

# FLORIDA DEPARTMENT OF EDUCATION



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## MEMORANDUM

**TO:** School District Superintendents

**FROM:** Pam Stewart

**DATE:** August 23, 2013

**SUBJECT:** 2013 LEGISLATION – SENATE BILL 1108

### Contact Information

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**DPS: 2013-105**

The 2013 Florida Legislature passed Committee Substitute for Senate Bill 1108 (CS/SB 1108) – An act relating to exceptional student education. Governor Scott signed this bill on June 28, 2013, with an effective date of July 1, 2013. The legislation impacts multiple statutes related to exceptional student education (ESE). The enrolled bill may be found at <http://www.flsenate.gov/Session/Bill/2013/1108/BillText/er/pdf>.

A summary of key provisions follows. Please note, questions and answers addressing specific implementation issues are included in **Appendix A**.

The following statutes are amended:

### **Section 1002.20, Florida Statutes (F.S.), K–12 student and parent rights**

- School district personnel may not object to, discourage or attempt to discourage the attendance of an adult of a parent's choice at any meeting with school district personnel. Actions that are prohibited include attempted or actual coercion or harassment of parents or students, or retaliation or threats of consequences to parents or students.
- At the conclusion of a meeting, parents and school district personnel in attendance must sign a form stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting. A sample form has been developed to assist school districts (**Appendix B**). Districts are not required to use this form.
- Meetings that are identified in the law include, but are not limited to, eligibility determination meetings for ESE; individual educational plan (IEP) or individualized family support plan (IFSP) development meetings; meetings to develop a 504 accommodations plan under the provisions of Section 504 of the Rehabilitation Act of 1973; transition meetings for children leaving early intervention services for school district-operated programs; secondary transition planning meetings; and any other meetings related to discipline issues or matters related to educational placement.

**Section 1002.33, F.S., Charter schools**

- Unless otherwise mutually agreed to by a charter school and sponsor, the sponsor shall reimburse a charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the district. This includes, but is not limited to, Title I, Title II and the Individuals with Disabilities Education Act (IDEA).
- To receive a reimbursement, a charter school must submit the invoice at least 30 days before the monthly date of reimbursement set by the sponsor.
- Such funds may not be made available to a charter school until a plan is submitted to the sponsor for approval of the use of funds in accordance with the applicable requirements.
- The sponsor has 30 days to review and approve any plans submitted.

**Section 1003.57, F.S., Exceptional students instruction**

- An ESE center, or special day school, is defined to mean a separate public school to which nondisabled peers do not have access. Definitions are also included for regular, resource and separate class placements, and inclusion.
- The law requires that once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The Florida Inclusion Network is required to assist districts in this process. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.
- At each student's initial IEP meeting, the school district must provide the parent with information regarding the amount of funds that the school district receives from the state appropriation for each of the five ESE support levels for a full-time student.

**Section 1012.585, F.S., Process for renewal of professional certificates**

- This section requires, beginning July 1, 2014, that an applicant for renewal of a professional certificate must earn at least one college credit or equivalent inservice points in teaching students with disabilities.
- An applicant must earn a minimum of six semester hours of college credits or the equivalent inservice points for certificate renewal, and this new requirement for credit in teaching students with disabilities may not increase the total renewal credit required.
- This section permits the State Board of Education to adopt rules for implementation of this section.

The following statutes are created:

**Section 1003.5715, F.S., Parental consent**

- The Florida Department of Education is required to adopt parental consent forms that school districts must use for the following actions included in a student's IEP:
  - Administration of the alternate assessment in accordance with s. 1008.22, F.S., and the provision of instruction in the state standards access points curriculum
  - Placement of a student in an ESE center
- Appended to this memo (**Appendix C and Appendix D**) are the forms that the department has developed to meet this requirement. Districts are required to use these forms on an interim basis until such time as a rule is adopted.

- School districts may not proceed with the actions described above without parental consent unless the school district documents reasonable efforts to obtain the parent's consent and the parent has failed to respond or the school district obtains approval through a due process hearing.
- Except for a change of placement resulting from disciplinary action as described in s. 1003.57(1)(h), F.S., if a school district determines that there may be a need to change a student's IEP with regard to the actions described above, an IEP team meeting must be held.
- The school must provide the parent with written notice of this meeting at least 10 days in advance. The parent may waive the 10-day requirement upon receipt of the written notice.
- The State Board of Education is required to adopt rules with regard to implementing this section of law.

