

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 1:21-CV-22863-KMM

JUDITH ANNE HAYES, individually  
and on behalf of W.H., a minor, et al.,

Plaintiffs,

v.

GOVERNOR RONALD DION  
DESANTIS, in his official Capacity as  
Governor of the State of Florida, et al.,

Defendants.

**DECLARATION OF MELISSA RAMSEY  
IN SUPPORT OF STATE DEFENDANTS'  
OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

1. My name is Melissa Ramsey. I am employed by the Florida Department of Education ("FDOE") as the Vice Chancellor of Strategic Improvement. As part of my job duties, I am responsible for the oversight of eight different bureaus within FDOE: Bureau of Exceptional Student Education, Bureau of Student Support Services, Bureau of Family and Community Outreach, Bureau of School Improvement, Bureau of Federal Educational Programs, Bureau of Discretionary Educational Programs, Bureau of Student Achievement through Language Acquisition, and the Office of Equal Educational Opportunity.

2. Several of the bureaus in my purview support students with disabilities, their parents, and the school districts serving them. For example, the Bureau of Exceptional Student Education administers and oversees programs for students with disabilities. It coordinates student services throughout the state and participates in multiple inter-agency efforts designed to strengthen the quality and variety of services available to students with special needs. This bureau

also includes a unit that is charged with investigating complaints related to the education of students with disabilities, assisting parents and districts in resolving disputes by alternative options, and providing technical assistance and supports to all stakeholders regarding state and federal laws relating to students with disabilities.

3. In addition to my experience with FDOE, I have served in various district-level roles, including as a classroom teacher, a homebound teacher, guidance counselor, assistant principal, turnaround principal, and district administrator. Throughout my time at the school and district level, which ranged approximately 26 years, I served on numerous students' individualized education plan (IEP) teams in various capacities.

#### **Individual Education Plan Process**

4. The Individuals with Disabilities Education Act (IDEA) was enacted to ensure that a free appropriate public education ("FAPE") is made available to students with disabilities, with emphasis on special education and related services designed to meet the unique needs of students with disabilities. *See* 20 U.S.C. § 1400. It requires state education agencies, like FDOE, and school districts to have certain policies and procedures in place to effect this purpose and in order to receive certain federal funding.

5. This begins with the responsibility to have policies and procedures in place to ensure that all children with disabilities residing in the state, who are in need of special education and related services, are identified, located, and evaluated. *See* 34 C.F.R. § 300.111. Generally, once a student is suspected of having a disability, various protections and deadlines take effect, requiring the district to seek parental consent to evaluate the student and then to conduct a full and individual evaluation of the student. 34 C.F.R. §§ 300.300 and 300.301. Once the initial evaluation is complete, the district must convene an eligibility meeting, where a group of qualified

professionals and the student's parents determine whether the student is a student with a disability and the educational needs of the student. 34 C.F.R. § 300.306.

6. After eligibility is determined, the district must have a team in place to develop the student's individualized education plan or "IEP." The "IEP team" is specific to the student and must include a number of individuals that have specific knowledge regarding the student, including the parents, a general education teacher (if applicable), a special education teacher, a qualified representative of the school or district, and an individual that has and can interpret the student's evaluation results. Each student's IEP team develops the student's IEP, which is a document that is specific to the individual student and guides the student's school in how to provide a FAPE to the student. Among other things, the IEP includes the student's present levels of achievement, goals for the student to meet, information on how the goals will be tracked and reported, a statement of the special education and related services that the student will receive, a description of the extent to which the student will not participate with nondisabled students in school, and the accommodations that will be provided to the student. Each of the student's teachers and service providers must be provided with the IEP and instructed on their responsibilities in implementing the IEP.

7. The IEP team must consider a variety of factors in developing an IEP for the student, including the parents' concerns for enhancing their student's education. 34 C.F.R. § 300.324. The IEP must be individualized to the student's specific strengths and needs and enable the student to be educated with nondisabled students to the maximum extent possible (also known as the least restrictive environment). 34 C.F.R. §§ 300.320 and 300.324. Because the IEP must be based on the student's particular circumstances, students' specially designed instruction, related

services, accommodations, and placement can vary widely—even among other students in the same eligibility category.

8. If the student is not making expected progress toward their annual goals, the IDEA charges IEP teams with revising the IEP to address the issue; it also requires the IEP team to review a student's IEP periodically, but at least once annually, to consider the student's progress toward his or her goals. 34 C.F.R. § 300.324. Accordingly, if a particular service or setting is not assisting the student in making sufficient progress, the IEP team has not just the option but the responsibility to consider other methods or accommodations.

9. Because IEPs are required to be personalized to student need, there is a wide array of options available to IEP teams to consider in developing and revising a student's IEP, including:

- Services provided in a general education environment with support;
- Services provided through a separate class for the student during some or part of the day;
- Services provided in a self-contained class;
- Services provided at a special school (such as Florida School for the Deaf and Blind, for example) either within or outside the school district;
- Services provided in a hospital or home setting, which can include a variety of modes, like one-on-one, in-person instruction at home; instruction via telecommunication or electronic device; instruction in another specified setting; and part-time, brick-and-mortar instruction;
- Services provided by contracted private personnel; and
- Utilizing the wide array of choice options available in Florida, with or without the use of specialized scholarship programs (such as the McKay Scholarship Program

for Students with Disabilities or the Family Empowerment Scholarship, for example), including private school, charter school, and virtual education.

10. The development of the COVID-19 pandemic has required IEP teams to be more creative in their student-centered approaches; however, all of the above-enumerated options remain available to IEP teams, in addition to other methods developed due to COVID-19.

11. During the COVID-19 pandemic and the physical closure of schools, districts implemented a variety of options to provide special education and related services to students, including: providing electronic devices and internet hot spots to individuals without such access; direct teacher and provider instruction through online platforms, which has included both recorded and live sessions; internet-based activities and resources; physical, printed work packets and resources; teletherapy for related services, and contracting with private personnel to provide in-home services. When students were able to return to brick-and-mortar instruction, districts, again, provided a variety of options to serve various student-specific needs, including the provision of instruction in smaller class settings, routine hygiene and sanitization procedures, clustering medically vulnerable students, and providing hospital or homebound instruction.

12. Regardless of whether there is a declared state of emergency or situation like the COVID-19 pandemic, section 1002.45, Florida Statutes, requires school districts to provide certain virtual education options for students. School districts have provided these options in various ways, such as: contracting with the Florida Virtual School ("FLVS"); establishing a franchise of FLVS, contracting with an approved provider; entering into reciprocity agreements with another district to allow students to participate in the other's approved virtual program; establishing a district-operated virtual program; and working with virtual charter schools. For example, Miami Dade County School District is providing an additional virtual option called Miami-Dade Virtual School,

which provides a blended learning model with synchronous and asynchronous instructional modes ([Miami Dade Virtual School \(dadeschools.net\)](http://miamidadevirtualschool.net).) I reviewed the FLVS and the named school districts' websites, and many of the websites indicate that their virtual instruction programs are available to students with IEPs or 504 plans and that they can make accommodations available (for example, <https://www.flvs.net/full-time/more?source=2020info#faqs>, [VOL FAQ v2.pdf \(vcsedu.org\)](#), [Frequently Asked Questions \(hillsboroughschools.org\)](#), and <https://eschool.pasco.k12.fl.us/elementary-faq/>.)

13. Districts are also now expected to include in their exceptional student education ("ESE") policies and procedures ("SP&P") specific procedures that the districts will follow during a declared state of emergency. Each district's SP&P is available on the FDOE's website at: <https://www.fldoe.org/academics/exceptional-student-edu/monitoring/>. Appendix G of each SP&P provides information on the district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students. These procedures address issues like how districts will address instruction if schools are physically closed, how districts will communicate with parents and staff, and the process IEP teams will take to consider the individual needs of students with disabilities and medically vulnerable students. (The named districts' 2020-21 Appendix G documents are attached as **Exhibit 1**.)

14. Like the IDEA, Section 504 of the Rehabilitation Act of 1973 ("Section 504") protects students with disabilities, guarantees them a FAPE, and provides requirements with respect to their identification, evaluation, and the provision of services. Students eligible under Section 504 are also afforded initial evaluation requirements and a team that works together to determine and implement appropriate accommodations for the individual student, which typically results in a document called a "504 plan." The provisions included in a 504 plan vary greatly

among students because they are specifically tailored to the student, but some examples include: a separate room for test taking, extra time for tests and assignments, technology aids (like text-to-speech), repeat instructions, the provision of outlines or study guides, etc.

#### **Administrative Process and Procedural Safeguards Available**

15. In addition to the requirements set out above, FDOE and school districts must ensure students with disabilities and their parents are guaranteed the extensive procedural safeguards with respect to the provision of a FAPE that are provided in the IDEA. 20 U.S.C. § 1415. The procedural safeguards are intended to ensure that parents have the opportunity to be a partner in their student's education.

16. Florida has met these federal requirements through sections 1003.57 and 1003.571, Florida Statutes, and the State Board of Education's adoption of various rules but specifically including Rule 6A-6.03311, Florida Administrative Code, which incorporates the procedural safeguards set out in the IDEA and its implementing regulations and further clarifies Florida-specific requirements.

17. The procedural safeguards are extensive and include various rights and protections such as: consent rights; written notice to the parents when the school district proposes to initiate or change the identification, evaluation, or educational placement, or the provision of FAPE to the student; the opportunity for mediation; and the opportunity to present and resolve complaints through a due process complaint or a state complaint procedure, among other rights. (**Exhibit 2**, Notice of Procedural Safeguards for Parents of Students with Disabilities, located on the FDOE's website at <https://www.fldoe.org/academics/exceptional-student-edu/dispute-resolution/>.) Districts are required to provide a copy of the procedural safeguards once a year, but many parents first receive this copy upon the student's initial referral or parent's request for an initial evaluation.

18. As found in rule and the procedural safeguards, Florida has various administrative remedies available to parents of students with a disability and to school districts when the parties disagree as to the student's education, whether the disagreement is over how the student's IEP was developed, the student's educational placement, appropriate accommodations, or the special education and related services offered by the district. These administrative remedies, commonly known as dispute resolution options, are in place to assist school districts and parents in collaboratively and constructively resolving issues related to a student's education in a timely manner.

19. In Florida, parents have a number of options for resolving such disputes: (1) state-sponsored facilitated individual education plan (IEP) meetings, where FDOE provides a trained facilitator to assist in resolving issues related to the IEP process; (2) mediation, where FDOE provides a third-party mediator to assist in any issue related to special education; (3) the state complaint process, where FDOE investigates alleged violations of state and federal special education requirements and provides a report of the findings; and (4) a due process complaint procedure, where an impartial hearing officer with the Division of Administrative Hearings considers information from the parent and school district and issues a final decision about the dispute. (**Exhibit 3**, Dispute Resolution at a Glance, located on the FDOE's website at <https://www.fldoe.org/academics/exceptional-student-edu/dispute-resolution/>.)

20. Similar to the protections afforded to parents and students under the IDEA, Section 504 requires school districts to have in place a system of procedural safeguards that includes: notice, an opportunity to examine relevant records, an impartial hearing, and a review procedure. 34 C.F.R. § 104.36. In Florida, school districts have local grievance procedures specifically for parents of

students with 504 plans. In addition to the local grievance procedure, parents are also able to directly file a complaint with the Office for Civil Rights for the U.S. Department of Education.

**Plaintiff Parents Have Not Utilized Administrative Remedies**

21. I understand that several parents have filed this lawsuit against FDOE and others, disputing certain issues related to their student's provision of FAPE.

22. FDOE has conducted a search of the Division of Administrative Hearings docket and FDOE's state complaint system to determine whether the named Plaintiff Parents sought resolution of their FAPE-related complaints using either the due process procedures or the state complaint procedures; however, there is no record that any of the parents have initiated either administrative remedy.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on August 24, 2021,  
in Tallahassee, Florida.

  
Melissa Ramsey

# EXHIBIT 1

Alachua County School District  
2020-2021 SP&P  
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## **Appendix G: District Procedures During a Declared State of Emergency**

In the box below, please provide a narrative response describing your district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students.

District Procedures During a Declared State of Emergency- In the event of a Declared State of Emergency, Alachua County Schools will provide ESE Services to the maximum extent possible, in light of the emergency and the safety of students and staff. The District will address the provisions as follows: Health and Safety Epidemic – Full School Closures – Students will be instructed virtually, receiving special education instruction and services through the online platform chosen by the District to deliver the instruction as well as printed packets of work when preferable. Student's services will be delivered as close as is possible through a combination of published assignments, recorded and live lessons. Teletherapy will be used to provide related services. Technology will be made available to students and where needed, the District will work with local internet and hotspot providers to secure access to online instruction and supplemental platforms for learning. Exceptional Student Education (ESE) Teachers will develop a Distance Learning Plan that will address the services provided during the school closures and periods of virtual instruction. ESE teachers and related service providers will continue to monitor students' progress towards goals and monitor services that are being provided. ESE Teachers will continue to provide parent written progress towards goals every quarter. Natural Disaster (ie. Hurricanes, or other disasters that would result in infrastructure damage) – Full/Partial School Closures – If instruction is made available to all students in the District: In the event that there would be full school closures, provided there is still access to the internet and virtual learning, the response would be the same as a health and safety epidemic. In the event that internet and cellular infrastructure are damaged and there is significant building damage which would prevent students from receiving instruction safely in a building, students will be provided with paper copies that address specially designed instruction and related services that parents could collect at food distribution sites, or other safe locations. In the event that there is a natural disaster in which some buildings can safely be used to deliver instruction and there is no risk of health and safety to staff and students, a schedule of services would be developed that would allow specifically for the delivery of specially designed instruction and related services. With the expectation that any of the above situations are temporary in nature, the District will ensure a safe return to the school setting, as expeditiously as possible. Upon return, ESE Staff will review all progress made towards IEP goals during the time of crisis. Upon the return to school students will receive a diagnostic assessment, which in combination with the progress towards goals, will be used to make educational decisions to ensure that if gaps exist, they are addressed and that there is a clear plan for curriculum and service compacting where necessary and appropriate. For students that are medically compromised and returning back to school, the school nurse will follow the student's Nursing Care Plan and consult with the student's physician and/or Health

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Services Supervisor for the district. Students with health concerns accommodations will be provided according to the Nursing Care Plan and IEP. These plans will be implemented and may be adjusted during a declared state of emergency.



## Alachua County Public Schools Continuity of Operations Plan





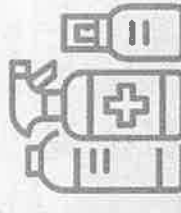
### Considerations and Recommendations for Alachua County Public Schools

The Florida Department of Education, in partnership with the Florida Department of Public Health, has provided guidance to school districts as they plan for the reopening of schools for the 2020-21 academic year. The state's plan uses a tiered model based on the level of community spread of the coronavirus and includes a variety of strategies to promote the health and safety of students and staff while providing educational and other critical services.

Alachua County Public Schools' plan is also based on the level of community spread. The plan has been reviewed by the Alachua County Health Department and other health care experts, and the district will continue to consult with those professionals on a regular basis to determine if and when any adjustments need to be made to the plan and our overall operations.

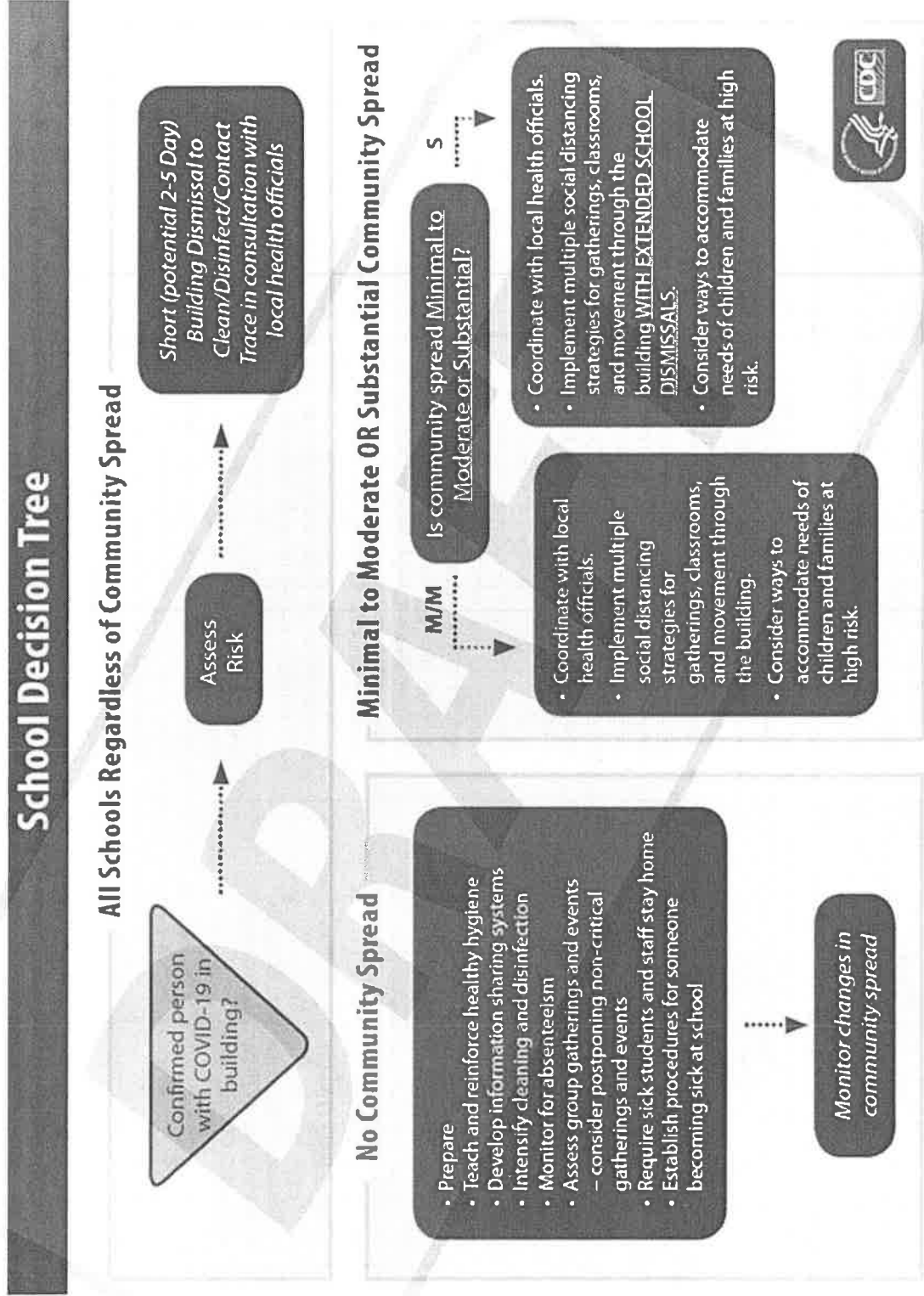
As always, our primary focus is the physical, emotional, social and educational well-being of our students.

