated in Rule 6A-6.03014(4)(a)1, FAC. A student who can be corrected but elects not to wear corrective lenses is not medically eligible for services.

C-3. If a student’s “good eye” is patched during school hours, is that student eligible for services if the un-patched eye has decreased visual acuity that is 20/70 or worse?

Students who are patched do not meet medical eligibility established in Rule 6A-6.03014, FAC., for programs for students who are visually impaired unless the “good eye” has a visual acuity of 20/70 or worse or a visual field loss that affects the student’s ability to function in the educational setting. However, if a student who is patched already has an IEP or Section 504 plan, or the child study team is in the process of developing one of these plans, a teacher of the visually impaired may serve as a resource in determining appropriate accommodations, such as accessible instructional materials and seating and lighting considerations.

C-4. In reference to medical eligibility specific to peripheral visual field, what is the definition of “so constricted that it affects the student’s ability to function in an educational setting”?

To determine if the student requires special education and related services due to restricted peripheral field, as documented by the eye medical evaluation, the team must carefully review the results of the functional vision and educational assessments as well as any additional relevant medical information (e.g., existence of progressive eye disorder).

C-5. What does “visual perceptual and/or visual motor difficulties” mean? Why are students with these difficulties typically ineligible for programs for students with visual impairment?

Visual perceptual difficulties, including visual processing disorders, refer to a decreased ability to make sense of information received through the eyes, which is not related to visual acuity.⁵ Visual motor skills relate to the ability to coordinate one’s body movements with visual information (e.g., hand-eye coordination).

Visual perceptual and visual motor difficulties, in general, do not result in reduced visual acuity or a reduced visual field that impedes learning primarily through vision. To be eligible for programs for students who are visually impaired, in accordance with Rule 6A-6.03014, FAC., a student must have reduced visual acuity, reduced visual field, or a degenerative eye disorder that impedes learning.

⁵ National Center for Learning Disabilities. (1999). *Visual and auditory processing disorders*. Retrieved February 14, 2008, from <http://www.ldonline.org/article/6390>.

Students with visual perceptual and/or visual motor difficulties may require increasingly intensive and/or individualized intervention efforts in addition to core instruction to achieve grade-level standards. A student who requires sustained and substantial resources beyond those commonly available in the general education setting to maintain targeted achievement and rate of progress may meet eligibility criteria for exceptional student education under other program rules.

C-6. Are cortical visual impairments (CVI) considered a visual perceptual disorder?

No. Visual perceptual disorders **do not** include CVI, which is defined as bilaterally diminished visual acuity caused by damage to the occipital lobes and/or to the optic radiations or geniculostriate visual pathway (primary visual pathway for the processing of form and color).⁶ A fact sheet about CVI may be found at <http://www.tsbvi.edu/Outreach/seehear/fall98/cortical.htm>. Students with CVI, in general, meet medical eligibility criteria for programs for students who are visually impaired.

C-7. For students who are older than five years of age, have multiple disabilities, and are unable to be tested using traditional measures, can a different type of report be used?

Yes. In accordance with 6A-6.03014(4)(a)4, FAC., a medical evaluation report by an ophthalmologist or optometrist indicating bilateral lack of central, steady, or maintained fixation of vision with an estimated visual acuity of 20/70 or less after best possible correction; bilateral central scotoma involving the perimacula area (20/80-20/200); bilateral grade III, IV, or V Retinopathy of Prematurity (ROP); or documented eye impairment may be used to determine eligibility. Please note that such reports, in general, are not written on standard school district physician's eye report forms and may be in narrative format, which is acceptable.

D. Educational Services

D-1. If there is no teacher of the visually impaired in the school district, what are the district's responsibilities?

In accordance with Section 1003.57(1), Florida Statutes (F.S.), "Each district school board shall provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education as acceptable..." In doing so, districts may develop agreements with neighboring school districts, obtain private contract services, or otherwise obtain services for students with visual impairments.

⁶ American Printing House for the Blind. (2004). *What is CVI?* Retrieved February 14, 2008, from <http://www.aph.org/cvi/define.html>.

D-2. What service delivery models should be used with a student with visual impairment and multiple disabilities?