#### **Section 1003.572, F.S., Collaboration of public and private instructional personnel**

- Private instruction personnel are defined to include
  - Individuals certified under s. 393.17, F.S., Behavioral programs; certification of behavioral analysts, or licensed under Chapter 490 or 491, F.S., for applied behavior analysis services as defined in s. 617.6686 and 641.31098, F.S.
  - Speech-language pathologists licensed under s. 468.1185, F.S.
  - Occupational therapists licensed under Part III of Chapter 468, F.S.
  - Physical therapists licensed under Chapter 486, F.S.
  - Psychologists licensed under Chapter 490, F.S.
  - Clinical social workers licensed under Chapter 491, F.S.
- Collaboration of public and private instructional personnel is designed to enhance but not supplant the school district's responsibilities under IDEA. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans is encouraged to avoid duplication of or conflicting services.
- Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe, collaborate with personnel, and provide services to the student in the educational setting if the following requirements are met:
  - The student's public instructional personnel and principal must consent to the time and place.
  - The private instructional personnel must satisfy the requirements of s. 1012.32, F.S., or s. 1012.321, F.S.
- The provision of private instructional personnel by a parent does not constitute a waiver of the right to a free appropriate public education under IDEA.

#### **Section 1008.212, F.S., Student with disabilities, extraordinary exemption**

- An IEP team may determine that specific circumstances or conditions prevent a student with a disability from physically demonstrating the mastery of skills that have been acquired and are measured by a statewide standardized assessment, to include an end-of-course assessment or an alternate assessment in accordance with s. 1008.22, F.S., and that an extraordinary exemption be granted from administration of the assessment.
- A learning, emotional, behavioral or significant cognitive disability or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, Florida Administrative Code (F.A.C.), is not, in and of itself, adequate criteria for granting an extraordinary exemption.

- A “circumstance” is defined to mean a situation in which accommodations allowable for use on the statewide standardized assessment, a statewide standardized end-of-course assessment or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year’s assessment administration due to technological limitations in the testing administration program that lead to results reflecting the student’s impaired sensory, manual or speaking skills rather than the student’s achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment or an alternate assessment.
- A “condition” is defined to mean an impairment, whether recently acquired or longstanding, that affects a student’s ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of-course assessment or an alternate assessment would reflect the student’s impaired sensory, manual or speaking skills rather than the student’s achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment or an alternate assessment.
- An IEP team, which must include the parent, may submit to the district superintendent a written request for an extraordinary exemption at any time during the school year, but no later than 60 days before the current year’s assessment administration. The request must include the following information:
  - A written description of the student’s disabilities, including a specific description of the student’s impaired sensory, manual or speaking skills.
  - Written documentation of the most recent evaluation data.
  - Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment or an alternate assessment.
  - A written description of the condition’s effect on the student’s participation in the statewide standardized assessment, an end-of-course assessment or an alternate assessment.
  - Written evidence that the student has had the opportunity to learn the skills being tested.
  - Written evidence that the student has been provided appropriate instructional accommodations.
  - Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student’s IEP that are allowable in the administration of the statewide standardized assessment, an end-of-course assessment or an alternate assessment in prior assessments.
  - Written evidence of the circumstance or condition as defined above.
- Based upon the documentation provided by the IEP team, the school district superintendent must recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied.
- A copy of the procedural safeguards as required in Rule 6A-6.03311, F.A.C., must be provided to the parent.
- If the parent disagrees with the IEP team’s recommendation, dispute resolution measures, including mediation and requesting a due process hearing, must be made available to the parent.
- If the commissioner grants the exemption, the student’s progress must be assessed in accordance with the goals established in the student’s IEP.
- If the commissioner denies a district superintendent’s request for the granting of an extraordinary exemption, the parent may request an expedited due process hearing. In this event, the department is required to inform the parent of any free or low-cost legal services and other relevant services available in the area.

**Section 1008.3415, F.S. – School grade or school improvement rating for exceptional student education centers**

ESE centers may choose whether they will receive a school grade under s. 1008.34, F.S., or a school improvement rating under s. 1008.341, F.S.

- If the school chooses to receive a school improvement rating, the achievement scores and learning gains of the students served in the ESE center school will be counted in the school grade of the student's home school. However, if the student has not been enrolled in a school other than an ESE center, and they score at the emergent level of the Florida Alternate Assessment, the student's achievement scores and learning gains will not be included in the home school's grade.
- The State Board of Education will adopt a rule defining ESE centers.