*Alachua County's Plan for Continuity of Operations for K-12 Schools provides considerations, recommendations, and best practices to ensure a safe and successful 2020-2021 school year.*

Addressing Community Spread in K-12 Schools			
LEVEL OF COMMUNITY SPREAD (AS DETERMINED BY STATE AND LOCAL HEALTH OFFICIALS)			
Substantial Spread	Minimal/Moderate Spread	No Spread	
<ul style="list-style-type: none"><li>• Coordinate with local and state DPH health officials</li><li>• Participate in contact tracing efforts and specimen collection efforts as directed by local health officials (to the extent feasible)</li><li>• Schools that are closed, remain closed. Implement distance/remote learning (see <i>Serving School Meals and Supporting Teaching and Learning</i>).</li><li>• Close off affected areas and if possible, wait 24 hours before cleaning and disinfecting.</li><li>• Consider ways to accommodate needs of children, teachers/staff, and families at higher risk for severe illness (see <i>Protecting Vulnerable Populations</i> for considerations)</li></ul> <p>For additional guidance on addressing community spread, see the <a href="#">CDC's Considerations for Schools</a></p>	<ul style="list-style-type: none"><li>• Establish and maintain communication with local and state department of health officials; collaborate with the Alachua County Health Department to provide free employee testing for COVID-19 prior to the start of the school year</li><li>• Participate in contact tracing efforts and specimen collection as directed by local health officials (to the extent feasible)</li><li>• Implement enhanced social distancing measures (see <i>Transitioning, Large Group Gatherings, and Teaching and Learning</i>)</li><li>• Post signage in classrooms, hallways, and entrances to communicate how to stop the spread. COVID-19 symptoms, preventative measures (including staying home when sick), good hygiene, and school/district specific protocols</li><li>• Establish a protocol for students/staff who feel ill/experience symptoms when they come to school (see <i>When a Child, Staff Member, or Visitor Becomes Sick at School</i>)</li><li>• Isolate and deep clean impacted classrooms and spaces</li><li>• Consider ways to accommodate needs of children, teachers/staff, and families at higher risk for severe illness (see <i>Protecting Vulnerable Populations</i> for considerations)</li></ul>	<ul style="list-style-type: none"><li>• Establish and maintain communication with local and state department of health officials; collaborate with the Alachua County Health Department to provide free employee testing for COVID-19 prior to the start of the school year</li><li>• Participate in contact tracing efforts and specimen collection efforts as directed by local health officials (to the extent feasible)</li><li>• Post signage in classrooms, hallways, and entrances to communicate how to stop the spread. COVID-19 symptoms, preventative measures (including staying home when sick), good hygiene, and school/district specific protocols</li><li>• Establish a protocol for students/staff who feel ill/experience symptoms when they come to school (see <i>When a Child, Staff Member, or Visitor Becomes Sick at School</i>)</li><li>• Consider ways to accommodate needs of children, teachers/staff, and families at higher risk for severe illness (see <i>Protecting Vulnerable Populations</i> for considerations)</li></ul>	
Definitions			
<b>Face Coverings</b>  <p>Recommendations regarding face coverings differ based on the level of community spread and can be found throughout this document. Information should be provided to staff, students, and families on proper use, removal, and washing of cloth face coverings. Any policy regarding face coverings should be sensitive to the needs of students and staff with medical issues that make the wearing of a face covering inadvisable. &gt; <a href="#">CDC Guidance</a></p>	<b>Hand Sanitizer</b>  <p>Hand sanitizers should contain at least 60% alcohol and only used with staff and older children who can safely use hand sanitizer. Hand soap should be used for younger children. &gt; <a href="#">CDC Guidance</a></p>	<b>Clean/Disinfect</b>  <p>Ensure safe and correct application of disinfectants and keep out of reach of children. &gt; <a href="#">CDC Guidance</a></p>	

# Alachua County Schools Continuity of Operations Plan

Alachua's Continuity of Operations not only provides considerations for school leaders as they develop their own plans for restarting school this fall but provides a flexible framework to address challenges that may develop throughout the 2020-2021 school year. Instead of a one-size-fits-all approach, the School Decision Tree below provides a menu of instructional models and responses districts can adopt to ensure the continued success and safety of students and staff members.





# Alachua's Plan for Continuity of Operations

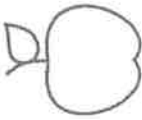

Level of Community Spread (as determined by state and local health officials)



## School Logistics and Protocols


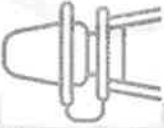


	Substantial Spread RECOMMENDATIONS	Minimal/Moderate Spread RECOMMENDATIONS	No Spread RECOMMENDATIONS
<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>• Use social media and other communications to inform parents, students, and staff about COVID-19 symptoms, preventative measures, good hygiene, and school/district specific protocols</li> <li>• Implement distance learning, district device distribution and address connectivity needs.</li> <li>• Encourage COVID-19 testing</li> <li>• Retrain staff on proper clean/disinfecting of frequently touched surfaces</li> </ul> <p><b>CDC Guidance</b></p> <ul style="list-style-type: none"> <li>• <a href="#">How to Protect Yourself and Others</a></li> <li>• <a href="#">COVID-19 Symptoms</a></li> <li>• <a href="#">COVID-19 and Children</a></li> <li>• <a href="#">Communication Tools</a></li> </ul> <p><b>CDC</b></p> <ul style="list-style-type: none"> <li>• <a href="#">COVID-19 Self-Checker</a></li> </ul> <p>Florida's COVID-19 Hotline</p> <ul style="list-style-type: none"> <li>• Call: 1 (866) 779-6121</li> </ul> <ul style="list-style-type: none"> <li>• <a href="#">State of Florida Department of Health</a></li> <li>• <a href="#">Alachua County Department of Health</a></li> <li>• <a href="#">Florida's COVID-19 Data</a></li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>• Teach and reinforce good hygiene measures such as handwashing and covering coughs</li> <li>• Face coverings are strongly recommended and expected for students and staff</li> <li>• Move non-essential furniture and equipment out of classrooms to increase distance between student learning stations and turn desks in the same direction</li> <li>• Provide hand soap and hand sanitizer with at least 60% alcohol, paper towels, and no-touch or lidless trash cans in all bathrooms, classrooms, and frequently trafficked areas</li> <li>• Post signage in classrooms, hallways, and entrances to communicate how to stop the spread. COVID-19 symptoms, preventative measures (including staying home when sick), good hygiene, and school/district specific protocols.</li> <li>• Regularly clean/disinfect frequently touched surfaces.</li> <li>• Each classroom desk (tops and bottoms) as well as hard surfaces and touch points will be sprayed with CDC approved cleaning agents. This will include the front office as well as clinics.</li> <li>• Provide masks and other appropriate PPE to staff</li> <li>• Allow students and staff to bring hand sanitizer and face masks/coverings to use from home</li> <li>• Allow students and staff to bring water bottles from home.</li> <li>• Conduct deep cleaning of schools prior to students/staff returning; if needed schedule additional cleanings during weekends or school holidays/breaks.</li> <li>• <a href="#">Guidelines for the Workplace</a></li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>• Teach and reinforce good hygiene measures such as handwashing, covering coughs, and face coverings.</li> <li>• Provide hand soap and hand sanitizer with at least 60% alcohol, paper towels, and no-touch trash cans in all bathrooms, classrooms, and frequently trafficked areas.</li> <li>• Post signage in classrooms, hallways, and entrances to communicate how to stop the spread. COVID-19 symptoms, preventative measures (including staying home when sick), good hygiene, and school/district specific protocols.</li> <li>• Regularly clean/disinfect frequently touched surfaces.</li> <li>• Clean/disinfect frequently touched surfaces at least daily.</li> <li>• Allow students and staff to bring hand sanitizer and face masks/coverings to use from home</li> <li>• Teachers, students, visitors and other school personnel shall sanitize their hands each time they enter and exit a classroom.</li> <li>• Conduct deep cleaning of schools prior to students/staff returning; schedule periodic cleanings during weekends or school holidays/breaks (to the extent practicable)</li> <li>• <a href="#">Guidelines for the Workplace</a></li> </ul>	

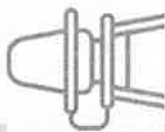
<p><b>Transporting Students</b></p> 	<p>School buildings are closed</p> <p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>• Buses may be utilized to assist with meal program, internet connectivity, delivery of instructional materials.</li> <li>• Reduce person-to-person contact by using multiple locations to provide essential services.</li> <li>• Distribute 7 days worth of meals Monday through Friday<sup>2</sup></li> </ul> <p><sup>2</sup>Subject to future USDA meal waiver approval</p>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>• Provide hand sanitizer for students and bus drivers</li> <li>• Face masks strongly recommended and expected. Provide face masks for bus drivers and make masks available to students, if needed.</li> <li>• Utilize spaced seating (to the extent practicable)</li> <li>• Eliminate field trips</li> <li>• Clean and disinfect frequently touched surfaces on the bus at least daily</li> <li>• Establish protocols for bus stops, loading/unloading students to minimize congregation of children from different households</li> </ul> <p><b>CDC Guidance</b></p> <ul style="list-style-type: none"> <li>• <u>What Bus Operators Need to Know</u></li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>• Implement standard operating procedures while taking preventative measures such as: <ul style="list-style-type: none"> <li>o Providing hand sanitizer for students and bus drivers</li> <li>o Allowing bus drivers and students to wear face masks/coverings</li> <li>o Limiting field trips (to areas of limited/low transmission)</li> <li>o Inspecting buses prior to students returning and as part of a regular rotation</li> <li>o Cleaning and disinfecting frequently touched surfaces on the bus at least daily</li> <li>o Airing out buses when not in use</li> </ul> </li> </ul>
<p><b>Entering School Buildings<sup>3</sup></b></p>  <p><sup>3</sup>School Calendars: Local school districts have authority over school calendars – meaning they have full authority to set start and end dates, holidays/breaks, and school hours, provided instructional requirements are met.</p>	<p>School buildings are closed; districts should require only that essential staff report in-person to carry out functions that are <i>absolutely necessary</i>.</p> <p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>• District/school leaders must remain vigilant and purposeful as they determine roles, responsibilities, and reporting requirements for staff, refraining from blanket reporting requirements</li> <li>• District/school leaders should leverage virtual tools and platforms wherever possible to conduct essential business and keep in-person reporting to an absolute minimum during school closures</li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>• Post signage in classrooms, hallways, and entrances to communicate how to stop the spread. COVID-19 symptoms, preventative measures (including staying home when sick), good hygiene, and school/district specific protocols.</li> <li>• Establish a protocol for students/staff who feel ill/experience symptoms when they come to school.</li> <li>• Establish a protocol for visitors: calling the front office before entering, screening visitors, use of face coverings/masks strongly recommended and expected, hand sanitizer, etc. Restrict nonessential visitors and volunteers.</li> <li>• Establish a protocol for vendor deliveries: calling the front office before entering, requesting use of face coverings/masks, hand sanitizer, etc.</li> <li>• Establish a protocol for student pick up/drop off: staggered entry and release (by grade, class, or bus numbers), marked spacing for pickup.</li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>• Implement standard operating procedures while taking preventative measures such as: <ul style="list-style-type: none"> <li>o Hand sanitizer stations for students and staff</li> <li>o Limit unnecessary congregations of students and staff</li> <li>o Post signage in classrooms, hallways, and entrances to communicate how to stop the spread. COVID-19 symptoms, preventative measures (including staying home when sick), good hygiene, and school/district specific protocols</li> <li>o Establish a protocol for students/staff who feel ill/experience symptoms when they come to school.</li> <li>o Establish a protocol for visitors: calling the front office before entering, screening visitors, requesting use of face coverings/masks, etc.</li> </ul> </li> <li>• Establish a protocol for student pick up/drop off: staggered entry and release (by grade, class, or bus numbers), marked spacing for pickup.</li> </ul>

<p><b>Serving Meals</b></p> 	<p><b>School buildings are closed. District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Practice established social distancing protocols to the greatest extent practicable</li> <li>Provide PPE to participating staff</li> <li>Reduce contact by using the curbside and bus stop service. Distribute 7 days worth of meals Monday through Friday<sup>2</sup></li> <li>Distribute printed instructional packets/materials and district/school communications along with meals</li> <li>Reduce person-to-person contact by using multiple locations to provide essential services.</li> </ul> <p><sup>2</sup>Subject to future USDA meal waiver approval</p>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Allow student hand washing before and after meal service</li> <li>Hand sanitizer stations for students and staff</li> <li>Use disposable plates, utensils, etc.</li> <li>Mark spaced lines to enter the cafeteria and serving lines (to the extent practicable); designate entrances and exit flow paths</li> <li>Conduct cleaning of cafeterias and high-touch surfaces throughout the school day using the Sanitech Sanitizer (effectively kills COVID-19).</li> <li>Cafeteria tables and walls (hand height) will be cleaned with CDC approved cleaning agents after breakfast and after lunch.</li> </ul> <p><b>Alternative Serving Models:</b></p> <ul style="list-style-type: none"> <li>Serving meals in cafeterias with: <ul style="list-style-type: none"> <li>Spaced serving lines (marked on floors)</li> <li>Spaced seating (utilize outdoor space as practicable and appropriate)</li> <li>Serve in pre-packaged boxes and bags for each student instead of traditional serving lines. Avoid sharing of foods and utensils.</li> </ul> </li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Implement standard operating procedures while taking preventative measures such as: <ul style="list-style-type: none"> <li>Hand sanitizer stations for students and staff</li> <li>Allowing students and staff to wear face masks/coverings while in large group gatherings</li> <li>Conducting cleaning of cafeterias and high-touch surfaces throughout the school day using the Sanitech Sanitizer (effectively kills COVID-19).</li> </ul> </li> </ul>
<p><b>Transitioning</b></p> 	<p><b>School buildings are closed.</b></p>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Limit mixing between groups (to the extent practicable)</li> <li>For class changes and other transitions throughout the school day: <ul style="list-style-type: none"> <li>Designate areas of the hallway (i.e. lanes) as flow paths to minimize congregation of students to the extent feasible</li> <li>Plan staggered class changes (ex: by hall, odd/even room numbers, grade/discipline) to decrease number of students in hallways at one time to the extent feasible</li> </ul> </li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Implement standard operating procedures while taking preventative measures such as: <ul style="list-style-type: none"> <li>Allowing students and staff to wear face masks/coverings while in large group gatherings</li> <li>Conducting cleaning of hallways and high-touch surfaces throughout the school day</li> <li>Designating areas of the hallway (i.e. lanes) to walk to keep students separated (to the extent practicable)</li> </ul> </li> </ul>

<p><b>Health Safety of Students</b></p> 	<p>School buildings are closed.</p>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>● Clean daily all hallway walls (hand high) with CDC approved cleaning agent.</li> <li>● Restrooms will be sprayed frequently with CDC approved cleaning agents.</li> <li>● Limit mixing between groups (to the extent practicable)</li> <li>● For class changes and other transitions throughout the school day: <ul style="list-style-type: none"> <li>○ Designate areas of the hallway (i.e. lanes) as flow paths to keep students separated</li> </ul> </li> <li>● Plan staggered class changes (ex: by hall, odd/even room numbers, grade/ discipline) to decrease the number of students in hallways at one time to the extent feasible.</li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>● Implement standard operating procedures while taking preventative measures such as: <ul style="list-style-type: none"> <li>○ Allowing students and staff to wear face masks/coverings while in large group gatherings</li> <li>○ Conducting cleaning of hallways and high-touch surfaces throughout the school day</li> <li>○ Designating areas of the hallway (i.e. lanes) to walk to keep students separated (to the extent practicable) to the extent feasible</li> <li>○ Limit unnecessary congregations of students</li> <li>○ Hand washing video</li> <li>○ How to Safely Wear Face Covering</li> <li>○ Stop Germs! Wash Your Hands</li> </ul> </li> </ul>
<p><b>Student Support Services</b></p> 	<p>School buildings are closed.</p> <p>School Counselors, Social Workers and Mental Health Counselors will be available to:</p> <ul style="list-style-type: none"> <li>● Make contact with students receiving small group or individual services</li> <li>● Serve as resources to families and for distance 'wellness checks' as warranted</li> <li>● Provide virtual guidance curriculum</li> <li>● Continue to monitor high risk student needs</li> <li>● Provide academic guidance and support</li> <li>● Facilitate 504 and EPT meetings</li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>● Assess Emotional Status <ul style="list-style-type: none"> <li>○ Student Risk Screening Scale - Internalizing/Externalizing</li> </ul> </li> <li>● Support Trauma Sensitive Training <ul style="list-style-type: none"> <li>○ See Mental Health Plan for Reentry</li> </ul> </li> <li>● Incorporate Social Emotional Learning <ul style="list-style-type: none"> <li>○ Elem/Secondary guidance curriculum</li> </ul> </li> <li>● Facilitate EPT process/Evaluation</li> <li>● Maintain and facilitate 504 meetings</li> <li>● Provide academic guidance and support</li> <li>● Counseling Services for students and resources for staff</li> <li>● Discuss the shared experience: <ul style="list-style-type: none"> <li>○ Helping Children Cope with Changes</li> <li>○ Talking to Children about COVID-19</li> <li>○ Teaching Through a Pandemic</li> </ul> </li> <li>● School Counseling During COVID-19: Online Lessons and Resources</li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>● Assess Emotional Status <ul style="list-style-type: none"> <li>○ Student Risk Screening Scale - Internalizing/Externalizing</li> </ul> </li> <li>● Support Trauma Sensitive Training <ul style="list-style-type: none"> <li>○ See Mental Health Plan for Reentry</li> </ul> </li> <li>● Incorporate Social Emotional Learning <ul style="list-style-type: none"> <li>○ Elem/Secondary guidance curriculum</li> </ul> </li> <li>● Facilitate EPT process/Evaluation</li> <li>● Maintain and facilitate 504 meetings</li> <li>● Provide academic guidance and support</li> <li>● Counseling Services for students and resources for staff</li> <li>● Discuss the shared experience: <ul style="list-style-type: none"> <li>○ Helping Children Cope with Changes</li> <li>○ Talking to Children about COVID-19</li> <li>○ Teaching Through a Pandemic</li> </ul> </li> <li>● School Counseling During COVID-19: Online Lessons and Resources</li> </ul>