Vision impairment can impact all areas of a student's learning, including those students with additional disabilities. Therefore, to determine the type of services needed by a student with multiple disabilities, the IEP team must take into consideration the needs of individual students, based upon student assessment.

D-3. What is the school district's responsibility related to coordination and/or initiation with other entities (e.g., Division of Blind Services)?

Students must be registered with the Florida Instructional Materials Center for the Visually Impaired (FIMC-VI) in accordance with Rule 6A-6.03014(5)(a), FAC. FIMC-VI provides instructional materials, including assessments and some specialized equipment, to students with visual impairments throughout Florida and was established by Section 1003.55, F.S. FIMC-VI is the ex officio trustee (administrator) of the Federal Quota Funds (federal monies allocated to assist in purchasing instructional materials for students who are legally blind) for students attending school in Florida public and private schools (excluding the Florida School for the Deaf and the Blind). Only students registered with FIMC-VI are eligible to receive books and materials from the center.

Additionally, Rule 6A-6.03014(5)(b)2, FAC., states that other support services may be made available by engaging in cooperative planning with the Division of Blind Services (DBS), including parent involvement activities. DBS provides services to qualified individuals with visual impairments throughout their lifespan. Programs specific to children include the Blind Babies, Children's, and Transition (to post-secondary) programs. Many students with visual impairment are clients of DBS and are served by the community rehabilitation providers (CRP) with which DBS contracts. For such students, the school district and the CRP or DBS counselor should be coordinating their efforts to avoid duplication of services and ensure that student needs are being met.

D-4. If the parent and the district disagree on an appropriate learning medium or the use of more than one learning media, what is the recourse?

The team should review the information gathered from the learning media assessment. Keep in mind that, in accordance with Section 1003.55(4), F.S., Rule 6A-6.03028(6)(f), FAC., and 34 CFR 300.324(a)(2)(iii), the IEP team must consider braille instruction for students with visual impairments. In making decisions regarding instruction of braille, the team must consider both current and future needs of students.

D-5. Can a parent get a print copy of textbooks to have at home to help their student who reads braille?

Yes. In accordance with Section 1002.20(19)(c), F.S., upon request of the parent, the school principal must sell to the parent any instructional materials used in the school, in accordance with the provisions of s. 1006.28(3)(c), F.S.

D-6. Where can additional information about providing appropriate services for students who are blind or visually impaired be found?

Some resources regarding programs for students with visual impairment include:

- Florida Department of Education, Bureau of Exceptional Education and Student Services – <http://www.fldoe.org/ese>
- Florida Instructional Materials Center for the Visually Impaired – <http://www.fimcvi.org>
- Florida School for the Deaf and the Blind – <http://www.fsdb.k12.fl.us>
- Florida School for the Deaf and the Blind, Parent and Outreach Services Division – <http://www.fsdb.k12.fl.us/outreach>
- Division of Blind Services – <http://dbs.myflorida.com>
- Larger school districts with established vision programs
- Local community rehabilitation providers (e.g., Lighthouses) – <http://www.faasb.com>
- Florida Diagnostic and Learning Resources System (FDLRS) – <http://www.paec.org/fdlrsweb/>
- Florida Inclusion Network – <http://www.floridainclusionnetwork.com/>

Appendix A: Rule 6A-6.03014, Florida Administrative Code

6A-6.03014 Exceptional Student Education Eligibility for Students Who Are Visually Impaired.

(1) Definition. Students who are visually impaired include the following:

(a) A student who is blind, has no vision, or has little potential for using vision.

(b) A student who has low vision.

(c) The term visual impairment does not include students who have learning problems that are primarily the result of visual perceptual and/or visual motor difficulties.

(2) Activities Prior to Referral. Prior to referral for evaluation, the requirements in Rule 6A-6.0331, FAC, must be met.

(3) Procedures for student evaluation.

(a) The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology, diagnosis, treatment regimen, prognosis, near/distance, corrected/uncorrected acuity measures for left eye, right eye and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate. For children birth to five (5) years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.

2. If a medical criterion listed in section 4(a) of this rule is met, then in addition to the provisions of Rule 6A-6.0331, FAC, a comprehensive assessment of skills known to be impacted by visual impairment, shall include, but is not limited to: functional vision evaluation, learning media assessment, and, if appropriate, orientation and mobility assessment.