In the near future, the department will be initiating rule development activities as required. If you have questions regarding implementation of this legislation, please contact the following staff members:

For questions regarding provisions related to ESE, contact Monica Verra-Tirado at [Monica.Verra-tirado@fldoe.org](mailto:Monica.Verra-tirado@fldoe.org), or Cathy Bishop at [Cathy.Bishop@fldoe.org](mailto:Cathy.Bishop@fldoe.org).

For questions regarding provisions related to charter schools, contact Adam Miller at [Adam.miller@fldoe.org](mailto:Adam.miller@fldoe.org).

For questions regarding provisions related to grading or improvement ratings for ESE center schools, contact Jane Fletcher at [Jane.fletcher@fldoe.org](mailto:Jane.fletcher@fldoe.org).

For questions regarding provisions related to the renewal of certificates, contact David Lajeunesse at [David.lajeunesse@fldoe.org](mailto:David.lajeunesse@fldoe.org), or Veronica White at [Veronica.white@fldoe.org](mailto:Veronica.white@fldoe.org).

PS/cbd

cc:     Exceptional Student Education Directors  
          Student Services Directors  
          District Staff Development Coordinators  
          District Assessment Coordinators  
          District Charter Schools Liaisons  
          District Accountability Coordinators  
          District Finance Officers  
          Mary Jane Tappen  
          Lois Tepper  
          Monica Verra-Tirado  
          Mark Eggers  
          Adam Miller  
          Will Krebs  
          Jane Fletcher  
          David LaJeunesse  
          Veronica White  
          Victoria Ash  
          Cathy Bishop

## Appendix A

### Questions and Answers Regarding Implementation of CS/SB 1108

#### Section 1002.20, Florida Statutes (F.S.), K–12 student and parental rights

- 1. Does the requirement to have parents and staff sign a form regarding whether the parent was discouraged from bringing an adult of his or her choice to a meeting apply only to students with disabilities and students who are gifted?**

Section 1002.20, F.S., applies to all students. The provision that parents may be accompanied by another adult of their choice to any meeting with school district personnel is a long-standing requirement in law that is applicable to all students. The recently amended language adds the stipulation that districts may not “object to the attendance of such adult, discourage, or attempt to discourage ... parents from inviting another person of their choice to attend any meetings.” Although most of the examples in the law are meetings specifically related to students with disabilities or students who are gifted, not all are. For example, a meeting related to “other issues that may affect a student’s educational environment, discipline, or placement” is very broad and could apply to any student.

- 2. Does the reference to “the transition of a student from early intervention services to other services” mean that the required form would have to be presented at a Part C to Part B transition-planning meeting organized by local Early Steps (LES)?**

Yes. Although the Department of Health, LES has the obligation to convene the meeting described; at the conclusion of such a meeting, the form required by this section of law must be presented for signature by the parent and the school district personnel in attendance.

- 3. If the adult of choice that the parent wishes to invite is a representative of the media, does the school district have to consent to the attendance of a media representative because of the provisions of this law?**

Yes. The law would permit the parent to select a representative of the media as the adult of their choice.

- 4. Does the parent have to notify the district of the adult of their choice that they plan to invite?**

No. However, in the IEP invitation notice, the district may ask that the parent inform school personnel regarding individuals that he or she will be inviting to the IEP team meeting.

- 5. If the parent participates in a meeting via telephone, how should the form be presented to the parent?**

The district should mail or send the form electronically and request that the parent sign and return.

- 6. Could the district include a signature line acknowledging that the parent has not been discouraged from inviting an individual of choice as a component of an IEP, individualized family support plan (IFSP) or 504 plan document?**

Yes. However, since the potential types of meetings when such a document must be signed go beyond an IEP, IFSP or 504 plan meeting, it is advisable that districts develop a form specifically to meet the requirements of the law. A sample form is provided by the Bureau of Exceptional Education and Student Services (**Appendix B**) and may be used at the discretion of the district. For those districts using the Portal to Exceptional Education Resources (PEER) this form will be included in that system.

- 7. If the parent does not attend the meeting, do school district personnel need to sign the form indicating that they did not prohibit or discourage the parent from bringing an individual of choice?**

No. It should be noted, however, that the parent was not in attendance at the meeting.