<p><b>Professional Development</b></p> 	<p>School buildings are closed.</p> <ul style="list-style-type: none"> <li>Professional Development utilizing District-developed distance learning tools to support quality instruction.</li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Trauma Informed Care</li> <li>Social Emotional Learning (SEL)</li> <li>Using Data to Plan for Standards-based Instruction</li> <li>Maintaining Safe and Healthy Learning Environments</li> <li>Digital Academy for Teachers</li> <li>High Quality Content via Learning Management System</li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Trauma Informed Care</li> <li>Social Emotional Learning (SEL)</li> <li>Using Data to Plan for Standards-based Instruction</li> <li>Maintaining Safe and Healthy Learning Environments</li> <li>Digital Academy for Teachers</li> <li>High Quality Content via Learning Management System</li> </ul>
<p><b>Teaching and Learning</b></p> 	<p>School buildings are closed. District/School Considerations:</p> <ul style="list-style-type: none"> <li>Implement a robust Distance Learning Plan</li> <li>Distribute printed instructional packets/materials and district/school communications along with meals; designate and communicate collection/drop off points</li> </ul> <p>Alachua County Resources</p> <ul style="list-style-type: none"> <li>Instructional Continuity Plan (ICP)</li> <li>Family Support for Devices and Connectivity</li> <li>Digital Distance Learning Resources (ACPS)</li> <li>Individualized Digital Learning Plan for students with disabilities (ACPS)</li> <li>Educator's Guide to Safe and Effective Video Conferencing</li> <li>Public Wi-Fi Locations</li> <li>ACPS Digital Resources</li> </ul>	<p><b>Educational Options for Families:</b></p> <ul style="list-style-type: none"> <li><b>Return to school with Traditional Instructional Model (Brick and Mortar)</b> <ul style="list-style-type: none"> <li>Students return to school and receive face-to-face instruction with health and safety measures in place.</li> </ul> </li> <li><b>Participate in the Alachua County Digital Academy</b> <ul style="list-style-type: none"> <li>Students receive individualized instruction at home utilizing our learning management system and live lessons. Students would be expected to be engaged in digital learning activities following their typical school schedule (for example, from 7:45-1:52 in elementary school). Specific guidance coming soon.</li> </ul> </li> <li><b>Enroll in Alachua eSchool</b> <ul style="list-style-type: none"> <li>Students enrolled in <u>Alachua eSchool</u> receive individualized instruction from eSchool teachers utilizing technology. The virtual format allows flexibility of time, location, and pace.</li> </ul> </li> </ul> <p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Survey families to gauge the educational setting for the 2020-21 school year. <ul style="list-style-type: none"> <li>Traditional Instructional Model in the building</li> <li>Alachua Digital Academy courses or</li> <li>Enroll students through the <u>Alachua eSchool</u></li> </ul> </li> </ul> <p><b>Traditional Instructional Model (Brick and Mortar)</b></p> <ul style="list-style-type: none"> <li>Scheduling <ul style="list-style-type: none"> <li>Use the master schedule to balance class numbers as much as possible</li> </ul> </li> <li>Move non-essential furniture and equipment out of classrooms to increase distance between student learning stations and turn desks in the same direction.</li> </ul>	<p><b>Educational Options for Families:</b></p> <ul style="list-style-type: none"> <li><b>Return to school with Traditional Instructional Model (Brick and Mortar)</b> <ul style="list-style-type: none"> <li>Students return to school and receive face-to-face instruction with health and safety measures in place.</li> </ul> </li> <li><b>Participate in the Alachua County Digital Academy</b> <ul style="list-style-type: none"> <li>Students receive individualized instruction at home utilizing our learning management system and live lessons. Students would be expected to be engaged in digital learning activities following their typical school schedule (for example, from 7:45-1:52 in elementary school). Specific guidance coming soon.</li> </ul> </li> <li><b>Enroll in Alachua eSchool</b> <ul style="list-style-type: none"> <li>Students enrolled in <u>Alachua eSchool</u> receive individualized instruction from eSchool teachers utilizing technology. The virtual format allows flexibility of time, location, and pace.</li> </ul> </li> </ul> <p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Schools should establish an "overflow" plan to accommodate a potential influx of student enrollees. <ul style="list-style-type: none"> <li>Scheduling <ul style="list-style-type: none"> <li>Use the master schedule to balance class numbers as much as possible</li> </ul> </li> <li>Move non-essential furniture and equipment out of classrooms to increase distance between student learning stations and turn desks in the same direction.</li> <li>Maintain a maximum distance between desks as possible, even if not able to achieve 6 feet, and avoid sharing textbooks, supplies, and toys.</li> <li>Limit physical interaction through partner or group work</li> </ul> </li> </ul>


## Supporting Teaching and Learning (cont.)



		<ul style="list-style-type: none"> <li>• Maintain a maximum distance between desks as possible, even if not able to achieve 6 feet, and avoid sharing textbooks, supplies, and toys.</li> <li>• Limit physical interaction through partner or group work</li> <li>• Establish distance between the teacher's desk/board and students' desks</li> <li>• Identify and utilize large spaces (i.e. gymnasiums, auditoriums, outside spaces – as weather permits) for social distancing</li> <li>• Establish an <b>Academic Baseline</b>:             <ul style="list-style-type: none"> <li>o Administer diagnostic and formative assessments at the beginning of the school year</li> <li>o Conduct meetings with teachers to identify students' current academic needs</li> </ul> </li> <li>• Implement <b>Intervention Plan</b> specifically addressing:             <ul style="list-style-type: none"> <li>o Identification of Critical Standards/essential Skills</li> <li>o Standards not taught before the school closures in 2019-2020</li> <li>o Timeliness of intervention of previous year's standards</li> <li>o Students at-risk of not graduating on time</li> <li>o Students with disabilities</li> <li>o Students who struggled in the prior distance/remote learning environment (i.e. early grades, English Learners, etc.)</li> <li>o Other students identified as being behind academically by teachers and parents</li> </ul> </li> <li>• Provide access to enrichment (fine arts, music, world language, CTE, computer science, AP/IB, dual enrollment, physical education/recess, STEM/STEAM, etc.)</li> <li>• Address learning loss:             <ul style="list-style-type: none"> <li>o Help students catch up/get ahead through the Alachua eSchool</li> <li>o Provide extended learning opportunities through before/after school programs, Saturday school, etc.</li> </ul> </li> <li>• Integrate virtual learning practices:             <ul style="list-style-type: none"> <li>o digitizing lessons</li> <li>o requiring a certain number of online assignments for each grading period</li> </ul> </li> <li>• Schedule specific planned district/school-wide digital learning days as part of the traditional school calendar</li> <li>• Plan to monitor and differentiate instruction</li> </ul>	<ul style="list-style-type: none"> <li>• Establish distance between the teacher's desk/board and students' desks</li> <li>• Identify and utilize large spaces (i.e. gymnasiums, auditoriums, outside spaces – as weather permits) for social distancing</li> <li>• Implement standard operating procedures while taking preventative measures such as:             <ul style="list-style-type: none"> <li>o Providing hand sanitizer for students and staff</li> <li>o Conducting cleaning of classrooms and high-touch surfaces each day</li> <li>o Limiting physical interaction through partner or group work</li> <li>o Surveying families' interest in continuing online learning to reduce number of students requiring face-to-face, traditional instruction</li> </ul> </li> <li>• Establish an <b>Academic Baseline</b>:             <ul style="list-style-type: none"> <li>o Administer diagnostic and formative assessments at the beginning of the school year</li> </ul> </li> <li>• Conduct meetings with teachers to identify students' current academic needs</li> <li>• Implement <b>Intervention Plan</b> specifically addressing:             <ul style="list-style-type: none"> <li>o Identification of Critical Standards/Essential Skills</li> <li>o Standards not taught before the school closures in 2019-2020</li> <li>o Timeliness of remediation of previous year's standards</li> <li>o Students at-risk of not graduating on time</li> <li>o students with disabilities</li> <li>o students who struggled in the prior distance/remote learning environment (i.e. early grades, English Learners, etc.)</li> <li>o other students identified as being behind academically by teachers and parents</li> </ul> </li> <li>• Provide access to enrichment (fine arts, music, world language, CTE, computer science, AP/IB, dual enrollment, physical education/recess, STEM/STEAM, etc.)</li> <li>• Address learning loss:             <ul style="list-style-type: none"> <li>o Help students catch up/get ahead through the Alachua eSchool</li> <li>o Provide extended learning opportunities through before/after school programs, Saturday school, etc.</li> </ul> </li> </ul>
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<b>Extra Curricular Activities</b>  (Athletics, Band, Clubs, EDEP and all before, during and after school activities)	School buildings are closed.  <b>District/School Considerations:</b> <ul style="list-style-type: none"> <li>Abide by and adhere to the maximum percentage of people allowed to congregate as defined by the Governor's current statewide Executive Order.</li> </ul>	<b>District/School Considerations:</b> <ul style="list-style-type: none"> <li>Abide by and adhere to the maximum percentage of people allowed to congregate as defined by the Governor's current statewide Executive Order.</li> <li>All gatherings, events, and extra-curricular activities shall maintain appropriate and responsible social distancing which supports behavior that reduces the spread of COVID-19. This includes limited tickets and seating.</li> <li>Follow <u>Florida High School Athletic Association (FHSAA)</u> guidelines for sporting events and practices.</li> <li>Strongly encourage non-contact temperature testing of adults who will be direct participants and have close contact with students.</li> <li>Monitor students who participate in extracurricular activities for symptoms.</li> <li>All facilities, equipment, instruments, uniforms, etc. should be thoroughly cleaned, disinfected, washed or wiped down after each use.</li> <li>Signs to remind attendees of responsible social distancing (public restrooms, concessions, seating) and allow for multiple exit points.</li> <li>Have adequate cleaning and sanitizing supplies at an event for participants and attendees, including hand sanitizing stations.</li> <li>Limit unnecessary congregations of students and staff</li> <li>Limited participation in events that are in counties that have not met the Governor's criteria for the Reopen Florida Plan.</li> <li>All out of state travel must be approved by the Superintendent. No travel will be allowed to areas that are experiencing sustained or increasing community transmission of COVID-19.</li> <li>Allowing students and staff to wear face masks/coverings while in large group gatherings</li> <li>If a student is experiencing symptoms- Isolate, supervise and call the parent/guardian</li> <li>Adhere to Transporting Students guidelines even if utilizing charter buses and rental vehicles.</li> </ul>	<b>District/School Considerations:</b> <p>Implement standard operating procedures while taking preventative measures such as:</p> <ul style="list-style-type: none"> <li>Maintain appropriate and responsible social distancing.</li> <li>Follow <u>Florida High School Athletic Association (FHSAA)</u> guidelines for sporting events and practices.</li> <li>All equipment, instruments, uniforms, etc. should be washed or wiped down after each use.</li> <li>Signs to remind attendees of responsible social distancing (public restrooms, concessions, seating) and allow for multiple exit points.</li> <li>Have adequate cleaning and sanitizing supplies at an event for participants and attendees, including hand sanitizing stations</li> <li>Limiting unnecessary congregations of students and staff</li> <li>Allowing students and staff to wear face masks/coverings while in large group gatherings</li> <li>If a student is experiencing symptoms- Isolate, Supervise and call the parent/guardian</li> </ul> <p><b>Resources:</b></p> <ul style="list-style-type: none"> <li><u>FHSAA June Return for High School Athletics and Activities</u></li> </ul>



<p><b>Protecting Vulnerable Populations<sup>1</sup></b></p>  <p><sup>1</sup> <i>Vulnerable Populations -- Elderly individuals and/or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.</i></p>	<p>School buildings are closed. See <i>Entering School Buildings</i> for district/school staff guidance.</p>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Survey staff members to gauge their intentions of returning to work while maintaining confidentiality consistent with the Americans with Disabilities Act (ADA) and other applicable federal and state privacy laws</li> <li>Survey families to gauge their intentions of returning to a traditional school setting while maintaining confidentiality consistent with the Americans with Disabilities Act (ADA) and other applicable federal and state privacy laws</li> <li>Provide remote/distance learning opportunities.</li> <li>Identify local COVID-19 testing sites; in collaboration with the Alachua County Health Department offer free COVID-19 testing for high risk employees at least monthly</li> <li>Adhere to FERPA and HIPPA requirements</li> <li>Adhere to state and federal employment law</li> <li>Offer <u>Employee Assistance Program</u> to all staff members</li> </ul>	<p><b>District/School Considerations:</b></p> <ul style="list-style-type: none"> <li>Implement standard operating procedures while taking preventative measures such as: <ul style="list-style-type: none"> <li>Establish a point-of-contact with the Alachua County Health Department</li> <li>Identify local COVID-19 testing sites; in collaboration with the Alachua County Health Department offer free COVID-19 testing for high risk employees at least monthly</li> <li>Hand sanitizer stations for students and staff</li> <li>Allow vulnerable students to complete their coursework virtually</li> <li>Allow vulnerable students and staff to wear PPE throughout the school day (to the extent practicable)</li> <li>Establish a process for regular check-ins with vulnerable students and staff</li> <li>Allow an early transition for vulnerable students to go to classes</li> <li>Limit large group gatherings/ Interactions for vulnerable students and staff</li> </ul> </li> </ul>
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See also ACPS's Pandemic Planning: Information for Public School Districts



## When a Child, Staff Member, or Visitor Becomes Sick at School



### District/School Considerations

- Communicate with school and district Covid Response Team
- Digital Temperature Check and check for other symptoms
- Work with school administrators, school nurses, and other healthcare providers to identify an isolation room or area to separate anyone who exhibits COVID-like symptoms.
- School nurses and other healthcare providers should use *Standard and Transmission-Based Precautions* when caring for sick people. See: *What Healthcare Personnel Should Know About Caring for Patients with Confirmed or Possible COVID19 Infection*
- Contact parent/guardian/emergency contact to arrange for an individual who is sick to go home or to a healthcare facility.
- Notify local health officials, staff, and families immediately of a possible case while maintaining confidentiality consistent with the Americans with Disabilities Act (ADA) and other applicable federal and state privacy laws.
- Close off areas used by a sick person and do not use before cleaning and disinfection. Ensure safe and correct application of disinfectants and keep disinfectant products away from children.
- Advise sick staff members and children not to return until they have met Alachua County Health Department criteria to discontinue home isolation
- Inform those who have had close contact to a person diagnosed with COVID-19 to stay home and follow Alachua County Health Department guidance if symptoms develop. If a person does not have symptoms, follow appropriate Alachua County Health Department guidance for home quarantine.

### CDC Guidance

- [Symptoms of Coronavirus](#)
- [What if I am sick?](#)
- [CDC Frequently Asked Questions](#)
- [Checklist for Parents](#)
- [Travel Guidelines](#)
- [Travel Recommendations](#)

For additional information, go to:

**[ACPS.edu/coronavirus](https://acps.edu/coronavirus) | Florida Department of Public Health**



**Alachua County Public Schools is committed to providing the highest-quality education possible during these challenging times while also promoting the health and well-being of our students, staff, families and the broader community.**

*Karen Clarke, Superintendent*

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**SUPERINTENDENT OF SCHOOLS**

Karen D. Clarke



*Mission Statement: We are committed to the success of every student!*

District Office  
620 East University Avenue  
Gainesville, Florida  
32601-5498

[www.sbac.edu](http://www.sbac.edu)  
(352) 955-7300  
Fax (352) 955-6700

March 31, 2020

Dear Parent or Guardian:

Due to the restrictions placed upon public schools as a result of the national emergency caused by the Coronavirus pandemic, Alachua County Public Schools are working diligently to ensure meaningful educational opportunities continue to be provided under these exceptional circumstances. These opportunities are available to all students, including those students with disabilities.

While we take the necessary steps outlined by the Governor of Florida to protect the health, safety and well-being of students and staff, these exceptional circumstances will affect how educational and related services and supports are provided. The services currently documented on your child's IEP may not look the same delivered remotely as they do in a traditional school.

As appropriate, special education and related services will be provided while students remain at home—either virtually, online, telephonically, and/or using hard copies of instructional materials and student work. Your child's educational service providers will be making contact with you to support your child's continuity of instruction, and to determine the extent of his or her individual needs within this adjusted model. A temporary shift in frequency and format of services may occur, and some supplementary aids, such as paraprofessionals, will not be provided in the home,

IEP and 504 meetings can be held virtually or by phone, as necessary. Student progress will continue to be monitored by teachers, although from a distance. Formal evaluations by a school psychologist that require in-person contact will not be scheduled at this time, although elements of the evaluation process such as social-developmental histories, interviews and/or rating scales may be obtained. Flexibility and the willingness to communicate regarding our children will make the difference as we 'cut this new path' in public education.

We look forward to the continued collaboration with families on behalf of our students as we work to meet the unique challenges of these times. Your child's school staff will have more information regarding the details of obtaining classwork, the schedule of parent/student contact, and the temporary 'new' look of special education and related services.

Regards,

Donna Kidwell  
Executive Director  
ESE/Student Support Services



# ESE Distance Learning Plan '19-'20

To be completed for each student who has an IEP.

The respondent's email address (valladgm@gm.sbac.edu) was recorded on submission of this form.

School Name \*

Buchholz High

Student Full Name (Last Name, First Name) \*

Priority skills/needs/to be addressed and supported during school closure period (including related service needs, if teletherapy is not available as appropriate): \*

will complete all assignments and earn grades of 80% or better in all classes to make adequate progress toward fulfilling graduation requirements and enhance post high school education opportunities in the area of Engineering

Supports/distance learning services to assist the student/parent in addressing the above skills: \*

☒ Google Classroom

☒ Other virtual learning platform

☐ Assigning links/videos/resources electronically

☐ Printed curriculum/instruction materials

☒ Conference calls

☐ Other:

Accommodations and/or modifications to support virtual (tech) platform or paper (no tech) option: \*

☒ Read aloud

☐ Writing supports

☒ Chunking of assignments

☐ Modifications (for students on access points)

☒ Other: weekly emails/communication from teachers

This form was created inside of Alachua County Public Schools.

Google Forms

6/22/2020

ESE Distance Learning Plan '19-'20

## ESE Distance Learning Plan '19-'20

To be completed for each student who has an IEP.

The respondent's email address ([chesebrob@gm.sbac.edu](mailto:chesebrob@gm.sbac.edu)) was recorded on submission of this form.

School Name \*

High Springs Community ▼

Student Full Name (Last Name, First Name) \*

Priority skills/needs/to be addressed and supported during school closure period (including related service needs, if teletherapy is not available as appropriate): \*

Reading: Fry word recognition, grade level reading comprehension, vowels/blends, grammar/parts of speech

Math: addition and subtraction within 20, word problems

Social Studies: content-area reading, stories

Science: habitats, content-specific vocabulary

Language: increase receptive and expressive language skills by answering wh- questions, defining vocabulary, and using vocabulary correctly in sentences

OT: improve visual motor skills by completing fine motor activities and handwriting activities using a multi-sensory approach

6/22/2020

ESE Distance Learning Plan '19-'20

Supports/distance learning services to assist the student/parent in addressing the above skills:

★

- ☒ Google Classroom
- ☒ Other virtual learning platform
- ☐ Assigning links/videos/resources electronically
- ☒ Printed curriculum/instruction materials
- ☒ Conference calls
- ☐ Other: \_\_\_\_\_

Accommodations and/or modifications to support virtual (tech) platform or paper (no tech) option: ★

- ☒ Read aloud
- ☐ Writing supports
- ☒ Chunking of assignments
- ☐ Modifications (for students on access points)
- ☒ Other: Verbal/Visual supports

This form was created inside of Alachua County Public Schools.

Google Forms

6/22/2020

ESE Distance Learning Plan '19-'20

## ESE Distance Learning Plan '19-'20

To be completed for each student who has an IEP.

The respondent's email address ([vakilzadeha@gm.sbac.edu](mailto:vakilzadeha@gm.sbac.edu)) was recorded on submission of this form.

School Name \*

Hidden Oak Elementary ▼

Student Full Name (Last Name, First Name) \*

Priority skills/needs/to be addressed and supported during school closure period (including related service needs, if teletherapy is not available as appropriate): \*

al will participate in a discussion led by the teacher by listening, raising hand and waiting to be recognized and contributing to the conversation. Gabriel will use our google classroom to listen to books and finger-plays and following along with Zoom videos.

6/22/2020

ESE Distance Learning Plan '19-'20

Supports/distance learning services to assist the student/parent in addressing the above skills:

★

- ☒ Google Classroom
- ☒ Other virtual learning platform
- ☒ Assigning links/videos/resources electronically
- ☒ Printed curriculum/instruction materials
- ☒ Conference calls
- ☒ Other:

Parents will read aloud using the Google Classroom resources. Paper copies are available for student to pick up.