(b) Reevaluation shall occur at least every three (3) years and shall include a minimum of a medical eye examination within the last calendar year, functional vision assessment, learning media assessment, and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, FAC. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

(4) Criteria for eligibility. A student is eligible for special education and related services if the following medical and educational criteria are met:

(a) Medical. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:

1. A visual acuity of 20/70 or less in the better eye after best possible correction

2. A peripheral field so constricted that it affects the student's ability to function in an educational setting;

3. A progressive loss of vision which may affect the student's ability to function in an educational setting, not including students who have learning problems that are primarily the result of visual perceptual and/or visual motor difficulties, or,

4. For children birth to five (5) years of age or students who are otherwise unable to be assessed, bilateral lack of central, steady, or maintained fixation of vision with an estimated visual acuity of 20/70 or less after best possible correction; bilateral central

scotoma involving the perimacula area (20/80-20/200); bilateral grade III, IV, or V Retinopathy of Prematurity (ROP); or documented eye impairment as stated in paragraph (3)(a) of this rule.

(b) The student needs special education as defined in Rules 6A-6.0331 and 6A-6.03411, FAC.

(5) Supportive services.

(a) The district shall make available the professional services needed to support the program. This shall include registration of all students who are visually impaired for services from the Florida Instructional Materials Center for the Visually Impaired.

(b) Other support services may include, but are not limited to:

1. Provision of specialized textbooks, learning materials, assessment materials, and equipment; and

2. Cooperative planning with the Division of Blind Services, including parent involvement activities.

(6) This rule shall become effective March 1, 2008.

Specific Authority 1003.01(3)(a), (b), 1001.02, 1001.42(4)(l), 1003.55, FS., 1003.57(1) Law Implemented 1001.02, 1010.305(2), 1011.62(1)(c) FS. History—New 7-1-77, Amended 7-13-83, Formerly 6A-6.3014, Amended 2-12-91, Amended

Appendix B: Rule 6A-6.0331, Florida Administrative Code (FAC.)

6A-6.0331 Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction.

The state's goal is to provide full educational opportunity to all students with disabilities ages three (3) through twenty-one (21). Local school boards have the responsibility to ensure that students suspected of having a disability or being gifted are identified, evaluated, and provided appropriate specially designed instruction and related services if it is determined that the student meets the eligibility criteria specified in Rules 6A-6.03011 through 6A-6.03023 and 6A-6.03027, FAC. Additionally, local school boards that elect to serve children with disabilities below the age of three (3) years in collaboration with the Part C Early Intervention Program have the responsibility to ensure that infants and toddlers suspected of having a disability are identified, evaluated, and provided appropriate early intervention services if it is determined that the child meets the eligibility criteria specified in subparagraph (2)(a)1. of Rule 6A-6.03026, FAC. The procedures and criteria for identification, evaluation, and determination of eligibility of exceptional students by local school boards shall be set forth in the school district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students document consistent with the following requirements.

(1) Prekindergarten Children. For children below entry age to kindergarten, the activities specified in subsection (2) of this rule are not required. The following requirements apply to this population of children.

(a) For children being considered for eligibility as an infant or toddler with a disability, prior to determining eligibility, existing medical, psychological, social and other related data must be reviewed in addition to the completion of a vision and hearing screening.

(b) For children being considered for eligibility for school district programs for children ages three to kindergarten entry age, prior to referral for evaluation the following activities shall occur:

1. A review of existing social, psychological, and medical data with referral for a health screening when the need is indicated; and
2. A screening for vision, hearing, and communication functioning with referral for complete evaluations when the need is indicated.