#### **Section 1002.33, F.S., Charter schools**

- 1. May a charter school choose to receive services provided by the district in lieu of federal funds?**

Yes. A charter school may elect to receive services instead of funds, unless the federal regulations specifically require the distribution of funds, such as Title I.

- 2. May a district choose to provide services instead of funds if the charter school elects to receive funds?**

No. If a charter school elects to receive funds instead of a commensurate share of services, the district must provide the funds for the same level of service provided students in the schools operated by the district.

- 3. Who is responsible for monitoring the use of the federal funds that are provided to the charter schools?**

The district, in its role of sponsor, is responsible for monitoring the revenues and expenditures of charter schools.

#### **Section 1003.57, F.S., Exceptional students instruction**

- 1. Since the word “placement” is struck from s. 1003.57 (1)(c), F.S., can it be deleted from a district’s notice describing when a due process hearing is available to a student with disabilities eligible under the provisions of the Individuals with Disabilities Education Act (IDEA)?**

No. 34 CFR s. 300.507 states clearly that a parent may file a due process complaint on matters related to identification, evaluation or the **educational placement** of a child with a disability or the provision of a free appropriate public education (FAPE) to the child.

- 2. What funding information does the law require to be provided to the parent at the initial meeting of the IEP team?**

The law requires that the district provide the parent with information regarding the amount the school district receives from the state appropriation for each of the five ESE support levels.

- 3. Does this section of law mean that a matrix of services document will need to be completed for every student with an IEP?**

No. There were no changes made to s. 1011.62, F.S., Funds for operation of schools, with regard to matrix-related requirements. Section 1001.62(1)(e), F.S., states that “in order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student’s initial placement into an exceptional student education program and at least once every three years by personnel who have received approved training.”

- 4. What information regarding the five ESE support levels should be conveyed to parents?**

District staff should work with their finance office to calculate funding amounts for programs kindergarten and grades 1, 2 and 3 with ESE Services (111), Grades 4, 5, 6, 7 and 8 with ESE Services (112), Grades 9, 10, 11 and 12 with ESE Services (113), Support Level 4 (254), and Support Level 5 (255). One possible method of meeting this requirement would be to provide the parents with (1) the base funding amount for a full-time student in each of the five cost factor programs and (2) the amount of the ESE guaranteed allocation for the district as authorized by the legislature.

If parents are provided the total ESE guaranteed allocation amount for the district, they should also be provided with an explanation that these funds are to be used for students whose level of service is less than Support Levels 4 and 5.

**Section 1003.5715, F.S., Parental consent; individual education plan**

- 1. If a student's IEP that was developed and implemented prior to July 1, 2013, reflects either instruction in access points, Florida Alternate Assessment or ESE center school placement, what is the district's obligation to obtain parent consent for those actions?**

At the next IEP team meeting to review and revise the student's IEP, the consent form developed by the department as required by law must be presented to the parent for signature.

- 2. What would constitute "reasonable efforts" to obtain parental consent?**

Districts should be guided by the description of reasonable efforts found in the section of the Part B Notice of Procedural Safeguards for Parents of Students with Disabilities (<http://www.fl DOE.org/e se/pdf/procedural.pdf>) that addresses obtaining initial consent for services. Specifically, districts must maintain documentation of at least two attempts to obtain the consent of the parent. Such documentation could include detailed records of telephone calls, copies of correspondence and records of visits made to the parent's home or place of employment.

- 3. How should a district determine what type of setting would be considered an ESE center school, thereby requiring parental consent before placement?**

In the absence of a specific definition of ESE center in s. 1003.5715, F.S., the definition of ESE center or "special day school" that was incorporated into s. 1003.57, F.S., should be used. That definition states that an ESE center or special day school means a separate public school to which nondisabled peers do not have access.

- 4. If a student has violated the district's code of conduct related to weapons, possession or use of illegal drugs or infliction of serious bodily injury on another individual, is parental consent needed to remove the student to an interim alternative educational setting that may include an ESE center school?**

No. Section 1003.5715, F.S., clearly states that parental consent is not required in such circumstances.

- 5. If the parent indicates "does not consent" on the consent form related to instruction in access points curriculum and administration of the Florida Alternate Assessment, does this mean that the student remains in the general standards curriculum and is assessed using the general statewide assessments?**

Yes.