Accommodations and/or modifications to support virtual (tech) platform or paper (no tech) option: \*

- ☒ Read aloud
- ☒ Writing supports
- ☒ Chunking of assignments
- ☐ Modifications (for students on access points)
- ☒ Other:

Parents will read aloud using the Google Classroom resources. Paper copies are available for student to pick up.

This form was created inside of Alachua County Public Schools.

Google Forms

6/10/2020

ESE Distance Learning Plan

<https://docs.google.com/forms/d/1pBuUzXsTTjxSkPI-01YtU5A7Xhul7vCaXf2bhrQf5gQ/edit#response=ACYDBNgAZ0QIGYRYrSBTQmCfWz9kgqNKK...>  
2/3

'19-'20

## ESE Distance Learning Plan <sup>1</sup> 19- <sup>1</sup> 20

To be completed for each student who has an IEP.

The respondent's email address (harrisall@gm.sbac.edu) was recorded on submission of this form.

School Name \*

Hidden Oak Elementary

Student Full Name (Last Name, First Name) \*

Priority skills/needs/to be addressed and supported during school closure period (including related service needs, if teletherapy is not available as appropriate): \*

She is receiving differentiated content in science. To best support her needs, we are providing additional resources and activities beyond what the general education curriculum is offering. There are additional activities that have been provided for extra practice and challenges that she can choose to investigate beyond the required curriculum. In addition to providing alternative activities, the gifted teachers are also following a schedule of regular Zoom meetings on a weekly basis providing a gifted classroom online for their gifted course. During these meetings we are discussing additional activities that are being provided and are promoting optional further learning activities and resources that are available. Through our classroom Zoom meetings, we are checking in to see how she is doing in regards to self-directed learning. We will continue to encourage her in the progress she is making on his weekly assignments.

6/10/2020

ESE Distance Learning Plan

<https://docs.google.com/forms/d/1pBuUzXsTTjxSkPI-01>

K6rdw-6ftRH0gMGcJMjxI4fFcVn...

'19-20

Supports/distance learning services to assist the student/parent in addressing the above skills:

\*

- ☒ Google Classroom
- ☒ Other virtual learning platform
- ☒ Assigning links/videos/resources electronically
- ☒ Printed curriculum/instruction materials
- ☒ Conference calls
- ☒ Other: family is available for Teletherapy/Family has access to printer if needed

Accommodations and/or modifications to support virtual (tech) platform or paper (no tech) option: \*

- ☒ Read aloud
- ☒ Writing supports
- ☒ Chunking of assignments
- ☐ Modifications (for students on access points)
- ☒ Other: family is participating in online programs

This form was created inside of Alachua County Public Schools.

Broward County School District  
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## **Appendix G: District Procedures During a Declared State of Emergency**

In the box below, please provide a narrative response describing your district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students.

Broward County Schools utilizes a web-based electronic management system to develop, store and maintain electronic records for all students with disabilities and gifted as required by Federal and State laws and regulations. The system has a feature to allow parents/guardians to receive secured communications and documents created within the system. Whenever there is a declared state of emergency, Parents/guardians will be contacted via system-wide telephone calls to ensure that email addresses in the system are correct for all students. School teams will contact any families who may not have been reached by the automated process to secure additional points of contact for all families. If the emergency results in wide-spread power outages, contact with families will be made as soon as practicable.

IDEA Required Meetings: Broward County schools established guidelines for schools and families to follow when conducting and participating in IDEA required meetings (IEPs, Interim IEPs, Reevaluations, Eligibility determinations, etc.) using telephone or videoconferencing whenever brick and mortar schools are closed. School-based teams are provided with the tools and training needed to ensure that all participants feel valued and heard and that meetings are conducted with the required team members present with proper notice to the families. If a parent elects not to participate in a virtual meeting during a declared state of emergency, the meeting will be held when face-to-face meetings can resume safely. If the emergency results in wide-spread power outages, required meetings will resume as soon as practicable.

Consents to Evaluate/Reevaluate during school closures: Any consent obtained (initial or reevaluation) prior to a declared state of emergency requiring schools to close shall be reviewed, to the extent possible, to determine if there is any additional in-person testing outstanding prior to the declaration. Dependent upon the anticipated length of time that schools will be closed, parents will be notified in writing of the impact that the state of emergency will have on the pending evaluation. Each evaluation specialist, with the district's guidance, will determine what testing can be safely and appropriately completed during school closures and which required assessments may be impacted due to the need for in-person administration. Teams are encouraged to convene during school closures to review any available evaluation data completed, either prior to school closures or after, to determine whatever eligibilities, assistance, and/or services that the evaluation data supports. Dependent on the circumstances of the state of emergency, it will be determined by the school district when any in-person assessment measures can safely resume.

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Temporary Distance Learning Plans (TDLP): For all students with disabilities who also have an IEP, service providers will complete a Temporary Distance Learning Plan to be implemented while schools are closed. This plan will outline the supports and services that will be provided through distance as a result of the declared state of emergency. Providers are encouraged to have open communication with families and students and to adjust the plans based on student need and parent input. If the emergency results in wide-spread power outages, TDLPs will be created as soon as practicable if school closures continue once power is restored.

Provision of Services through Distance Learning : Teachers and service providers have a variety of tools that can be utilized to ensure that supports and services are provided during a state of emergency resulting in school closures. Instruction can be provided to students through a variety of tools such as a web-based system designed to capture online course work for all teachers, video teaching/therapy (live or taped), assignments, activities, collaboration with families, etc. All service/class instruction times are communicated to the students/parents through an online forum, email, or telephone. More than one service provider can provide instruction to an individual or group, when appropriate, at the same time. If the emergency results in wide-spread power outages and is anticipated in advance, students may be provided with home packets to continue learning while access to the internet is interrupted.

Assessing Student Progress following School Closures: All students, to include students with disabilities, will be assessed using a variety of formative measures to identify any learning gains/deficits following an extended school closure. As needed, IEP teams may reconvene to review/revise the special education and related services to address any identified areas where services may need to be intensified to address the impact of the school closure on the individual student. District-wide, schools will implement a cycle of supportive change and will adapt/modify instructional practices for continuous improvement. Schools will identify where student abilities currently are and accelerate learning toward grade level expectations implementing tiers of intervention as appropriate. Staff will determine the degree of learning loss, proactively mitigate increases in opportunity gaps and increase opportunities for social-emotional supports across all levels of the system.

Medically Vulnerable Students: Students who have medical conditions may require special consideration and/or accommodations to safeguard their health. These students' needs will be considered on a case-by-case basis dependent upon the students individualized health needs. Individual health care plans will be created for student(s) as the need is identified. Coordinated Student Health Services in collaboration with nursing agencies and the Exceptional Student Learning Support are collaborating with families to address student needs on an individual basis. In some instances, the

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IEP team, either through an amendment or IEP meeting, may need to meet, discuss, and/or revise nursing services. Parents will be provided prior written notice for any changes in services determined by the IEP team. Submit below samples of documentation to include parental notice regarding changes to the provision of special instruction and services for exceptional students, individualized temporary learning plans, etc.



## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

1701 N.W. 23<sup>rd</sup> Avenue • Fort Lauderdale, Florida 33311 • Office: 754-321-3436 • Fax: 754-321-3439

Exceptional Student Learning Support Services  
Saemone Hollingsworth, Executive Director  
(754) 321-3436  
Saemone.hollingsworth@browardschools.com  
www.browardschools.com

### The School Board of Broward County, Florida

Donna P. Korn, Chair  
Dr. Rosalind Osgood, Vice Chair

Lori Alhadeff  
Robin Bartleman  
Heather P. Brinkworth  
Patricia Good  
Laurie Rich Levinson  
Ann Murray  
Nora Rupert

Date Provided to Parent on \_\_\_\_\_

Dear Parent/Guardian,

Robert W. Runcie  
Superintendent of Schools

There is currently an open consent for evaluation for your child. This letter is to provide you with information regarding the district's plan for completing the pending evaluation(s) as a result of the current health crisis. If you have questions or concerns and would like to discuss this further, please reach out to the ESE Specialist at your child's school.

### **After a careful review of your child's education program, we are proposing the following action(s):**

To conduct portions of the pending evaluation that can be completed remotely (parent/teacher interviews, parent/teacher rating scales, review of data and records, etc.) and to complete any remaining portions of the pending evaluation(s) once the District has established protocols in compliance with local health officials, established safety protocols and in accordance with the standardized assessment practices.

### **The action(s) described above are proposed because:**

Based on the current health crisis, staff cannot currently conduct in-person evaluations, observations, and interventions due to social distancing measures and other limitations during the pandemic. This is in alignment with guidance provided by the Centers for Disease Control (CDC). IDEA 34 CFR §300.304 requires that assessments are administered in accordance with any instructions provided by the producer of the assessments. In some instances, these instructions require in-person observations. As soon as practicable, all the assessments for which you have provided consent will be conducted. The District is establishing protocols to resume testing in compliance with local health officials, established safety protocols and in accordance with standardized assessment practices.

### **Evaluation procedures, tests, records, or reports that were used as a basis for the actions described above include:**

Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students, published by USDOE Office for Civil Rights (March 16, 2020)

USDOE Guidance for IDEA Service Delivery FAQ for School Psychologists, published by the National Association of School Psychologists (NASP) (March 2020)

Q&A Guidance published by FLDOE (March 19, 2020)

Preparing K-12 School Administrators for a Safe Return to School in Fall 2020 (Centers for Disease Control)

Part C Evaluation and Assessment Timelines in the COVID-19 Environment Q&A Document (July 6, 2020)

**Before making this decision, the following options were considered and rejected**

Option(s) Considered	Why Rejected
Conducting evaluations, observations, and interventions through typical in-person procedures.	Based on the current health crisis, staff cannot currently conduct in-person evaluations, observations, and interventions due to social distancing measures and other limitations during the pandemic. This is in alignment with guidance provided by the Centers for Disease Control (CDC). IDEA 34 CFR §300.304 requires that assessments are administered in accordance with any instructions provided by the producer of the assessments. In some instances, these instructions require in-person observations. As soon as practicable, all the assessments for which you have provided consent will be conducted. The District is establishing protocols to resume testing in compliance with local health officials, established safety protocols and in accordance with standardized assessment practices.
Deferring all evaluation procedures, including those not requiring in-person interactions.	Based on the current health crisis, staff cannot currently conduct in-person evaluations, observations, and interventions due to social distancing measures and other limitations during the pandemic. This is in alignment with guidance provided by the Centers for Disease Control (CDC). IDEA 34 CFR §300.304 requires that assessments are administered in accordance with any instructions provided by the producer of the assessments. In some instances, these instructions require in-person observations. As soon as practicable, all the assessments for which you have provided consent will be conducted. The District is establishing protocols to resume testing in compliance with local health officials, established safety protocols and in accordance with standardized assessment practices.

**If other factors were relevant to this decision, they are described below:**

In the event of an extraordinary circumstance, the district will consider the need to revise its position on conducting in-person evaluations in the best interest of a student.

Sincerely,



Saemone Hollingsworth  
Executive Director

**School Board of Broward County  
EXCEPTIONAL STUDENT LEARNING SUPPORT  
Temporary Distance Learning Plan**

<b>Last Name:</b> Test	<b>First Name:</b> Adam	<b>Student ID #:</b> ADAMTEST107
<b>School:</b> School Board of Broward County	<b>Grade:</b> 3rd Grade	<b>DOB:</b> 06/04/2010

**Date Created:** 08/25/2020

**Service Provider:** ESE Teacher

This plan is created for implementation when instruction is provide through eLearning. Once face to face instruction resumes, your child's current IEP will be implemented.

**Below are the Priority Educational Needs (PEN) by subject/content that are outlined on your child's IEP and how they will be addressed through eLearning:**

Priority Educational Need (PEN)	Technology Resource 1	Technology Resource 2	Technology Resource 3

**Below is how support/services/supplemental aids will be provided through eLearning:**

Support/Service/Supplemental Aid	Individual or Group	Delivery Method	Minutes per Session	Frequency of Sessions	Comments/Schedule

I look forward to helping your child be successful. If you need assistance, you can reach me via email at:  
teacher/provider email address

Sincerely,

Your child's ESE Teacher

This Temporary Distance Learning Plan (TDLP) is provided electronically as a PDF. No modifications can be made to the plan except by the service provider. If you have concerns, please contact the service provider, ESE Specialist or school-based Administrator.

Hillsborough County School District  
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## **Appendix G: District Procedures During a Declared State of Emergency**

In the box below, please provide a narrative response describing your district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students.

Hillsborough County Exceptional Student Education Services Plan for Special Education and Related Services during a Declared State of Emergency General Requirements Hillsborough County Public Schools will be following the district's eLearning Contingency Plan with additional provisions for students with disabilities. The eLearning Contingency Plan is aligned with all applicable laws and regulations that protect the well-being of all students and staff. To support student with disabilities, the school district has been given flexibility in how services and supports may be provided. Such flexibility may include the provision of special education and related services through the use of instructional telephone calls, homework packets, internet-based or virtual instruction and/or therapies, and other available distance-based learning approaches.

Our District's goal is to provide continuity of ESE services and supports in alternative ways during a declared state of emergency impacting the provision of special instruction and services for exceptional students while promoting continued progress and inclusion in the general education curriculum or through access points curriculum. In some exceptional circumstances, services may be delayed. Decisions regarding services or any necessary delays in services will be made in coordination with parents and the IEP team. Hillsborough County Public Schools will provide educational opportunities to the general education student population during a school closure therefore, the District will ensure that students with disabilities have equal access to the same educational opportunities, including the provision of a free appropriate public education (FAPE). To the greatest extent possible, each student with a disability will be provided the special education and related services identified in the student's IEP developed under the IDEA, or a plan developed under Section 504. If a student with disabilities does not receive services during an extended school closure, the child's IEP team (or appropriate personnel under Section 504) will make individualized determinations whether, and to what extent, compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost. The ESE Department will work closely with school staff and families to provide access, services and supports to students with disabilities through distance learning. The ESE Department has developed resources, tools and professional development opportunities to support ESE Teachers and other providers in the provision of services and supports through distance learning.

The Exceptional Student Education Contingency Plan for school closures due to a declared state of emergency includes: • A parent letter regarding the implementation of remote learning and services • A plan to address student's individual

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2020-2021 SP&P  
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needs specific to access to instructional formats, curriculum, assistive technology, behavioral and mental health, and technology • All required meetings will continue and will be held virtually or telephonically (IEP team meetings, eligibility meetings, evaluation/reevaluation, consideration of ESY) unless the parent requests that the meeting be held in person once schools reopen • A plan for collaboration with parents regarding services, meetings, supporting their students and referrals to outside agencies/supports, as appropriate • Trainings available for all staff on providing instruction through remote learning for students with disabilities and with documenting services during delivery of distance learning • Guidance/tips/technology training on holding remote meetings with parents • Guidance/tips/technology training on participation and signature requirements during remote learning • District plan, including a resource notebook, for the provision of special education and related services during remote learning • Guidance/tips/technology training on the provision of services, including teletherapies for remote learning • A Temporary Distance Learning template that includes documentation of parent contact and collaboration, consideration of access to learning opportunities, identification of services that will be delivered during distance learning as determined in collaboration with parents, progress monitoring and consideration of needs upon return to school Exceptional Student Education Return to School After Declared State of Emergency School Closure Considerations In alignment with all Federal, State and District guidelines regarding safety, health and equitable educational opportunities and providing a free appropriate public education FAPE) in alignment with individual students IEPs the department of Exceptional Student Education in Hillsborough County Public Schools will: • Review all temporary distance learning plans and individual student progress and identify current student needs including the intensity of services required for addressing any gaps in learning and related skills Prioritize review/revision meetings for: • Medically fragile or immune compromised students and in collaboration with school health staff will develop, as required, school health care plans for individual students including the consideration of any required accommodations • Students who were not able to access distance learning with consideration for any assistive technology needs • Students whose rate of progress showed significant regression to address current needs related to the intensity of special education and related services or the need for extended school year services Procedures for all students with disabilities will include: • Assess all students' current levels of academic achievement and functional performance • Compare rate of progress/learning gaps to address tiered intervention supports for individual students • Review and revising goals/objectives and/or service delivery, as appropriate, based on current levels of performance • Monitor student progress to determine any additional needs as students return to schools • Provide, based on individual needs, extended learning opportunities throughout the school year to address significant learning gaps • Schedule and hold all meetings and complete all evaluations that were delayed due to requirements of school closure/social distancing and/or parent request for in person meetings • Review/Revise, as appropriate, student's IEPs in regards to parental choice related to educational setting options (Brick and Mortar, eLearning, or Virtual) • Provide ongoing communication and collaboration with parents and when appropriate, provide training for parents in assisting students in distance learning settings related to parental choice Hillsborough County Gifted Services during Declared State of Emergency School Closures During

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2020-2021 SP&P  
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school closures due to a declared state of emergency impacting the provision of special instruction, Gifted services will be provided to students as appropriate to their Educational Plan (EP) and technology accessibility. Services included one or more of the following: • Daily or weekly standards-based enrichment activities and assignments involving student choice • Live weekly learning sessions with the teacher of Gifted • Co-taught live learning sessions with general education and Gifted teacher including small group instruction (breakout rooms through Zoom) • Technology-based projects through Renzulli Learning • Weekly work packets provided by content supervisors and/or teachers. Teachers will make weekly contact with their caseload of students to ensure appropriate services and supports are provided to students and families. Educational Plan (EP) review meetings, including transition meetings and initial eligibility meetings will continue. If in person meetings are not allowed, meetings will be held via phone conference or live technology-based meeting to ensure compliance.

Submit below samples of documentation to include parental notice regarding changes to the provision of special instruction and services for exceptional students, individualized temporary learning plans, etc.

EXCEPTIONAL STUDENT EDUCATION DISTANCE LEARNING  
DOCUMENTATION (COVID-19)

**PURPOSE:** This form is for use to assist in tracking special education timelines and services for individual students during school closures as a result of the Novel Coronavirus (COVID-19).

**Instructions:** Below are the instructions to create a distance learning plan to address FAPE for children who are eligible for special education and related services. Please note that ESE teachers and related service providers are expected to complete a plan in collaboration with a parent or guardian for each student on their caseload.

**Agenda for Distance Learning Plan Development Parent Collaboration:**

- A. The choice of tool for home collaboration to generate what the distance learning plan will look like. Telephone consultation, Zoom, days and times that would work for instruction, days of the week that work better than others, email, etc.
- B. Preferred types of activities that work well in engaging their child at home (opportunity for parent to share what works and what does not work).
- C. Review the current IEP goals and make a determination about the level of direct instruction that could happen over Zoom or other available online/distance learning platforms or phone.
- D. Document the distance learning plan on a separate form that will create agreement about what will take place during distance learning time (see below).