(2) Kindergarten Through Grade Twelve Students. It is the local school board's responsibility to address through appropriate interventions and, to the extent possible, resolve a student's learning or behavioral areas of concern in the general education environment prior to a referral for evaluation to determine eligibility as a student with a disability. Notwithstanding the provisions of paragraphs 6A-6.03011(3)(a)-(e), 6A-6.03016(5)(a)-(f), and 6A-6.03018(3)(a)-(b), FAC., prior to the submission of a referral for evaluation to determine eligibility as a student with a disability, the activities in paragraphs (2)(a)-(f) of this rule must be completed. The general education interventions described in paragraph (2)(f) of this rule are not required for students who demonstrate speech disorders, severe cognitive, physical or sensory disorders, or severe social/behavioral deficits that require immediate intervention to prevent harm to the student or others. The activities described in paragraphs (2)(a)-(f) are not required for students considered for eligibility for specially designed instruction for students who are homebound or hospitalized as defined in Rule 6A-6.03020, FAC.

(a) Parent conferences. Two (2) or more conferences concerning the student's specific learning or behavioral areas of concern shall be held and shall include the

parents, the student's regular education teacher, and may include other educators with special expertise in the areas of concern such as special education teachers, administrators, and student services personnel. The initial conference with the parents must include discussion of the student's learning or behavioral areas of concerns, the general education interventions planned, and the anticipated effects of the interventions. Other conferences must include discussion of the student's responses to interventions and anticipated future actions to address the student's learning and/or behavioral areas of concern.

(b) Anecdotal records or behavioral observations made by at least two (2) persons, one (1) of whom is the student's classroom teacher, in more than one (1) situation which cite the specific behaviors indicating the need for a referral for evaluation shall be reviewed.

(c) Social, psychological, medical, and achievement data in the student's educational records shall be reviewed;

(d) Attendance records shall be reviewed, and where appropriate, investigation of reasons for excessive absenteeism shall be conducted.

(e) Screening for speech, language, hearing, and vision for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress shall be conducted. Notwithstanding the provisions of Rules 6A-6.03011 through 6A-6.03018, 6A-6.03021 through 6A-6.03023, and 6A-6.03027, FAC., screening for speech, language, hearing, and vision screening shall be required prior to conducting an evaluation to determine the student's eligibility as a student with a disability.

(f) A minimum of two (2) general education interventions or strategies, shall be attempted. These general education interventions or strategies may include: supplemental academic instruction; change in student's class schedule or teacher; change in instructional strategies and techniques; interventions provided by student services personnel or state or community agency. For students with academic learning problems, the general education interventions must include the use of an academic improvement plan, as required by Section 1008.25(4)(a)-(c), Florida Statutes, and the provision of remedial instruction for a reasonable period of time. Pre- and post-intervention measures of the academic and/or behavioral areas of concern must be conducted to assist in identifying appropriate interventions and measuring their effects.

(3) Referral. Referral is the process whereby a written request is made for a formal individual evaluation to determine a student's eligibility for specially designed instruction and related services. Prior to a referral for students suspected of having a disability, school personnel must make one of the following determinations and include appropriate documentation in the student's educational record:

(a) For students who demonstrate speech disorders, severe cognitive, physical or sensory disorders, or severe social/behavioral deficits, the activities described in paragraph (2)(f) of this rule would be inappropriate in addressing the immediate needs of the student;

(b) The activities, as described in paragraph (2)(f) of this rule, have been implemented but were unsuccessful in addressing the areas of concern for the student; or

(c) The parents of the child receiving general education interventions requested, prior to the completion of these interventions, that the school conduct an evaluation to determine the student's eligibility for specially designed instruction and related services

as a student with a disability. In this case, the activities described in paragraphs (2)(a)-(f) must be completed concurrently with the evaluation but prior to the determination of the student's eligibility for specially designed instruction.

(4) Student evaluation.

(a) The school board shall be responsible for the medical, physical, psychological, social, and educational evaluations of students, who are suspected of being exceptional students, by competent evaluation specialists. Evaluation specialists shall include, but not be limited to, persons such as physicians, school psychologists, psychologists, speech/language pathologists, teachers, audiologists, and social workers with each such person licensed in the professional's field as evidenced by a valid license or certificate to practice such a profession in Florida. Educational evaluators not otherwise covered by a license or certificate to practice a profession in Florida shall either hold a valid Florida teacher's certificate or be employed under the provisions of Rule 6A-1.0502, FAC.

1. Notwithstanding the provisions of subparagraph (6)(a)2., of Rule 6A-6.03016, FAC., and subparagraph (4)(a)1., of Rule 6A-6.03011, FAC., tests of intellectual functioning shall be administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, FAC., or licensed under Chapter 490, Florida Statutes.