- 6. Under what circumstances must an IEP team meeting notice be provided at least 10 days in advance of the meeting?**

Section 1003.5715, F.S., states that if a school district determines that there is a need to change a student's IEP with regard to instruction in access points curriculum and administration of Florida Alternate Assessment or ESE center school placement, then the notice of the meeting must be provided at least 10 days in advance. If the district has not determined this to be the purpose of the IEP meeting, then the requirement to present the meeting notice at least 10 days in advance would not apply.



## **Section 1003.572, F.S., Collaboration of public and private instructional personnel**

### **1. Is the school district obligated to pay the costs associated with the background screening of private instructional personnel?**

No. The law is silent with regard to assumption of costs. Since these are individuals hired by the parent, it is assumed that private instructional personnel would be responsible for the costs associated with any required background screening. It is anticipated that most professionals identified in the law would have already been screened given the licensing or certification requirements associated with their profession.

### **2. Should the services that are being provided by the private instructional personnel who are hired or contracted by the parents be included in the student's IEP?**

It may be appropriate to include such information in the present level of educational performance in the section of the IEP where input from parents is documented or in the IEP team meeting conference notes.

The school district's obligation continues to be the provision of FAPE to the student, regardless of the intensity or nature of any services that the parent may independently contract for. The IEP must reflect the services that the district will provide to ensure the provision of FAPE. However, other services that are privately paid for by the parent should not be included on the student's IEP.

### **3. Should a district develop procedures regarding observation of the student or provision of services at the school site by private instructional personnel hired or contracted by the parent?**

Although the law does not require that districts have such procedures, it is advisable that districts have clear procedures in place so that both parents and private instructional personnel hired or contracted by the parent understand the expectations of the school. Districts are reminded that student-specific information cannot be shared with such private providers unless the parent has provided written permission for the release of such information. As a part of these procedures, districts may wish to consider the application of some of the processes and procedures used with regard to school volunteers – especially related to maintaining confidentiality.

The school principal and the student's public instructional personnel must consent to the time and place for any requested observation, collaboration or provision of private services on a school site.

## **Section 1008.212, F.S., Students with disabilities; extraordinary exemption**

### **1. If an IEP team were to recommend an extraordinary exemption from participation in a statewide assessment, what information would be included on the student's IEP?**

Since every IEP must address a student's participation in statewide assessment, the IEP would include the IEP team's recommendation for an extraordinary exemption. If the exemption was not granted, the IEP team would need to reconvene to determine how the student would participate in the statewide assessment.

### **2. If an extraordinary exemption is approved, the law requires that the student's progress must be assessed in accordance with the goals established in the student's IEP. Would this require a report that differs from the report that is developed to meet the requirements of 6A-6.03028(3)(h)7, Florida Administrative Code?**

No.

**Section 1008.3415, F.S., School grade or school improvement rating for exceptional student education centers**

**1. When will schools need to choose whether to receive a school improvement rating or a school grade?**

Each year, the department will contact ESE center schools in the spring to obtain their decision on whether they chose to receive a school grade or a school improvement rating for that year.

**2. For ESE centers that elect to receive a school improvement rating, are assessment scores for students at the ESE center included in learning gains calculations for the ESE center as well as the performance and learning gains measures in the school grade at the student's home school?**

Yes. For these ESE centers, scores for students who have the required years of assessment scores for learning gains calculations are included in the school improvement rating for the ESE center as well as the school grade calculation of the home school.

**3. For students who attend ESE center schools, which students' scores will be included in the home school's grade?**

The following students' scores will be included in the home school's grade.

- Students who have prior K–12 enrollment in a district school that is not an ESE center.
- Students who have only been enrolled in an ESE center school and scored at levels 4 to 9 on the Florida Alternate Assessment.

**Section 1012.585, F.S., Process for renewal of professional certificates**

**1. Will this renewal requirement apply to professional certificates expiring on June 30, 2014?**

This requirement depends on when the application is submitted for renewal of the professional certificate. The credit in teaching students with disabilities will not be required for educators who submit applications to renew their professional certificates prior to July 1, 2014. However, an applicant whose certificate expires on June 30, 2014, who submits application for late renewal on or after July 1, 2014, will be expected to have satisfied the requirement for credit in teaching students with disabilities.

**2. When and how will this renewal requirement apply to professional certificates expiring after June 30, 2014?**

Details on the timeline for satisfying this renewal requirement for certificates expiring after June 30, 2014, have not yet been determined. They will be based upon the State Board of Education's revision of the renewal rule and the department's implementation guidance.