**Framework for Distance Learning Plan:**

- A. Description of the student's disability: the purpose of this section is to describe the student's disability
  - a. Disability category
  - b. Area of impact
    - i. Describe how the disability will impact the student's learning in core areas.
    - ii. Describe how the disability will impact learning in a distance learning format.
- B. Ability to access distance learning including preferred types of activities and mode of access: special educators should discuss possible mode of accessing learning at home through the distance learning plan.
  - a. Current online programs that are being used with students
  - b. Consultation with: contracted service providers, para-educators, related service providers, general education teachers
- C. Schedule of special educator/related service provider direct instruction: this should be a clear schedule of when a service provider will be in contact time with the student during distance learning. This should be clearly outlined and communicated to the parent.
- D. Schedule of teacher-parent consultation: agree to a day and time each week/bi-weekly
- E. Description of how progress toward goals will be tracked: service providers should request work products to be turned in by students to support assessment of the IEP goals. Service providers may also assess IEP goals through online learning sessions with the student.
- F. List of activities that will be provided: This should be week by week general outline of the types of activities that will be provided.

**EXCEPTIONAL STUDENT EDUCATION DISTANCE LEARNING  
DOCUMENTATION (COVID-19)**

STUDENT NAME _____	STUDENT # _____
DOB _____ SCHOOL AND GRADE: _____	
PARENT CONTACT INFORMATION: _____	
_____	

**IEP Timelines**

<b>Date IEP is due:</b>		<b>Due during closure?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what is the plan for completion of the IEP, including the participation of all IEP team members, including the parent (and student if appropriate)?			
Was parent notified of plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, date & method:	

**Evaluation Timelines**

<b>Date evaluation is due:</b>		<b>Due during closure?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what is the plan for completion of the evaluation, including the participation of the parent in the process?			
Was parent notified of plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, date & method:	

**Other Information** (use the space below to document any additional relevant information):

EXCEPTIONAL STUDENT EDUCATION DISTANCE LEARNING  
DOCUMENTATION (COVID-19)

--

**Description of how student's disability impacts education**  
*(Impact statement)*

**Ability to access distance learning including preferred types of activities and mode of access**

*Include any relevant information related to how the student will access/ or receive services that are due to the parents/families specific needs/concerns*

**EXCEPTIONAL STUDENT EDUCATION DISTANCE LEARNING  
DOCUMENTATION (COVID-19)**

**Supports, accommodations, consultation, and services will be provided to ensure access to academic materials and make continued progress on IEP goals and objectives**

**Detail accommodations and other supports that are necessary to access the academic materials being made available during this time**

**Describe schedule of special educator/related service provider direct instruction**  
*(Priority Educational Needs/ Critical Skills)*

**The matrix below documents:**

☐ Services provided to this student during the closures

Service	Initiation Date	Frequency	Location	Duration	Staff Responsible for Delivering Service

EXCEPTIONAL STUDENT EDUCATION DISTANCE LEARNING  
DOCUMENTATION (COVID-19)

**Description of IEP Services** (use the space below to document IEP services delivered through alternate or additional methods, when feasible)<sup>1</sup>:

<b>Schedule of teacher-parent consultation(s)</b>	<b><u>Date</u></b>	<b><u>Topic</u></b>

<b>List of other supports/activities that will be provided</b>	
--	--

**EXCEPTIONAL STUDENT EDUCATION DISTANCE LEARNING  
DOCUMENTATION (COVID-19)**

<b>Description of how progress toward goals and objectives will be tracked</b>	
--	--

<sup>1</sup> Per federal guidance, the U.S. Department of Education understands that there may be exceptional circumstances that could affect how a particular service is provided.

**Team determination of need for remediation**

**This section would not be completed until the district has returned to “regular” school and should be based on careful consideration by the IEP team of what, if any, change in services (intensity/duration) are needed.**

**Documentation of Date(s) of School Closure**

<b>Date(s) school was closed for all students (i.e., no educational services were provided to any student)</b>				
From:		To:		# of School Days:
From:		To:		# of School Days:
From:		To:		# of School Days:
<b>Date(s) educational services were provided to students, but this student did not receive services:</b>				

EXCEPTIONAL STUDENT EDUCATION DISTANCE LEARNING  
DOCUMENTATION (COVID-19)

From:		To:		# of School Days:	
From:		To:		# of School Days:	
From:		To:		# of School Days:	
<b>Plan for providing services based on this individual student's needs:</b>					
<b>Names/titles of IEP team members participating in determination of services:</b>					

**Temporary Distance Learning Plan for Students with Disabilities**

Dear Families,

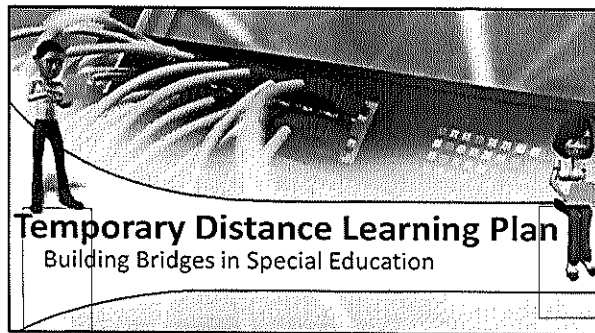
Given the current circumstances created by COVID-19, the Florida Department of Education has provided school districts with latitude in the delivery of services and accommodations to students with Individual Education Plans (IEP) and Section 504 Plans. The guidance provided states, "To support students identified with IEP-related services who may have a disruption in services, school districts have flexibility for the remainder of the school year to provide alternate services or delay services in coordination with the student's parents and IEP team."

In order to ensure that all students have access to Hillsborough County Public Schools (HCPS) e-learning programs, the Exceptional Student Education Department will be implementing a Temporary Distance Learning Plan (TDLP) for students with disabilities. This Distance Learning Plan will act to temporarily supplement a student's IEP in order to clarify that students will be temporarily educated through an individualized version of the online distance learning programs being used by HCPS. This plan will not change your child's current IEP or 504 Plan. The Temporary Distance Learning Plan will ensure that the online program is individualized for each student so that it is presented in a manner that is consistent with the accommodations, services, and needs of each student, as indicated in their IEP. A member of your child's IEP team will contact you to seek your input and collaborate with you regarding how best to implement your child's IEP during this state-wide emergency closure of schools.

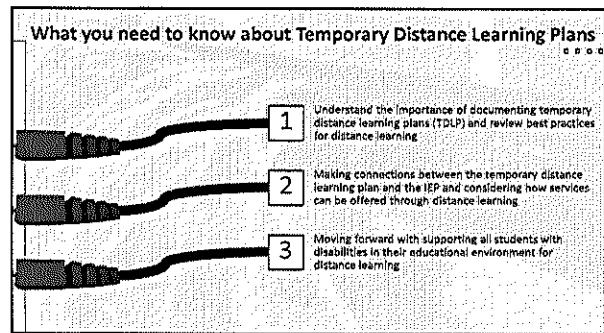
Additional resources may be accessed by clicking on the links below or visiting Hillsborough County Public Schools website and clicking on Coronavirus updates.

Please stay safe and know that we are available to support our students and families in whatever way we can.

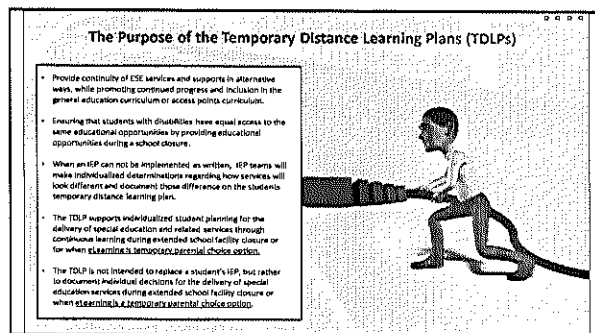
12/17/2020



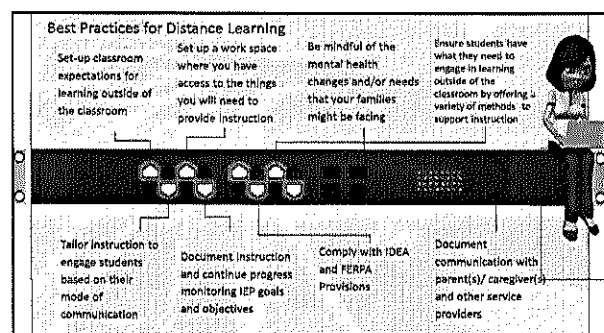
1



2

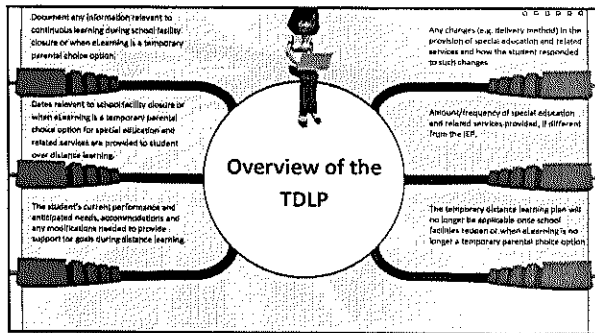


3

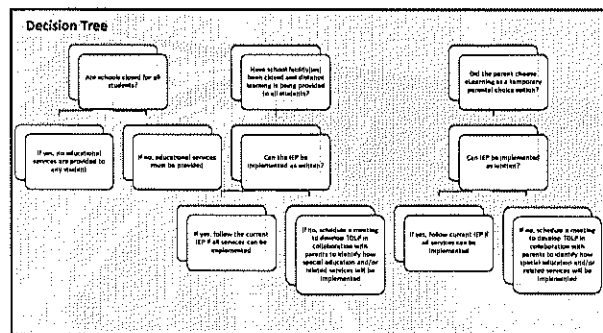


4

12/17/2020



5



6

**Syncing the IEP to the TDLP**

**Demographic Information**

**Temporary Distance Learning Plan**

**Purpose:** This template is to support individualized student planning for the delivery of special education and related services through continuous learning during extended school facility closure or for when learning is a temporary parental choice option. The Temporary Distance Learning Plan is not intended to replace a student's IEP, but rather to be used in conjunction with the IEP to document individual decisions for when special education services that may look differently during extended school facility closure or for when learning is a temporary parental choice option.

Student Name: \_\_\_\_\_ Student ID: \_\_\_\_\_  
 Parent/Guardian: \_\_\_\_\_ Phone/Careline: \_\_\_\_\_  
 District: \_\_\_\_\_ School: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ Case Manager: \_\_\_\_\_  
 Intervention Plan Date: \_\_\_\_\_ Current IEP Date: \_\_\_\_\_  
 Meeting Date: \_\_\_\_\_

7

**Syncing the IEP to the TDLP**

**Participants & Considerations**

**Participants**

Enter the names and roles of IEP team members participating in the Temporary Distance Learning Plan (TDLP) development:

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

**Considerations for continuous learning plan development:**

- Family communication preferences (mode, frequency, times of day/week, etc.)
- Family supports needed (technology devices, internet access, materials, etc.)
- Discuss continuous learning services through school facility closure or for when learning is a temporary parental choice option.

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12/17/2020

**Syncing the IEP to the TDLP**

**Special Education Timelines**

**Special Education Timelines**

Date implemented is due:  Does timing require changes or when returning to a temporary learning choice option? ☐ Yes ☐ No

If yes, what is the plan for completion of the evaluation initial or reevaluations, including parent participation?

Date IEP is due:  Does timing require changes or when returning to a temporary learning choice option? ☐ Yes ☐ No

If yes, what is the plan for completion of the IEP, including the participation of all IEP team members, including the parent (and student if appropriate)? *(NOTE: All students must have a current IEP.)*

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**Syncing the IEP to the TDLP**

**Teacher/Therapist/Parent/Student Input**

**Teacher/Therapist Input:**

**Parent/Student Input:**

10

**Syncing the IEP to the TDLP**

**Goals & Objectives**

**Goals and Objectives for temporary distance learning:** Describe any necessary changes for the implementation of the student's current goals/objectives due to school facility closure or for when learning is a temporary learning choice option, including when and how progress toward those goals will be measured.

*No changes are needed to address goals/objectives.*

Domain	Goal/Objective	When & How Measured?

11

**Syncing the IEP to the TDLP**

**Accommodations/Modifications**

**Accommodations/modifications for temporary distance learning:** Describe any necessary changes for the implementation of the student's current accommodations/modifications due to school facility closure or for when learning is a temporary learning choice option, including when and how they will be provided.

*No changes are needed to address accommodations/modifications.*

Accommodation/modification needed:	How and when will it be provided?

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### Syncing the IEP to the TDLP

Supports for Providers/Family

Supports for providers and family during temporary distance learning: Identify any additional supports needed for the child working with the student and those needed for the family.

No changes are needed to address supports for providers/family.

Supports needed for staff: \_\_\_\_\_

Supports needed for family: \_\_\_\_\_

13

### Syncing the IEP to the TDLP

Special Education/Related Services

Special education and related services, including transition supports to be provided during temporary distance learning? Use the space below to document/describe additional information regarding the services delivered through the distance learning plan during school facility closure or for when enrolling in a temporary parental choice option.

No changes are needed to address accommodations/modifications.

Special Education/Related Services:	Description:

14

### Required Documents

- 1 Prior Parent Notification and copy of the Part B Procedural Safeguards provided to parent
- 2 Copy of the current IEP
- 3 Temporary Distance Learning Plan
- 4 Parental Input in Meetings

15

### Final Thoughts

The temporary distance learning plan will no longer be applicable when eLearning is no longer a temporary parental choice option.

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## Temporary Distance Learning Plan

**PURPOSE:** This template is to support individualized student planning for the delivery of special education and related services through continuous learning during a declared emergency which results in extended school facility closure or for when eLearning is a temporary parental choice option. The Temporary Distance Learning Plan is not intended to replace a student's IEP, but rather to be used in conjunction with the IEP and to document individual decisions for those special education services that may look differently during extended school facility closure or for when eLearning is a temporary parental choice option.

Student Name: _____	Student #: _____
Parent/Guardian: _____	Phone/email: _____
District: _____	School: _____
Date of Birth: _____	Case Manager: _____
Current IEP Date: _____	Meeting Date: _____

### Participants

**Enter the names and roles of IEP team members participating in the Temporary Distance Learning Plan (TDLP) development:**


**Considerations for continuous learning plan development:**

- Family communication preferences—tool/modality, frequency, times of day/week, etc.
- Family supports needed—technology devices, internet access, materials, etc.
- Discuss continuous learning services through school facility closure or for when eLearning is a temporary parental choice option.

### Special Education Timelines

<b>Date evaluation is due:</b>		<b>Due during facility closure or when eLearning is a temporary parental choice option?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------------	--	---	--

If yes, what is the plan for completion of the evaluation (initial or reevaluation), including parent participation?

<b>Date IEP is due:</b>		<b>Due during facility closure or when eLearning is a temporary parental choice option?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------	--	---	--

If yes, what is the plan for completion of the IEP, including the participation of all IEP team members, including the parent (and student if appropriate)? *(NOTE: All students must have a current IEP.)*

**Teacher/Therapist input:**

**Parent/Student input:**

## Temporary Distance Learning Plan

**Goals and Objectives for temporary distance learning:** Describe any necessary changes for the implementation of the student's current goals/objectives due to school facility closure or for when eLearning is a temporary parental choice option, including when and how progress toward those goals will be measured.

☐ No changes are needed to address goals/objectives.

Domain:	Goal/Objective:	Description

**Accommodations/modifications for temporary distance learning:** Describe any necessary changes for the implementation of the student's current accommodations/modifications due to school facility closure or for when eLearning is a temporary parental choice options and how and when they will be provided.

☐ No changes are needed to address accommodations/modifications.

Accommodation/modification needed:	Description:

**Supports for providers and family during temporary distance learning:** Identify any additional supports needed for the staff working with the student and those needed for the family.

☐ No changes are needed to address supports for providers/families.

Supports needed for staff:	Supports needed for family:

**Special education and related services, including transition supports to be provided during temporary distance learning<sup>1</sup>:** Use the space below to document/describe additional information regarding the services delivered through the distance learning plan during school facility closure or for when eLearning is a temporary parental choice option.

☐ No changes are needed to address accommodations/modifications.

Special Education/Related Services:	Description:

**The temporary distance learning plan will no longer be applicable once school facilities reopen or when eLearning is no longer a temporary parental choice option.** Prior Written Notice of any change in FAPE that may occur as a result of the implementation of this temporary distance learning plan will be provided to parents/guardians, along with a copy of the *Part B Procedural Safeguards for Parents of Students with Disabilities*.

For the latest information on school closures, please see HCPS District Website at <https://www.sdhc.k12.fl.us/>.

<sup>1</sup> Per federal guidance, the U.S. Department of Education understands that there may be exceptional circumstances that could affect how a particular service is provided.

## Guidance for Child Find Evaluations/Eligibility and Staffings

The guidance from the state is that we continue to evaluate our preschoolers in appropriate ways that acknowledge health awareness and do not break standardization. This can be accomplished with the DP-3. At this time, we are awaiting guidance on the BDI-2 as both an eligibility tool and an outcomes measure. Because the BDI-2 requires face to face interactions with children, we will not be using it for evaluations and eligibility during this time.

The Child Find teams are working in workgroups to provide continual guidance.

The following steps should be taken to be sure we are getting to evaluation, eligibility and staffing in a timely manner:

Conduct CST (Child Find teams will send and review procedural safeguards via phone, review parent concerns, and follow form procedure for obtaining consent).

Obtain Parent Questionnaires and private provider reports

Submit information to Central Files to obtain student number (we are working with Central Files on this piece)

If appropriate, virtually and/or telephonically evaluate child

Write report and draft EFAD, as needed

Submit MO19 and nurse alerts as needed. We have confirmation that Nurse Alerts are continuing as usual. We are waiting to hear about MO19s. It is important to send MO19s to Joanne Manwaring in order to track numbers of students entering schools.

Provide Staffing Specialist access to packet electronically (through OneDrive) including cover sheet

Be sure to include cPEEPS request if appropriate

Hold staffing in designated site. If the Pre-K ESE teacher is not in attendance at the virtual meeting, the SLC should inform the teacher that a child will be added to their roster.

If eligibility determined and services outlined in IEP, families should register at the assigned site. Principals have been provided information about registration. We can let you know more about this when we know more.

The teacher will contact the parent and the student will begin eLearning as soon as they are registered.

Questions or concerns should be addressed to Margaret Dean or Joanne Manwaring.

## Quick Reference Guide: Psychoeducational Evaluation Reports During Coronavirus (COVID-19) School Closings

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This Quick Reference Guide outlines a temporary change to the dissemination of psychoeducational evaluation reports during the closing of schools due to the coronavirus (COVID-19) crisis. Note the following:

- School psychologists will continue to drop reports in PDF format, as usual. School psychologists will have to be connected via the VPN and have the dropbox loaded on the desktop of their device.
  - When schools reopen, school psychologists will continue to provide a blue, signed original report to the school to be filed in the student's cumulative folder.
  - When schools reopen, school psychologists will provide a white, signed original report to the parent.
  - Italicized font should never be used as a signature.
- 

After consultation with the school district attorney, the following temporary changes to the psychoeducational report dissemination process will occur during school closings. When schools reopen, our regular practice will resume and electronic transmission of reports will no longer be permitted. Please follow the directions below carefully:

### Parent/Guardian request (orally or in writing):

Option 1. If the school psychologist has access to a printer/copier and a postage stamp (from the school or by personal donation), they will mail the signed report via U.S.P.S. to the individual after confirming that they are the parent/legal guardian. Check name, phone number, and address in IPT or the Mainframe.