2. Notwithstanding the provisions of subparagraph 6A-6.03011(4)(a)2., FAC., the standardized assessment of adaptive behavior of students suspected of having a mental handicap, shall include parental input regarding their child's adaptive behavior.

(b) The school board shall ensure that students suspected of having a disability are evaluated within a period of time, not to exceed sixty (60) school days of which the student is in attendance, or for pre-kindergarten children not to exceed sixty (60) school days after:

1. The completion of the activities required in subsection (2) of this rule;
2. The receipt of the referral for evaluation; and
3. The receipt of parental consent for the evaluation.

(c) Circumstances that cause a delay, so that the evaluation cannot be completed within the timeframe required by paragraph (4)(b) of this rule, shall be documented in the student's educational record and communicated to the student's parents.

(d) The school board shall ensure that students suspected of being gifted are evaluated within a reasonable period of time.

(e) Tests and other evaluation materials used to assess a student shall be selected and administered so as not to be discriminatory on a racial or cultural basis and shall be provided and administered in a student's native language or other mode of communication, unless it is clearly not feasible to do so.

(f) Materials and procedures used to assess a student with limited English proficiency shall be selected and administered to ensure they measure the extent to which the student has an exceptionality and needs specially designed instruction and related services rather than measuring the student's English language skills.

(g) Any standardized tests that are given shall have been validated for the specific purpose for which they are used and shall be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

(h) If an assessment tool is not conducted under standard conditions, a description of the extent to which it varied from standard conditions shall be included in the evaluation report.

(i) Tests and other evaluation materials shall include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(j) Tests shall be selected and administered so as to best ensure that if a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills unless those are the factors the test purports to measure.

(k) No single assessment shall be used as the sole criterion for determining whether a student is a student with a disability or is a student who is gifted and for determining appropriate educational services for the student.

(l) The school district shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(m) The school district shall use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.

(n) In evaluating a student suspected of having a disability:

1. A variety of assessment tools and strategies shall be used to gather relevant functional and developmental information about the student including information:

a. Provided by the parents;

b. Related to enabling the student to be involved in and progress in the general education curriculum (or for a prekindergarten child to participate in appropriate activities);

c. That may assist in determining whether the student is a student with a disability; and

d. That may assist in the writing of the individual educational plan or family support plan.

2. The student shall be assessed in all areas of the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

3. The evaluation shall be sufficiently comprehensive to identify all of the student's specially designed instruction and related services needs, whether or not commonly linked to the disability category in which the student is identified.

(5) Determination of eligibility for exceptional students.

(a) A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional student education or designee, shall meet as a staffing committee. The parents of a student being considered for eligibility as a student with a disability shall be invited and encouraged to participate as equal members of the staffing committee. Additional personnel may be involved in determining eligibility by providing information or by attending staffing meetings.

(b) In interpreting evaluation data the staffing committee shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, student input as appropriate, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

2. Ensure that information obtained from all of these sources is documented and carefully considered; and

3. Determine eligibility in accordance with the criteria specified in Rules 6A-6.03011 through 6A-6.03019, FAC., Rules 6A-6.03020 through 6A-6.03027, FAC., and Rules 6A-6.03030 through 6A-6.03031, FAC., and the procedures in subparagraphs (3)(f)1. and 2. of Rule 6A-6.03411, FAC.

(c) If a determination is made that a student has a disability and needs specially designed instruction and related services, an individual educational plan (IEP) shall be developed for the student in accordance with Rule 6A-6.03028, FAC. For children ages three (3) through five (5) years, a family support plan (FSP) may be developed, in accordance with Rule 6A-6.03029, FAC., in lieu of an IEP.

(d) A student may not be determined eligible as a student with a disability if the determinant factor is lack of instruction in reading or math or limited English proficiency or lack of attendance for a student of compulsory school attendance age and the student does not otherwise meet the eligibility criteria specified in Rules 6A-6.03011 through 6A-6.03018, and 6A-6.03020 through 6A-6.03027, FAC.

(e) A student may not be denied eligibility as a student who is gifted if the determinant factor is limited English proficiency.