**3. What type of inservice activities and courses will satisfy this requirement?**

Acceptable inservice activities and courses have not yet been determined. They will be based upon the State Board of Education's revision of the renewal rule and the department's implementation guidance.

**4. Does this renewal requirement apply to all professional certificates covering any subject?**

Any exceptions will be addressed through the State Board of Education's rule revision process.

**5. How many credits or inservice points in teaching students with disabilities are required?**

The legislation requires one semester hour of college credit, which is equivalent to 20 inservice points.

**6. How may the credit earned be applied toward fulfillment of renewal requirements?**

Renewal credit earned in ESE may be applied toward fulfillment of renewal requirements of any subject specialization area issued on the professional certificate.

**7. Is this a one-time renewal requirement or will this credit be required for every future professional certificate renewal cycle?**

The new credit requirement applies to future professional certificate renewal cycles unless this provision of law is amended by the legislature.

**Appendix B**  
**School District Name**  
**Document Relating to Parental Input and Meetings**

**Student Name:** \_\_\_\_\_

**Student ID#:** \_\_\_\_\_

**Meeting Date:** \_\_\_\_\_

**Type of Meeting:** \_\_\_\_\_

Dear Parent, Surrogate Parent, Guardian or Adult Student:

Today a \_\_\_\_ [insert type of meeting] \_\_\_\_\_ was held regarding your child, or on your behalf if you are an adult student.

Section 1002.20, Florida Statutes, K-12 student and parent rights, has been changed to state 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. Actions that are prohibited include attempted or actual coercion or harassment, or retaliation or threats of consequence.

At the conclusion of a meeting with school district personnel, parents and school district personnel must be asked to sign a form that documents whether school district personnel have prohibited, discouraged or attempted to discourage you from inviting a person of choice to the meeting.

**Parents, surrogate parents, guardians or adult student attending today's meeting – Please complete the following:**

\_\_\_\_ School personnel **have not** prohibited, discouraged or attempted to discourage me from inviting a person of my choice to today's meeting.

\_\_\_\_ School personnel **have** prohibited, discouraged or attempted to discourage me from inviting a person of my choice to today's meeting.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**School district personnel attending today's meeting – Please complete the following:**

\_\_\_\_ School personnel **have not** prohibited, discouraged or attempted to discourage the parent, surrogate parent, guardian or adult student from inviting a person of choice to today's meeting.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_ School personnel **have** prohibited, discouraged or attempted to discourage the parent, surrogate parent, guardian or adult student from inviting a person of choice to today's meeting.

Signature(s) of all district personnel in attendance

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

**For more information about this form contact** \_\_\_\_\_ **at** \_\_\_\_\_

**Appendix C**  
**Florida Department of Education**  
**Parental Consent Form/Prior Written Notice**  
**Instruction in the State Standards Access Points Curriculum and**  
**Florida Alternate Assessment Administration**

Student: \_\_\_\_\_  
Student D.O.B.: \_\_\_\_\_  
District: \_\_\_\_\_

Date: \_\_\_\_\_  
Parent(s) Name: \_\_\_\_\_  
School: \_\_\_\_\_

I understand that, as a participant of the individual educational plan (IEP) team, I have the right to consent or refuse consent for my child

- to be provided instruction in the state standards access points curriculum
- to be administered the Florida Alternate Assessment (if applicable, based on my child's grade level)

I understand that if I indicate "does not consent" below, the \_\_\_\_\_ County School District may not provide instruction in the state standards access points curriculum and administer the Florida Alternate Assessment without a due process hearing and/or appeals process. I understand that if I do not return this form after reasonable efforts to obtain my consent, the district may proceed with this action.

Based on Section 1003.5715, Florida Statutes, I understand that the school district may not provide instruction in the state standards access points curriculum and administer the Florida Alternate Assessment unless they have made documented and reasonable efforts to obtain my consent, and I have failed to respond or the school district obtains approval through a due process hearing and/or appeals process. I understand that, during the pendency of a due process hearing or appellate proceeding regarding a due process complaint, my child will remain in his or her current educational assignment while awaiting the decision of any impartial due process hearing or court proceeding, unless the district school and I otherwise agree.

Your consent is being sought because the IEP team has determined that the proposed actions are necessary in order for your child to receive a free appropriate public education. If you refuse to consent to the proposed actions, your child may not receive all the services and supports that the IEP team has determined are needed, which may impact your child's educational progress.