Option 2. Electronically share an unsigned report in PDF format (must be PDF format) via an email attachment. First email the parent the following statement:

*Thank you for contacting me to request a copy of your child's psychoeducational evaluation report. In order to maintain confidentiality of your child's records, such documents are not typically sent electronically. However, given temporary school closings due to the coronavirus (COVID-19), we will be able to send you an unofficial copy of the report if you email me with a statement including:*

- *Your name*
- *Relationship to the child*
- *Child's name and date of birth*
- *School*
- *This statement: I confirm that I am the parent/legal guardian of the aforementioned student. I agree to receive an unofficial copy of my child's psychoeducational evaluation report via internet transmission. I understand that when schools reopen, an official copy bearing the signature of the school psychologist will be provided to me upon request.*

Only after the school psychologist has received an email from the parent including the required information can the report be sent solely in PDF format. Insert a custom watermark "UNOFFICIAL COPY" on each page of the report and then create a PDF to forward to the parent. DO NOT sign the report. DO NOT use an italicized font as a signature. Retain a copy of the parent's email.

### Staffing specialist or relevant school personnel request:

Option 1. Insert a custom watermark "UNOFFICIAL COPY" on each page of the report. DO NOT sign the report. DO NOT use an italicized font as a signature. Email the report to only relevant educational personnel (e.g., staffing specialist, ESE case manager, Gifted Program teacher). Keep a copy of the email for personal records.

*This unofficial copy of a psychoeducational evaluation report is being emailed to you for the purpose of educational planning. The report must not be disseminated. An official copy bearing the signature of the school psychologist will be provided to the school (and parent, upon request) after schools have reopened.*

The following document was developed by HCPS Psychological Services Department for use by school psychologists.

## Quick Reference Guide: Psychoeducational Evaluation Reports During Coronavirus (COVID-19) School Closings

---

Option 2. Insert a custom watermark "UNOFFICIAL COPY" on each page of the report. DO NOT sign the report. DO NOT use an italicized font as a signature. Save a PDF version of the report in Office 365 and invite relevant personnel to access it. Notify relevant personnel in an email (keep a copy for personal records), which states:

*This unofficial copy of a psychoeducational evaluation report is being made available to you via Office 365 for the purpose of educational planning. The report must not be disseminated. An official copy bearing the signature of the school psychologist will be provided to the school (and parent, upon request) after schools have reopened.*

Additional considerations:

- A watermark must be inserted in the Word format before saving the document as a PDF.
- Although not required, an extra layer of protection would involve adding a password. Send the password to the recipient in a separate email.

### **Insert a Watermark in a Word Document (2016 version)**

1. Click the "Design" tab, located in the control ribbon at the top of the screen (usually the third option).
2. In the Page Background group (look to the far right), click the "Watermark" button.
3. A menu drops down with predefined watermarks. Select "Custom Watermark..." near the bottom.
4. In the pop up, click the circle next to "Text Watermark."
5. Under the "Text Watermark" section, select the "Text:" box (default will likely say "ASAP") and type in "UNOFFICIAL COPY."
6. In the "Font:" box, select "Times New Roman" from the drop down.
7. Click the "OK" button.

### **Password Protect a Word Document (2016 version)**

1. While the select document you wish to password protect is open, select "File" in the control ribbon at the top of the screen.
2. Click the top choice "Protect Document" (picture of a lock and key), and a menu will appear.
3. From that menu, select "Encrypt with Password."
4. A box will appear asking to input a password - *Keep in mind that the password is case sensitive.*
5. There will be a prompt to reenter the password for verification - *Please note: if the password is lost, there will be no way to access the document without the password.*

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Harrison Peters  
Assistant Superintendent  
Academic Support and Federal Programs  
Tracye H. Brown  
General Director  
Exceptional Student Education  
Kimberly Workman

March 24<sup>th</sup>, 2020

Dear Parent,

As you know, Governor Ron DeSantis and the Florida Department of Education have directed all school districts in the state of Florida to close for students until April 15<sup>th</sup>, 2020. In response to this directive, Hillsborough County Public Schools has been working diligently to establish an e-Learning program to provide online learning opportunities to our students. During our Set Up for Success Week (March 23<sup>rd</sup> - March 27<sup>th</sup>), our Occupational & Physical Therapy Team is developing a plan to continue to support our students, families, and teachers so that our students can continue to access and benefit from their special education program. This week our goal is to work with families and teachers to develop schedules and plans for implementing services. We will begin to provide virtual Occupational and/or Physical Therapy services to students that have Occupational or Physical Therapy as a related service on his/her IEP the week of March 30<sup>th</sup>, 2020.

Occupational and Physical Therapists are exploring multiple platforms to support teachers and students at home. We are using this time to explore how to best support our teachers and students while addressing individualized education plans (IEP), educational, goals, objectives and accommodations, based on the student's IEP. Our goal is to provide supports to your child and teacher in the most effective way possible. As we finalize our plan, your therapist will contact you and your teacher to identify individual student needs, instructional strategies that may be used by the teacher remotely and determine any possible accommodations that will be needed to participate in virtual learning, based on the student's IEP.

Thank you for your understanding and patience. Please monitor your email for future communication from me. If you have questions related to Occupational and/or Physical Therapy services please contact me.

My email address is:  
My phone number is:  
Office hours:

Sincerely,

The Occupational & Physical Therapy Team

## **Occupational and Physical Therapy Remote Learning Plan**

### **Background:**

On Friday, March 13, 2020, a select team of Occupational and Physical Therapists met to develop a plan to provide valuable therapy, support, and assistance in a remote manner due to the Coronavirus and the possibility of school closures. The following is the plan that our team developed to provide support, assistance, and continued therapy for our students.

### **Plan:**

- Send letter/email to all families explaining the plan for support, assistance, and remote occupational and physical therapy services (students that receive direct or consult services in his/her IEP).
- Review IEPs to determine **possible equipment needs** for eLearning (Tuesday)
  - Review what equipment (if any) the student was using at school during instruction (notes/IEPs)
  - Look at IEP goals/objectives to determine needs
  - Review accommodations
  - List what equipment student was using at school
  - Communicate with parents (regarding equipment/accommodations)  
Do parents have equipment/alternative at home? Problem solving with parents to use what parents have in their homes to meet the student need)
- Develop and provide "*Home Packets*" to provide therapeutic interventions to support specific strategies and activities related to the student's IEP objectives (resources, activities, interventions).
  - Focus on goals/objectives
  - Stay educationally relevant – review IEPs and remain IEP focused
  - Divide objectives/skills into groups for the development of home programs
  - Assign categories of objectives/skills to therapy teams to develop materials for district use
  - Post completed home packets on our OT/PT conference site for sharing
- Remotely communicate with teachers to provide support with interventions, strategies, and access to address specific skills related to IEP objectives and needs.
  - Review targeted rosters/schedules/attendance logs to create a list of students (direct/consult) that will receive therapy services
  - Create teacher list to provide instructional strategies and support
  - Create a draft schedule to provide teacher support and student services (based on communication with teachers and parents)

- Initiate and schedule “Virtual Communication” with parents/students/teachers (Zoom, Skype, etc.) to provide remote therapy sessions, collaboration, therapeutic interventions, and therapeutic activities to support remote learning and continued progress on IEP objectives.
  - Develop plan to instruct and train therapy staff on virtual therapy
  - Research delivering virtual therapy guidelines (compliance)
  - Identify platforms to deliver virtual therapy – Zoom, Edsby, Clever
  - Instruct and train staff in delivery of virtual therapy with pre-planning steps with caregivers
  - Develop a schedule to implement delivery of services
  - Develop protocol to document communication with parents and teachers and service delivery
  - All therapist/assistants will develop a schedule to provide virtual therapy to implement on Monday, March 30, 2020

**Therapists and Therapists’ Assistants will:**

- Work together (remotely) to develop “Home Packets” to address categories of objectives/skills and tier level systems to provide to students, families, and teachers.
- Review student’s IEPs, goals/objectives to provide quality resources to provide remote therapy and enhance remote learning.
- Individualize “Home Packets”, resources, and activities to meet the unique needs of each student and his/her family.
- Complete quarterly reviews.
- Work on annual reviews for future IEP meetings.
- Prepare for and participate in virtual IEP meetings.
- Work on reevaluations (therapists only).

**Parking Lot: Challenges/Questions**

- ✓ Equipment distribution (develop plan – deliver to school, parent pick-up)
- ✓ Determine adaptive equipment needs (above what is provided by school); determine if alternative can be used (home equipment/materials)

Roles	Responsibilities
<b>Occupational Therapists and Assistants</b> (as appropriate)	<ul style="list-style-type: none"> <li>• Schedule/provide virtual Occupational therapy services to students with disabilities, write evaluation reports; participate in virtual IEP meetings, participate in virtual eligibility meetings, and if appropriate, conduct evaluations through virtual meetings.</li> <li>• Complete documentation of all services and communication with students and families.</li> </ul>
<b>Physical Therapists and Assistants</b> (as appropriate)	<ul style="list-style-type: none"> <li>• Schedule/provide virtual Physical therapy services to students with disabilities, write evaluation reports; participate in virtual IEP meetings, participate in virtual eligibility meetings, and if appropriate, conduct evaluations through virtual meetings.</li> <li>• Complete documentation of all services and communication with students and families.</li> </ul>

**CONTINUUM OF SPEECH LANGUAGE SERVICES: OPTIONS DURING COVID-19 SCHOOL CLOSURES (Updated 4/30/2020)**

Direct home contact	Home practice	Pre-Recorded Skill Sessions	Video conference with parent	Virtual Class Support	Scheduled Live Skill Sessions	Direct virtual therapy (individual or group)
<ul style="list-style-type: none"> <li>• Reach out to parent, guardian, caregiver or students to check in.</li> <li>• Contact via call/text/e-mail. Use the method of contact preferred by the parent.</li> <li>• This level of service can be considered for students with limited access and/or support for other delivery options, or for those students for whom speech language therapy may not be a priority at this time.</li> <li>• Consider creating a Google Voice account for any phone calls or texts.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide activities through district-approved e-learning platforms.</li> <li>• Home practice activities may include: worksheets, websites, packets or calendars of short activities or tasks the student can complete with minimal or no adult assistance.</li> <li>• Post activities to groups or individual students.</li> <li>• Feedback may be provided for any activities submitted by the student.</li> </ul>	<ul style="list-style-type: none"> <li>• SLP records and shares videos providing models and strategies to support the development of targeted skills.</li> <li>• Videos are available to the selected audience and may be accessed at the students' convenience.</li> <li>• Feedback is provided when possible.</li> </ul>	<ul style="list-style-type: none"> <li>• Discuss with parent the student's specific communication needs. Ask how the SLP can support the parent and student at home with communication (if-then boards, core boards, etc.).</li> <li>• SLP schedules video conference with parent and/or home support person to model communication strategies.</li> <li>• Send additional supports to parent to use when implementing modeled strategies.</li> </ul>	<ul style="list-style-type: none"> <li>• Collaborate with teachers by joining Zoom sessions ("push-in").</li> <li>• This option allows the SLP to collaborate with the teacher and work with students on targeted activities.</li> <li>• SLP can provide targeted practice or support to specific students using the "breakout room" feature in Zoom.</li> <li>• Feedback may be provided in real time.</li> </ul>	<ul style="list-style-type: none"> <li>• SLP schedules Zoom sessions of <i>general practice</i> activities that target a specific area (i.e. Articulation, Fluency, Comprehension, Vocabulary, Social Skills etc.)</li> <li>• Students can join in and participate as their schedule allows.</li> <li>• Consider creating regularly scheduled, recurring sessions.</li> <li>• Feedback may be provided in real time.</li> </ul>	<ul style="list-style-type: none"> <li>• SLP sets up therapy sessions with specific students.</li> <li>• Therapeutic judgement should be utilized to determine the reasonable and appropriate level of service for each individual student's situation. Frequency and duration is not required to match the current IEP (i.e. 10-15 minutes instead of 30-45 minutes OR 30 minutes once a week instead of 2-3 times per week)</li> <li>• The student's age, physical and sensory needs, cognitive, behavioral and/or motivational characteristics, level of communication, and support resources need to be carefully considered.</li> </ul>

**General Office Hours:** Consider regularly scheduled office hours during which students and parents can reach you for support.

Miami-Dade County School District  
2020-2021 SP&P  
Approved

## **Appendix G: District Procedures During a Declared State of Emergency**

In the box below, please provide a narrative response describing your district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students.

Miami Dade County Public Schools remains committed to actively working to provide all students with specials needs access to educational and related services, to the extent practical, during a declared state of emergency, including during the closure of school campuses. During a declared state of emergency, services for students with disabilities, as documented on the IEP or 504 Plan, will continue to be delivered, to the extent practical.

A Distance Learning Implementation Plan (DLIP) has been developed for use with all students with an IEP or 504 Plan by the student's instructional, related services and support team participants. The DLIP documents how the IEP or 504 plans will be implemented during a declared state of emergency including distance learning, if applicable, and any input that the parent may have provided to members of the student's team. Although the DLIP is not intended to replace the student's IEP or 504 Plan, the DLIP will continue to be reviewed and updated, as needed, during annual IEP or 504 Plan meetings. A copy will be provided to the parent and uploaded to the student's electronic management system file.

The IEP or 504 team, which includes the student's parent, will review the student's present levels of performance in skills related to academics/pre-academics, communication, independent functioning, social-emotional development, or behavior and/or health conditions. Interim IEP meetings will be considered for students who are identified by their teachers as needing additional support prior to their annual IEP meeting date. Ongoing review of appropriate data must be completed including pre-/post-tests, progress on annual goals, point sheets, report cards, teacher-made checklists, work samples, therapy logs, anecdotal records, probes and frequency charts, assessments and/or input from teachers and the parent. Additionally, any other supporting documentation related to extenuating circumstances must be reviewed and the rationale for the decision-making process must be discussed. Services that will be provided during a declared state of emergency will be based on the student's individual needs, the circumstances of the individual student, and the feasibility of services. Available options in which services may be provided at any given time may vary. Examples of instructional support include synchronous and/or asynchronous classroom instruction, remote therapy and/or telehealth. District procedures for a declared state of emergency will be added to the Local Education Agency Implementation Guide. Documentation and training will be provided for pertinent staff. Delivery models offered to students will vary based on the type of emergency and the district options available but may include full-day, half-day, hybrid, walk-in school-based services, and/or full-time virtual distance learning. The district will retain progress monitoring data including district and

Miami-Dade County School District  
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state assessments, attendance, and progress on goals. The number of support staff needed to provide services will also be monitored including academic instruction in core subjects such as reading and math, accommodations, language/speech therapy, occupational/physical therapy, nursing consultation services, counseling, and/or itinerant services. Needs for technology, online platforms, curriculum instructional programs and assistive technology must be considered and reviewed. Daily attendance will be collected, and progress and implementation of accommodations will be monitored to ensure the delivery of specialized instruction and/or related services. Students whose progress is impeded by the state of emergency will be considered for additional services as appropriate. To support a healthy and safe learning environment, and to ensure adherence to the recommendations of the Centers for Disease Control and Prevention (CDC), M-DCPS has developed the Reopen Smart, Return Safe guidelines available at <http://reopening.dadeschools.net/index.html>. This guide is available to parents and community stakeholders and includes informational resources, accessing online and in-school learning, health screening requirements for students, webinars, and other declared emergency information and data. The District has also established a procedure for students who are medically fragile while also recognizing the CDC recommendations for the use of face coverings combined with social distancing. A parent may submit an exemption form completed by a licensed provider if the student has a medical, physical or psychological condition that may impact the student in a classroom/school environment, on a school bus, and/or during an extra-curricular activity. Once received, the District will review the form and make recommendations which may include use of a face shield, plexiglass in the classroom, frequent and supervision of handwashing, strategies for and schedules for mask wearing and/or increased social distancing. Additionally, M-DCPS has developed a three-tiered Continuous Learning Plan, available at [http://pdfs.dadeschools.net/learning/M-DCPS\\_Continuous\\_Learning\\_Plan.pdf](http://pdfs.dadeschools.net/learning/M-DCPS_Continuous_Learning_Plan.pdf), to mitigate the loss of learning due to a declared emergency including students with disabilities. All students in the Schoolhouse or My School Online (MSO) in grades K-12 will receive high-quality instruction with standard supports and while some students, identified for targeted interventions, will also receive additional supports and services and/or extended learning opportunities. For students requiring extended learning opportunities, the District will provide structured and engaging extended learning opportunities to support and complement what students are learning during the school day. Extra time is a vital resource and strategy necessary for student success and is best utilized to address learning gaps. Extra instructional time is provided through the implementation of intersessional calendars and before and after school programming inclusive of Saturdays, Winter Break and Spring Break. These beyond the bell offerings will afford teachers the opportunity to provide meaningful and purposeful instruction that is designed to address the academic needs of the District's most fragile learners. To assist with the identification of Students with Disabilities that may need these additional supports and services, including extended day, M-DCPS has developed the ESE Learning Loss Index to assess academic regression utilizing multiple data points. These data points include academic grades in core subject areas, iReady diagnostic results, where applicable, attendance data, status of IEP goals and graduation requirements for senior high school learners. Results from the Learning Loss Index will be used to provide

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interventions and support guidance relative to the services, supports and instructional strategies that are needed to address the learning loss. Reports and monitoring protocols will be provided to the school leadership teams and ESE District support staff. The District will continue to provide and monitor the needs for technology including laptop computers, whether attending physically or through virtual instruction. Supplementary Programs for students with disabilities accessing standard or modified curriculum may include iReady, Fast ForWord, IXL, Reading A-Z and/or Unique Learning. Extended School Year (ESY) services will continue to be considered through the IEP process and revisions to the ESY section of the IEP have been made. These revisions will ensure a more in-depth review by the IEP team and includes requirements to identify data sources being utilized and the rationale or justification for the decision-making process. The district has a plan to deliver ESY services both in-person and via remote instruction, as needed. An IEP meeting must be conducted annually, and an interim IEP must also be scheduled if a student is not demonstrating progress and/or the parent, teacher or student has requested such meeting. This meeting may be conducted in-person or virtually via an online platform based on the preferences of the parent and the IEP team will communicate with the parent to select an agreeable date and time. When concerns are brought to the attention of the school and/or district administration, or members of an IEP team, immediate steps to resolve any disputes or stated concerns will be taken. These steps may include revising the IEP supports and services, changing the instructional delivery model, pivoting a student from MSO to Schoolhouse, recommending the student for extended day services and/or ESY, or requesting a facilitated IEP. The need for compensatory recovery services may also be reviewed including Speech/Language therapy, Occupational/Physical therapy, counseling, and other mental health services. Should additional support personnel be warranted, specialized team members of the Crisis Response Team, may be enlisted. These include district level School Psychologists, School Social Workers and Mental Health Clinicians for Emotional/Behavioral Disabilities that are experienced in working with, and delivering services to students with disabilities and have completed Crisis Response & Recovery training.

Submit below samples of documentation to include parental notice regarding changes to the provision of special instruction and services for exceptional students, individualized temporary learning plans, etc.