(f) For students identified as gifted, an educational plan (EP) in accordance with Rule 6A-6.030191, FAC, shall be developed.

(g) The school district shall provide a copy of the evaluation reports and the documentation of the eligibility determination to the parents at no cost.

(6) Determination of needed evaluation data for a student suspected of having a disability. As part of an initial evaluation, if appropriate, and as part of any reevaluation, a group that includes the IEP team participants as described in subsection (4) of Rule 6A-6.03028, FAC., and other qualified professionals, as appropriate, take the following actions:

(a) Review existing evaluation data on the student, including:

1. Evaluations and information provided by the student's parents and the student as appropriate;
2. Current classroom-based assessments and observations; and
3. Observations by teachers and related services providers.

(b) Identify, on the basis of that review and input from the student's parents and the student as appropriate, what additional data, if any, are needed to determine the following:

1. Whether the student has a particular disability, as defined in Section 1003.01(3)(a), Florida Statutes, or in the case of reevaluation, whether the student continues to have a disability;
2. The present levels of performance and educational needs of the student;
3. Whether the student needs specially designed instruction and related services, or in the case of reevaluation, whether the student continues to need specially designed instruction and related services; and
4. Whether any additions or changes to the specially designed instruction and related services are needed to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.

(c) May conduct its review without a meeting.

(d) The school district shall administer tests and other evaluation materials as may be needed to produce the data identified in subsection (6) of this rule.

(e) If the determination under paragraphs (6)(a)-(b) of this rule is that no additional data are needed to determine whether the student continues to be a student with a disability, the school district shall notify the student's parents of:

1. That determination and the reasons for the determination; and

2. The right to request an evaluation to determine whether the student continues to be an eligible student with a disability. The school district is required to conduct the assessment described in subsection (4) of this rule if requested to do so by the student's parents.

(7) **Reevaluation.** The reevaluation of each student with a disability is conducted, in accordance with paragraphs (4)(a) and (4)(e)-(n) and subsection (6) of this rule, at least once every three (3) years or more frequently if conditions warrant a reevaluation, in accordance with Rules 6A-6.03011 through 6A-6.03018 and 6A-6.03020, 6A-6.03022, 6A-6.03023, and 6A-6.03027, FAC., or if the student's parent or teacher requests a reevaluation, or prior to the determination that the student is no longer a student with a disability in need of specially designed instruction.

(a) The results of any testing administered during the reevaluation process shall be considered by the IEP team including the parent, when reviewing and, as appropriate, revising the student's IEP.

(b) The IEP team, including the parent, and other qualified professionals, as appropriate, shall determine that the student is no longer a student with a disability based on the results of the reevaluation process.

(c) Reevaluation is not required for a student before the termination of eligibility due to graduation with a standard diploma or exiting from school upon reaching the student's twenty-second birthday.

(8) Each school district shall designate a staff member as administrator of exceptional student education who shall be responsible for the following:

(a) Coordinating all school district services for exceptional students;

(b) Reviewing the eligibility determinations of staffing committees for exceptional students in accordance with the procedures and criteria outlined in Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students developed pursuant to Rule 6A-6.03411, FAC.

(c) Ensuring that parents have been appropriately informed of their child's eligibility determination and their procedural safeguards in accordance with Rules 6A-6.03311, 6A-6.03032, and 6A-6.03313, FAC.

(d) Informing, in writing, the appropriate school principal of the student's eligibility for specially designed instruction and related services; and

(e) Implementing the district's policies, as required by Rule 6A-6.03411, FAC.

(9) The administrator of exceptional student education is authorized to delegate the responsibilities in paragraphs (8)(b) – (d) of this rule.

Specific Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.57(5) FS. Law Implemented 1001.02(2)(n), 1001.42(4)(l), 1003.01(3)(a), (b), 1003.57(5) FS. History—New 6-17-74, Repromulgated 12-5-74, Amended 7-1-77, 3-28-78, 7-12-78, 8-31-78, 11-29-78, 10-7-81, 7-13-83, 6-2-85, Formerly 6A-6.331, Amended 7-13-93, 1-2-95, 9-20-04. Cf. P.L. 105-17, 20 USC 1401, 1412, 1413, 1414; 1415