The options considered by the IEP team which were not chosen include

\_\_\_\_\_  
\_\_\_\_\_

These options were not chosen because they did not:

☐ Provide for the type or intensity of instruction as determined necessary by the IEP team

☐ Other \_\_\_\_\_

Other factors that were relevant to the options considered are:

\_\_\_\_\_

I understand that, if I give consent, my child will not be eligible for a standard high school diploma but may receive instruction within the general education setting based on his or her IEP.

☐ Does consent for the provision of instruction in the state standards access points curriculum and administration of the Florida Alternate Assessment (if applicable, based on my child's grade level)

\_\_\_\_\_  
Parent signature                      Date                      Parent signature                      Date

☐ Does not consent for the provision of instruction in the state standards access points curriculum and administration of the Florida Alternate Assessment (if applicable, based on my child's grade level)

\_\_\_\_\_  
Parent signature                      Date                      Parent signature                      Date

As a parent of a student with a disability, you have specific rights and protections that are described in the Notice of Procedural Safeguards for Parent of Students with Disabilities. To receive a copy of the procedural safeguards or for assistance understanding your rights, you may contact:

\_\_\_\_\_ at \_\_\_\_\_ OR \_\_\_\_\_ at \_\_\_\_\_  
(District Designee)                      (Telephone/email)                      (Alternate contact)                      (Telephone/email)

Documentation of attempts to obtain consent:

1. Date Sent/Method Used: \_\_\_\_\_
2. Date Sent/Method Used: \_\_\_\_\_

**Appendix D**  
**Florida Department of Education**  
**Parental Consent Form/Prior Written Notice**  
**Student Placement in an Exceptional Education Center**

Student: \_\_\_\_\_ Date: \_\_\_\_\_  
Student D.O.B.: \_\_\_\_\_ Parent(s) Name: \_\_\_\_\_  
District: \_\_\_\_\_ School: \_\_\_\_\_

I understand that, as a participant of the individual educational plan (IEP) team, I have the right to consent or refuse consent for my child to be placed in an exceptional student education (ESE) center, except in circumstances when a placement is made in an ESE center school related to specific violations of the district's code of student conduct. An ESE center or special day school means a separate public school to which nondisabled peers do not have access.

I understand that if I indicate "do not consent" below, the \_\_\_\_\_ County School District may not place my child in an ESE center without a due process hearing and/or appeals process. I understand that if I do not return this form, after reasonable efforts to obtain my consent, the district may proceed with this action.

Based on Section 1003.5715, Florida Statutes, I understand that the school district may not place my child in an ESE center unless they have made documented and reasonable efforts to obtain my consent, and I have failed to respond or the school district obtains approval through a due process hearing and/or appeals process. I understand that, during the pendency of a due process hearing or appellate proceeding regarding a due process complaint, my child will remain in his or her current educational assignment while awaiting the decision of any impartial due process hearing or court proceeding, unless the parent and the school district otherwise agree.

Your consent is being sought because the IEP team has determined that the proposed actions are necessary in order for your child to receive a free appropriate public education. If you refuse to consent to the proposed actions, your child may not receive all the services and supports that the IEP team has determined are needed, which may impact your child's educational progress.

The options considered by the IEP team that were not chosen include

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

These options were not chosen because they did not:

- ☐ Provide for the type or intensity of instruction and related services as determined necessary by the IEP team
- ☐ Provide for education in the least restrictive environment
- ☐ Other

Other factors that were relevant to the options considered are:

\_\_\_\_\_

I understand that if I give consent, my child will not participate in an educational setting with nondisabled peers, but will have access to intensive services as determined necessary by the IEP team.

☐ Does consent for placement in an ESE center

_____	_____	_____	_____
Parent signature	Date	Parent signature	Date

☐ Does not consent for placement in an ESE center

_____	_____	_____	_____
Parent signature	Date	Parent signature	Date

As a parent of a student with a disability, you have specific rights and protections that are described in the Notice of Procedural Safeguards for Parent of Students with Disabilities. To receive a copy of the procedural safeguards or for assistance understanding your rights, you may contact:

_____	at _____	OR _____	at _____
(District Designee)	(Telephone/email)	(Alternate contact)	(Telephone/email)

Documentation of attempts to obtain consent:

1. Date Sent/Method Used: \_\_\_\_\_
2. Date Sent/Method Used: \_\_\_\_\_