Briefing ID #: 27304

ALL PRINCIPALS/ASSISTANT PRINCIPALS; ALL TEACHERS: Distance Learning Implementation Plan for Students with Special Needs Update

**Category:**

**Audience:** All Principals/APs, All Teachers

**Due Date:** May 13, 2020

**Meeting Date:** n/a

**Attachment(s):** [DLIP - Revised Directions for Completion and Transmittal to Parent FINAL 4-23\\_Rev. MCA.pdf](#)  
[FM 7773 DLIP.pdf](#)

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Provide updated information for school administrators and Local Education Agency (LEA) representatives regarding timelines, ESE support and procedures for completing the mandatory Distance Learning Implementation Plan for Students with Special Needs

- 
- **A Distance Learning Implementation Plan (DLIP) for Students with Special Needs must be completed by schools for all students with an Individual Education Plan (IEP) or a 504 Plan.** The DLIP form is attached and can also be found at <http://forms.dadeschools.net/webpdf/7773.pdf>.
  - Revised directions for completing and transmitting the Distance Learning Implementation Plan are provided in the attached updated instructions to schools.
  - **The deadline for completion of the Distance Learning Implementation Plans has been extended to Wednesday, May 13, 2020.**
  - The DLIP is intended to document how a student's IEP or 504 Plan is being implemented through distance learning during the mandatory school closures. **Once a student's DLIP has been completed, a copy of the completed DLIP must be sent to the student's parent as soon as possible.**
  - To complete the DLIP, the school's LEA is responsible for contacting teachers by e-mail and/or by phone to gather the information needed for Sections 1 and 2 of the DLIP. **The teacher contact should occur during regularly scheduled work hours.**
  - The Department of Exceptional Student Education (ESE) will provide schools with information regarding Related Services provided by Speech Language Therapists, Clinicians, Occupational and Physical Therapists, and Nursing Services, needed to complete Section 3 of the DLIP.
  - ESE Department staff will provide targeted support in the completion of the DLIPs for LEAs who also have classroom teaching responsibilities, if needed. Requests for support should be submitted by email to [ESE@dadeschools.net](mailto:ESE@dadeschools.net).
  - An ESE padlet available at [https://padlet.com/mdcps\\_e/VirtualResources](https://padlet.com/mdcps_e/VirtualResources) provides information and resources to support schools serving students with disabilities and their families and includes a recording of the recent webinar on the completion of the DLIP as well as a Frequently Asked Questions information sheet.
  - For technical questions regarding the completion of the DLIP, please contact Mary A. Paz, Executive Director, by email to [mpaz@dadeschools.net](mailto:mpaz@dadeschools.net).

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**Contact:** Mary Paz ( [mpaz@dadeschools.net](mailto:mpaz@dadeschools.net) )

**Department:** Exceptional Student Education

## DISTANCE LEARNING IMPLEMENTATION PLAN FOR SPECIAL NEEDS STUDENTS

### GENERAL INFORMATION

- Student's IEP or 504 Plan will continue to be implemented *to the extent practical* via distance learning as documented on the Distance Learning Implementation Plan (DLIP)
- All students that have an IEP or 504 Plan must also have a DLIP
- The DLIP must be reviewed and completed **during all annual IEP and 504 Plan meetings**
- The purpose of the DLIP is to record *how the IEP or 504 Plan is being implemented through distance learning* by the instructional, related services and support team
- Each DLIP will vary based on the type of plan, the needs of the student, and the services and supports

### DLIP PREPARATION

1. Locate the Distance Learning Implementation Plan (DLIP) template through Records and Forms at <http://forms.dadeschools.net/webpdf/7773.pdf> or through the padlet link available at [https://padlet.com/mdcps\\_e/VirtualResources](https://padlet.com/mdcps_e/VirtualResources)
2. Retrieve the student's current IEP or 504 Plan in ESE-EMS and enter the student demographic information at the top of the DLIP
  - ✓ Enter Separate Class, Resource, General Education or Separate School for Last IEP Placement
  - ✓ Enter N/A for students with a 504 Plan
  - ✓ Enter the name and title of the person completing the DLIP
3. Gather information from the academic and support team provider(s) to assist with the development of the plan

### DLIP COMPLETION

4. **Section 1 - Student's Individualized Educational Plan (IEP) Priority Educational Needs (PENs)**  
Complete for students with an IEP only
  - ✓ Utilizing the IEP in ESE-EMS and identify and record the technology(ies) that are being used for each PEN that is/are being delivered weekly during distance learning
5. **Section 2 - Distance Learning Instructional Delivery Methods/Accommodations**  
Complete for students with an IEP or 504 Plan
  - ✓ Using Table 1 – Key for Instructional Delivery Methods, identify and record the number(s) that corresponds to the distance learning instructional delivery method(s) that is/are being provided for each day of the week for all courses or subject areas being instructed that day
  - ✓ When selecting the Instructional Methods, consider who is providing the instruction and how the student is receiving the instruction
    - Example – enter Delivery Method Code 2 and 3 on the chart M-F for a student that is fully included in general education with daily support facilitation and any other applicable code(s) to describe how the instruction is being delivered
    - Example – enter Delivery Method Code 1 on the chart M-F for a student that is in a separate class setting daily and any other applicable code(s) to describe how the instruction is being delivered
  - ✓ Using Table 2 – Key for Accommodations, identify and record the letter that corresponds to the distance learning accommodation(s) that is/are being provided for each day of the week
  - ✓ When selecting the Accommodations, consider what different accommodations the student is receiving each day
    - For example – enter Accommodation Code C on the chart M-F for a student that is using Text to Speech daily
    - For example – enter Accommodation Code B on the chart M-F for a student that being provided ESOL strategies daily

- For example – enter Accommodation Code R (Other) Extended time for assignments on the chart M-F for a student that is being provided extended time to submit assignments

**6. Section 3: Speech, Language, Occupational Therapy, Physical Therapy, Counseling, Itinerant Services and/or Supplementary Services**

Complete for a student that is receiving a related or supplementary service

- ✓ Using Table 3 - Key for Related and Supplementary Service Delivery Model, identify and record the number that corresponds to the distance learning delivery method(s) that is/are being provided for each related and/or supplementary service based on applicable supports and services.
- ✓ The SLP, OT, PT and Clinical support personnel will provide related and supplement services information to the school

**DLIP COMPLETION FOR PRE-K ESE**

**7. Section 1: Student's Individualized Educational Plan (IEP) Priority Educational Needs (PENs) - PK**

Complete for students with an IEP only

- ✓ Under "Language Arts PEN" include information related to Communication PENs or Pre- Academics, as appropriate to the individual student.
- ✓ Under the "Mathematics PEN" include pre-academic PENs as appropriate".
- ✓ Under the "Science PEN" include another pre-academic PEN as appropriate.
- ✓ Under the "Social Studies PEN" include a Social-Emotional Behavior PEN as appropriate.
- ✓ The "Independent Functioning PEN" remains the same.
- ✓ The "Other PEN" remains the same.
- ✓ Under "Technology Resources": use the two "Other" fields to document either Waterford or ABC Mouse **and** one other resource if being used. This will not be an exhaustive list. Check off any others being used such as MyOn, Khan Academy, Microsoft Teams/ZOOM.

**Section 2: Distance Learning Instructional Delivery Methods/Accommodations - PK**

- ✓ Under the "Key for Accommodations" use the "Other" line to document a key accommodation being used during Distance Learning. Also check off any others that are appropriate for the individual student.

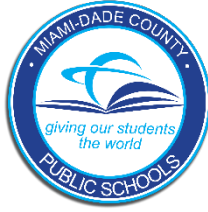
**Section 3: Speech, Language, Occupational Therapy, Physical Therapy, Counseling, Itinerant Services and/or Supplementary Services - PK**

Complete for a student that is receiving a related or supplementary service

- ✓ Using Table 3 - Key for Related and Supplementary Service Delivery Model, identify and enter the number that corresponds to the distance learning delivery method(s) that is/are being provided for each related and/or supplementary service based on applicable supports and services.
- ✓ The SLP, OT, PT and Clinical support personnel will provide related and supplement services information to the school

8. The **DLIP MUST be uploaded** to the student's Attachments in ESE-EMS

9. Provide a copy of the DLIP to the parent along with the IEP or 504 Plan copy



**MIAMI-DADE COUNTY PUBLIC SCHOOLS**  
**DISTANCE LEARNING IMPLEMENTATION PLAN FOR STUDENTS WITH SPECIAL NEEDS**

Student Name \_\_\_\_\_ Student ID# \_\_\_\_\_ Grade Level \_\_\_\_\_

School Location # \_\_\_\_\_ School Name \_\_\_\_\_

Exceptionalities \_\_\_\_\_ Last IEP Placement: \_\_\_\_\_ (type)

Completed by (print) \_\_\_\_\_ Title \_\_\_\_\_

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

**Section 1: Student's Individualized Educational Plan (IEP) Priority Educational Needs (PENs) being delivered weekly during distance learning. Check all that apply.**

<b>TECHNOLOGY RESOURCES</b>	<b>Language Arts PEN</b>	<b>Mathematics PEN</b>	<b>Science PEN</b>	<b>Social Studies PEN</b>	<b>Independent Functioning PEN</b>	<b>Other PEN</b>
Microsoft Teams/ZOOM						
Learning A-Z						
Edgenuity						
Unique Learning						
IXL Personalized Learning						
i-Ready						
BrainPop						
TeachTown						
Khan Academy						
Storyline Online						
Attainment Hub						
TouchMath						
MyOn						
Odysseyware						
Other (Specify)						
Other (Specify)						

**Section 2: Distance Learning Instructional Delivery Methods/Accommodations for students with IEP or 504 Plan. Refer to the code(s) in Table 1 and Table 2 below for a description of the distance learning instructional delivery methods and accommodations being utilized with the student.**

<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
Instructional Delivery Method Code(s):	Instructional Delivery Method Code(s):	Instructional Delivery Method Code(s):	Instructional Delivery Method Code(s):	Instructional Delivery Method Code(s):
Accommodation Code(s):	Accommodation Code(s):	Accommodation Code(s):	Accommodation Code(s):	Accommodation Code(s):

**TABLE 1: KEY FOR INSTRUCTIONAL DELIVERY METHODS**

1.	ESE Teacher
2.	General Education Teacher
3.	Support Facilitation/Consultation Teacher support
4.	Virtual face-to-face contact (i.e. Zoom, Microsoft Teams)
5.	Small group virtual/phone contact
6.	Interactive tutorials
7.	Narration on i-Ready or other software for instructional programs (text-to-speech)
8.	Recorded video instructions of lesson (PowerPoint)
9.	Other (specify)

**TABLE 2: KEY FOR ACCOMMODATIONS**

a.	Extended time for test taking
b.	ESOL strategies
c.	Use of immersive reader/text-to-speech
d.	Closed captioning (Google Slides)
e.	Credit for oral participation
f.	Provide written directions for assignments when directions are given orally through virtual means
g.	Provide important dates/deadlines in writing
h.	Allow oral rather than written responses
i.	Allow written rather than oral responses
j.	Provide recorded instructions from live sessions for reinforcement
k.	Allow students to draw models (graphic organizers, charts) and upload
l.	Voice typing/ Speech to text
m.	Magnification/ customizable formats
n.	Sign Language Interpreter support
o.	Allow narration feature on virtual learning platforms whenever available.
p.	Online Dictionary/ Thesaurus/ Spellers
q.	Visual Cueing/ highlighters/ pointers/ emoji
r.	Other (specify)

**Section 3: Speech, Language, Occupational Therapy, Physical Therapy, Counseling, Itinerant Services and/or Supplementary Services provided to the student during distance learning, based on applicable IEP services. Use the key below to identify the methods of delivery for each service.**

	✓	<b>RELATED AND SUPPLEMENTAL SERVICE DISTANCE DELIVERY METHOD</b>	<b>FREQUENCY</b> 1 = daily 2 = 2 or 3 times per week 3 = weekly 4 = bi-weekly 5 = monthly 6 = other (explain)
<b>SLP</b>			
<b>OT</b>			
<b>PT</b>			
<b>Nursing</b>			
<b>Clinician/Counselor</b>			
<b>Itinerant Teacher 1</b>			
<b>Itinerant Teacher 2</b>			
<b>Paraprofessional</b>	(Add services for para) Interpreter		

<b>KEY FOR RELATED AND SUPPLEMENTAL SERVICE DELIVERY METHODS:</b>	
1.	Remote Therapy Session
2.	Phone Consultation
3.	Videotape Modeling for Parent
4.	Online Resources
5.	Activity Packet
6.	Resources in Braille
7.	Interpreting Services
8.	Online Dictionary/Thesaurus/Spellers
9.	Visual Cueing/highlighters pointers/Emoji
10.	Other (Specify)

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## **Appendix G: District Procedures During a Declared State of Emergency**

In the box below, please provide a narrative response describing your district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students.

During a declared state of emergency impacting the provision of special instruction and services for exceptional students, schools will review IEP's and determine the services that can be provided to students to the extent appropriate and practical. Those services can be provided by teachers and other service providers. Parents will receive a letter outlining the district's procedure or process based on the declared state of emergency. Pre and post assessments will be used for progress monitoring and to assess the need for services due to gaps in learning relating to the state of emergency. The district will follow the plans set forth by the county's health department to safely have students who are medically vulnerable on campus. Schools shall also consult with district registered nurses to discuss any additional medical needs. Changes to the IEP as a result, will be considered on a case by case basis. The need for smaller or separate settings will also be considered on a case by case basis. District staff are provided PPE.

Submit below samples of documentation to include parental notice regarding changes to the provision of special instruction and services for exceptional students, individualized temporary learning plans, etc.



445 W. Amelia Street • Orlando, Florida 32801 • (407) 317-3200 • [www.ocps.net](http://www.ocps.net)

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June 30, 2020

Dear Parent and/or Guardian,

The purpose of this letter is to inform you of the changes to the provision of special instruction and services for your child. Due to the Covid-19 school closure executive order by the governor, the district will be providing instruction through distance learning until further notice. As a result, the district will provide services to the maximum extent possible as identified on your child's IEP. At this time, teachers and other services providers are evaluating your child's IEP to develop a plan for goals and services which can be monitored remotely.

An integral part of distance learning will be the communication between the school and home. In the next two weeks you will receive a call from your child's teachers and/or service providers regarding a plan for distance learning.

Although schools are not open for walk in visitors, staff are available by appointments only. Please reach out to your child's school if there have been recent changes in your contact information.

School based teams will continue to move forward with meetings using a virtual platform. If you would like to schedule an IEP team meeting to review the plan for distance learning or to address any other concerns, please contact the school staffing specialist.

We encourage you to visit our website at [ocps.net](http://ocps.net) for additional information regarding distance learning as well as our exceptional student education page for resources available to parents during this time.

Sincerely,

A handwritten signature in black ink that reads 'Ian Gesundheit'.

Ian Gesundheit

Palm Beach County School District  
2020-2021 SP&P  
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## **Appendix G: District Procedures During a Declared State of Emergency**

In the box below, please provide a narrative response describing your district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students.

In the event of an emergency school closure, the District will make every effort to ensure that our students' educational opportunities continue while at home or until it is safe to report back to school campuses. Our Instructional Continuity Support Plan (ICSP, attached) leverages distance learning to foster sustained student growth through supporting continuous instruction, providing device access for all students, and maintaining connectedness to the community. The Assistant Superintendent of Choice and Innovation, School Health Services Specialist, Director of Exceptional Student Education and Manager of Exceptional Student Education Special Programs will assist with a declared state of emergency and services for exceptional students. The District will support continuous instruction using a variety of digital core and supplemental materials. The District will provide access to quality instruction for all students by ensuring that any student who needs a mobile device will be provided with one, upon request, for the duration of the schools' closure. The District has also taken steps to facilitate partnerships with Internet providers to maintain connectedness at home in order to support our students' home learning. Parents of students with disabilities with IEPs are to be contacted by service providers to discuss individual Distance Learning Plans. (example attached) ). All students will be provided with a chrome book or similar technology for the purpose of participating in remote learning. The District's plan for medically vulnerable students who come to school is initiated when information from the treating physician is provided through a physician's authorization form which includes the student's medical condition and required medical care or nurse care plan. A release for or transfer of student information is completed by the parent/caregiver in order for school staff and Health Care District school nurses to communicate with the medical provider. Accommodations will be added on a case by case basis through their 504 Plan or IEP and based upon recommendations provided by the treating physician. School Board Policies 3.82 and 5.326 require staff and students to wear cloth face covering and maintaining social distance, where possible. In the event of an emergency school closure, the District will ensure that all students are individually assessed upon schools reopening to ascertain whether there has been a loss of academic or related service skill(s) due to school closure. In the event it is determined there has been a loss of skill(s), a plan to provide compensatory education to remediate the loss of skill will be developed by the IEP team. Compensatory education opportunities may take place before, during, or after the school day or during the summer, as determined by the team. Below is an example of the resource links posted on the District website: Exceptional Student Education (ESE) • Chromebook Accessibility Tools • Connecting with the ESE Team • ESE Contacts • ESE FAQs • Resources for ESE Families • Significant Cognitive Disabilities Support • Supporting

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Children in Virtual Formats • Supporting Individuals with Autism \_\_\_\_\_ •

English Language Learners (ELL) • Resources for ELL Families • Welcome Center

Submit below samples of documentation to include parental notice regarding changes to the provision of special instruction and services for exceptional students, individualized temporary learning plans, etc.

# School FY21 Distance Learning Support Plan For Students with Disabilities

Form to be completed to document IEP services distance continuity plan as developed for individual student.

NOTE: These supports will be in place while schools campuses are closed as a result of COVID 19 and does not represent a change in IEP. Once school buildings reopen, the current IEP for your child will resume.

Your email address ([joanne.thornton@palmbeachschools.org](mailto:joanne.thornton@palmbeachschools.org)) will be recorded when you submit this form. Not you? [Switch account](#)

\* Required

My role as a service provider: \*

- ☐ ESE Teacher
- ☐ SLP
- ☐ OT/ COTA
- ☐ PT/PTA
- ☐ VI
- ☐ DHH
- ☐ Counselor



This is a required question

Student Last name, first name \*

Your answer

Student ID # \*

Your answer

Contact attempt successful? \*

☐ Yes

☐ No

Next

Never submit passwords through Google Forms.

This form was created inside of School District of Palm Beach County. [Report Abuse](#)

Google Forms



Pasco County School District  
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## **Appendix G: District Procedures During a Declared State of Emergency**

In the box below, please provide a narrative response describing your district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students.

District Procedures During a Declared State of Emergency- In the event of a Declared State of Emergency, Pasco County Schools will provide ESE Services to the maximum extent possible, in light of the circumstances surrounding the emergency and the safety of students and staff. The District will address the provisions as follows: • Health and Safety Epidemic/Pandemic – Full School Closures – Students will be instructed and receive special education instruction and services virtually utilizing an online platform chosen by the District. Student education will be delivered to the maximum extent possible through a combination of published assignments and live lessons. Teletherapy will be used to provide related services. Technology will be made available to students as needed and if necessary, the District will work with local internet and hotspot providers to secure access to online instruction and supplemental platforms for learning. Exceptional Student Education (ESE) Staff will work closely with parents to develop a Temporary Distant Learning Plan that will address the student's need for specialized education in and services provided during the school closures and periods of virtual instruction. ESE Staff will use the district developed accommodations and specially designed instruction tracking system, to ensure continued documentation of services, as per the student's IEP. Additionally, each family will receive notification of the Temporary Distance Learning Plan, which includes telephonic contact to ensure parents understand the nature of the learning platform, how to access the program, and to provide input concerning the student's specialized needs under the program. • Natural Disaster (i.e. Hurricanes, or other disasters that would result in infrastructure damage) – Full/Partial School Closures – \* In the event that district-wide school closures becomes necessary as a result of the natural disaster, provided there is still access to internet and virtual learning, the response would be the same as described above for a health and safety epidemic/pandemic. \*In the event that internet and cellular infrastructure is damaged and there is significant building damage which would prevent students from receiving instruction safely in a building, students will be provided with paper copies that, to the maximum extent possible, address specially designed instruction and related services. \*In the event that there is a natural disaster in which some buildings can safely be used to deliver instruction and there is no risk of health and safety to staff and students, a schedule of services would be developed that would allow specifically for the delivery of specially designed instruction and related services to exceptional education students. With the expectation that any of the above situations are temporary in nature, the District will ensure a safe reopening plan, as expeditiously as possible. Upon students return to traditional schooling, ESE Staff will review progress made towards IEP goals during the time of crisis using multiple data points, which may include, grades, attendance, level of engagement and participation. If a student is determined to need additional support, the IEP

Pasco County School District  
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teams will recommend a plan for remediation and/or recovery of skills. Professional registered school nurses are responsible for the development, implementation, and revision of individualized, comprehensive health care plans for our medically vulnerable students. They delegate responsibility for the provision of health services based on student needs to trained staff. Pasco County's health services program works in collaboration with the local health department, guided by the school health contract and school health plan. School nurses are essential members of the school team, serving as health experts providing necessary guidance to teams, including the need for quick interventions in the event of communicable disease or pandemic events. Pasco County School's health program under the guidance of the DOH has developed safety guidelines for students, teachers and other staff in managing the pandemic. This includes trainings on safety measures such as social distancing, mask, cleaning protocols, and appropriate use of personal protection equipment. Students are identified that are high risk and/or medically vulnerable. Increased and strategic monitoring of these students' comprehensive health plans occurs. Staff are instructed to conduct daily health screenings to reduce the students exposure to illness. Nurse include parents, health care providers, and educational staff in the development of these plans. A continuum of services are provided for parents to choose instruction through brick and mortar or My School Online (MSOL). Students participating in MSOL are able to receive therapies outlined on their IEP's. This included participating on campus for therapies only. All instruction and services are designed to meet the unique needs of our medically fragile students.

Submit below samples of documentation to include parental notice regarding changes to the provision of special instruction and services for exceptional students, individualized temporary learning plans, etc.

### **Initial Contact Guidance**

When making first contact with students who are transitioning to our Distance Learning Plan (hereinafter, DLP), it is necessary to:

- Ensure the student has the **know-how and technical ability** to utilize the DLP;
- Ensure the parent knows we are **aware of the student's IEP** and we will be making our **best effort, under the circumstances, to apply the student's IEP**;
- **Collaborate and problem solve** with the parent regarding the implementation of the IEP during the school closures, and how the IEP will be applied to the DLP;

The purpose of this memorandum is to assist and prepare you for making your initial contact with parents and students who are transitioning to our DLP. When you make initial contact, please ensure that you have the virtual platform [APEX, Canvas, etc.] open. **As you begin your dialogue with parent, use the language below as a guide to** both assist in your conversation with the parent, and to assist in the proper documentation of your conversation. After you introduce yourself, you will use the following questions to guide your conversation:

**1. Say: "First, I want to make sure that you have access to the online program. Have you been able to successfully log on and familiarize yourself with the program?"** This conversation will concentrate on the student's general "know-how and technical ability" to get on the program. Please ensure that the student is familiar with how to access and participate in the DLP.

- a. Please do the best you can to provide any guidance and assistance you can to help the student with any questions they have regarding how to access the DLP in general.
- b. To the extent that you do not have the necessary information to assist the student, for example, in the case of a technological issue, please refer the parent or student to [techhelp@pasco.k12.fl.us](mailto:techhelp@pasco.k12.fl.us), call 813-794-2859 or go to Pasco County Schools website and click on the live chat tech for help, and ensure the student that you, too, will forward their concerns to the appropriate persons.
- c. Very briefly document that you discussed these matters in the initial contact acknowledgement in MyStudent with the date of contact, your email address and a brief description in the note section. (Example: "Student confirmed they were able to log-in and were familiar with the online DLP." Or "Assisted student with understanding the online format and how to utilize DLP." Or "Student was having technical problems with accessing DLP. Student was referred to \_\_\_\_\_. I too contacted \_\_\_\_\_ to notify them of the issue.")

**2. "We know that \_\_\_\_ has an IEP, and I just want to briefly go over his/her IEP and explain how we will work to implement it during the school closure."** This conversation will revolve around your awareness of IEP and our good-faith effort to implement it and apply it to the DLP. Please ensure that the parent/student understand that the teachers/staff are aware of the student's IEP, and will implement it to the fullest extent possible under the circumstance. Notify the parents how the DLP will be individualized to the greatest extent possible to assist the student in their participation.

- a. Please describe the DLP process in general, and assure the parent that Pasco County Schools is doing the best it can to educate their child during this unprecedented state of emergency.

- b. Please demonstrate a knowledge of the student's needs by having and referring to the student's IEP.
  - c. Please describe how the student will receive specialized instruction for the DLP through implementation of the student's IEP.
  - d. If the parent is displeased with the situation, you can acknowledge to the parent that, given the circumstances we are all dealing with in this state of emergency, the student's accommodations and services may appear different during the temporary closure of schools. Explain that Pasco County Schools cannot replicate the in-school environment through the DLP, but, when schools re-open, they can request an IEP meeting to discuss any additional services, **compensatory education**, or other needs the student **may be entitled to under law** for any lost educational progress during this emergency.
  - e. Very briefly document that you discussed these matters in the initial contact acknowledgement in MyStudent. (Example: "Notified parent/student that IEP would be implemented to best our ability during school closures, and that \_\_x\_\_, \_\_y\_\_, \_\_z\_\_ will be done to ensure student can access the online DLP.")
3. **"Do you have any questions, comments, concerns, or input about the plan moving forward for the education of \_\_ during the school closures?"** This is where you will work to collaborate and problem solve any issues with the parent. Discuss the student's IEP and needs with the parent, and collaborate and problem solve regarding how to ensure that the student can obtain meaningful access to the education provided through the online DLP.
- a. It is important that we permit the parent to provide input concerning their child's needs and the application of the IEP during the emergency closures.
  - b. Consider the parent's input, and, to the extent that the parental input is feasible and consistent with the IEP, please ensure all team members are apprised of the information so that it can be implemented.
  - c. If the parent is seeking an accommodation/service/modification that you cannot readily agree to, please refer them to [sspshelp@pasco.k12.fl.us](mailto:sspshelp@pasco.k12.fl.us).
  - d. It is very important to document that you collaborated with the parent, and whether the parent is in agreement with the plan moving forward. This is to be done in the Initial contact acknowledgement in MyStudent (Example: "Parent shared \_\_x\_\_ and I let parent know that we can provide for that issue through the student's IEP. Parent was in agreement with the planned course of action." Or. "Parent shared \_\_x\_\_ and I let parent know that we are not in a position to resolve that matter at this point as [the parent's request is not consistent with the IEP/the state of emergency prevents us from complying with the request. Parent was referred to [sspshelp@pasco.k12.fl.us](mailto:sspshelp@pasco.k12.fl.us) for assistance.")



## Pasco County Schools

Kurt S. Browning, Superintendent of Schools  
7227 Land O' Lakes Boulevard • Land O' Lakes, Florida 34638

Dear Parent/Guardian:

Date: March 30, 2020

RE: COVID-19 School Closures and Temporary Distance Learning Plan

As you are aware, the United States and other nations around the world are currently fighting the spread of the Novel Coronavirus, otherwise identified as COVID-19. In an effort to protect our children and our community, Education Commissioner, Richard Corcoran, closed schools until April 15, 2020, and has announced that all Florida students must begin distance learning by March 31, 2020. Pasco County Schools will be providing the required distance learning through an online format.

Given the uncontrollable circumstances created by COVID-19, and the very limited time period that districts have had to reconfigure their entire educational system, the Florida Department of Education has provided school districts with latitude in the provision of continued services and accommodations to their exceptional student populations: "To support students identified with IEP-related services who may have a disruption in services, school districts have flexibility for the remainder of the school year to provide alternate services or delay services in coordination with the student's parents and IEP team."<sup>1</sup> The USDOE similarly explained: "It is important to emphasize that federal disability law allows for flexibility in determining how to meet with individual needs of student with disabilities. The determination of how FAPE is to be provided may need to be different in this time of unprecedented national emergency."<sup>2</sup>

Flexibility will be required in order to educate your child while schools are closed. In order to ensure your student has appropriate access to the distance learning program, Pasco County Schools will be implementing this Temporary Distance Learning Plan (hereinafter, referred to as "Distance Learning Plan"), as set forth in this correspondence, for your child. This Distance Learning Plan will act to temporarily supplement your child's IEP so as to clarify that your student will be temporarily educated through an individualized version of the online distance learning program being used by Pasco County Schools. This Distance Learning Plan will ensure that the online program is individualized for your student so that it is presented in a manner that is consistent with the accommodations, services, and needs of your child, as indicated in their IEP. A member of your child's IEP team will be in contact with you to receive your input and collaborate regarding how to best implement your child's IEP during the emergency closure.

To the extent that your child's IEP is set to expire during the temporary closure of schools, or if your child is in need of a re-evaluation, during this closure, this Distance Learning Plan will act as a temporary amendment to your child's IEP for the purposes of date compliance. During the school closures our staff will do its best, taking into account the circumstances, to perform the necessary IEP amendments and re-evaluations. If the amendments or re-evaluations are not completed during the school closures, your child's school will contact you soon after schools re-open to perform the needed work.

Upon your child's return to school, the Distance Learning Plan will automatically expire and cease to operate, and your child's IEP will resume as normal.

In accordance with the USDOE's guidance, to the extent that your child was not able to receive adequate access to their education during the COVID-19 emergency, upon the re-opening of schools, you will be invited to participate in an IEP meeting so the IEP team can "make an individualized determination as to whether and

<sup>1</sup> FLDOE (March 24, 2020) *Coronavirus (COVID-19)*, retrieved from <http://www.fldoe.org/em-response/index.shtml>, (March 24, 2020)

<sup>2</sup> USDOE (March 21, 2020) *Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools while Serving Children with Disabilities*, retrieved from <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>

to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.”<sup>3</sup>

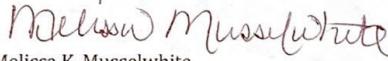
To the extent that your child participates in group sessions for certain academic classes or services, such as: speech therapy, language therapy, occupational therapy, physical therapy, counseling, please be advised that multiple students may be simultaneously participating online. We ask that you treat these sessions just as if they were occurring in a classroom, and thus respect the privacy and maintain confidentiality of that learning environment. Please be advised that it would be illegal to record these sessions without the explicit permission of all participants.

Should you have any immediate questions, comments, or concerns regarding this Temporary Distance Learning Plan, please feel free to contact [sspshelp@pasco.k12.fl.us](mailto:sspshelp@pasco.k12.fl.us). Otherwise, school-based staff will be in contact with you in the near future to assist you and your child with this transition.

You and your child have certain rights under Federal and Florida Law concerning the provision of their education. Attached hereto you will find your procedural safeguards, which set forth the same. Also, to the extent that you wish to seek counsel or advice from a third-party regarding Pasco County Schools' course of action during this temporary state of emergency, please find attached hereto a list of free and/or low-cost legal services. Lastly, attached hereto is an informational fact sheet concerning COVID-19 and your child's education during this emergency.

Your collaboration and understanding as we all work together during this state of emergency is appreciated.

Sincerely,

  
Melissa K. Musselwhite

Attch: Procedural Safeguards  
List of Free/Low Cost Legal Services  
FACT SHEET: Exceptional Student Education and COVID-19

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<sup>3</sup> USDOE (March 2020) *Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak*, retrieved from <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>

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## **Appendix G: District Procedures During a Declared State of Emergency**

In the box below, please provide a narrative response describing your district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students.

Volusia County plans to assess and address any gaps in learning and related skills such as speech/language for students with disabilities within the district due to the impact of school closures as a result of COVID-19 (which should include ESY within a comprehensive plan that also includes proactive dispute resolution, health and safety, assistive technology considerations, etc.) and identify which positions will be serving on the district's crisis response team to address responses needed specific to the district's SWDs. Speech-Language Clinicians will review data to determine the impact of COVID-19 school closures on student's speech-language abilities. Students who show continued regression resulting from these closures may be offered additional service minutes and/or extended school year. These decisions will be individualized based on each student's needs and should be agreed upon by an IEP team. Occupational and Physical Therapists will follow these procedures as well. The description of the districts comprehensive plan are as follows: Volusia County will utilize the Florida's guidelines (see <http://www.fl DOE.org/academics/exceptional-student-edu/beess-resources/presentations-pubs/#e>) which specifically refer to extenuating circumstances related to each student's current situation to determine the need for ESY services. Based on need, ESY should be considered for students to receive FAPE. ESY is not limited to summer, but can and should, where appropriate, happen throughout the school year. ESY services which required summer instruction per recent IEP's were provided in a virtual environment during 2020. However, brick and mortar and virtual formats will be provided during the 20-21 school year to accommodate the varying needs of the students. When students return to school in August 2020, district wide diagnostic assessment will occur to identify gaps in learning for all students, including students with disabilities. This data will be used to adjust core instruction, Tier 2, and Tier 3 interventions for all students including SWDs within the MTSS infrastructure. Resources, such as but not limited to i-Ready instructional tools and computerized learning, will be used to increase engaged academic time and help to address deficit areas. In addition, schools will offer tutoring to all students who are eligible, including SWDs. During the summer of 2021, schools will also offer a tutoring program. SWDs will be included and the students' accommodations will be implemented. When necessary, the IEP team may convene during the 20-21 school year to address specially designed instruction, supports, and services for students who are not making adequate progress toward closing the learning gap. Volusia County will provide virtual and brick and mortar options for medically vulnerable students. When considering brick and mortar, families of medically vulnerable students will be encouraged to consult with their family doctor and develop a plan for their safe participation in school. Volusia County will consider accommodations on a case-by-case basis. Accommodations may include providing instruction in smaller class settings and clustering these

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students away from others with a teacher who is wearing an approved face covering. These plans will include “plans for medically vulnerable students who come to school, and how school health staff will develop school health comprehensive care plans in consultation with the county health department.” School health providers will be invited to the IEP to give recommendations and support to the student and staff. A crisis response team will be designated by the district at each school site. Volusia County School Leadership Teams will collaboratively work with teachers, staff, and parents at each site to develop specific processes aligned to district Covid19 safety plans. Schools will stagger schedules, limited entry and exit points, provided flexible entry and departure times, create procedures campus transitions during classes, provide visual supports on sidewalks and common areas to indicate 6 ft markers for social distancing. Staff and students will be screened for temperatures over 100.1. If staff and/or student registers a temperature over 100.1 they will be isolated and monitored through the school- based health team. An early warning system that includes absenteeism will be monitored closely. Communication with employees, parents, and students via emails, texts, and phone calls to communicate preventative care practices will be provided. The schools, and district staff will have access to approved face coverings, gloves, sanitizer, soap, face shields, etc. In high needs areas there will be signage about hygiene and social distancing. Through professional development activities, district website, and district social media employees, parents, and the community members will be provided information for the care, welfare, and safety of staff and students. Volusia County Schools (VCS) is committed to providing a continuum of supports for all students. When students struggle academically, behaviorally or experience other barriers to learning, strategies and interventions are put in place to address student needs. This continuum of supports applies to students who are solely general education students as well as those students who have been identified as a student with a disability or as a gifted student. As importantly, we must note that all students are general education students first. Low income students will continue to receive ongoing progress monitoring, tutoring and intervention teacher support in Title I schools. For our most vulnerable, including our homeless and foster care students, Volusia County Schools plan to ensure that the full array of services are in place for our students in these unique populations. In our Persons Experiencing Transition and Loss of Housing (PETALS) program, we identified 2600 homeless children and youth in 2019-20 and more than 740 students identified as living in Foster Care. We will continue to work with our district community partners to provide multiple outreach and direct services to our low income, homeless and foster care students. Federal entitlement and state grant funding is targeted toward providing this population supplemental educational supports through face to face and on-line remediation, including technology distribution of laptops and hotspots for internet connectivity along with backpacks and school supplies. The PETALS program collaborates with LEA representatives from Title 1, Federal Programs, Exceptional Student Education, Extended Day, Zoning/Planning, Student Assignment/Registration, Transportation, Food and Nutrition, Student Services, and school site staff on a continual basis. Title 1 Part A ensures that set aside funding is made available to students experiencing homelessness who attend non-Title 1 schools to support specific educational needs and promote full inclusion in the learning experience. Through our Homeless Education Steering Committee, we maintain on-going relationships with

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community partners to provide vital services and support. When needed, parents are provided transportation for registration, parent meetings and health care services. Students experiencing homelessness are provided essential educational supplies (backpacks, school supplies, uniforms, tutoring, etc.), transportation to their “school of origin” to maintain stability, priority in school day remediation and weekend food partnership with Food Brings Hope in collaboration with Halifax Urban Ministries. Our Migrant Educational Program extends multiple outreach opportunities to our students. Those that are homeless have access to unaccompanied/transition coaches, school counselors and designated school staff who work collaboratively to address the individual needs of each student. Food, transportation, clothing, medical, social/emotional, and specific educational needs are addressed on an individual, one to one basis. Laptops and hotspots are distributed to students to support remote learning. Our Homeless Unaccompanied/Transition Coaches will continue to support identified unaccompanied youth, providing mentoring and individualized services fostering their ability to continue their educational path to graduation. Our Migrant students receive supplemental educational materials and supplies to support readiness for learning. Migrant parents also receive training and support through the advocacy effort of the migrant education program’s Teacher on Assignment, school-based parenting centers and mini workshops and presentations provided during the migrant parent advisory council meetings. There is also support/advocacy for migrant families to gain access to other educational programs, health, nutrition, social services, and support in the transition of secondary school students to postsecondary education or employment. Following the guidelines of FLDOE, the Migratory students who meet the State of Florida’s indicators for Priority for Services (PFS) will receive priority for these services. The Migrant Education Program identifies the number of eligible migrant children in the county aged 3 through 21. All identified students receive support and advocacy to meet measurable goals in four focus areas of concern: student achievement, school readiness (pre-school education), graduation assurance and parent involvement. With specific regard to students with disabilities, the Exceptional Student Education department of Volusia County Schools has identified a continuum of supports with the level of support provided being identified through a student’s Individual Education Plan (IEP). Students with disabilities receive specially designed instruction and accommodations to meet their educational needs within general education standards. Students may be working toward alternative standards in modified curriculum. Further, serving the student in the Least Restrictive Environment (LRE) to meet the student’s needs is a foundational principle required by the Individuals with Disabilities Education Act 2004 (IDEA) and is adhered to by VCS. Per the IDEA, there is a requirement that districts provide a continuum of placements and VCS has designed a continuum of service delivery that supports the statutory obligations. This continuum of supports and services applies to students who are solely general education students as well as those students who have been identified as a student with a disability or as a gifted student. Gifted students are supported by gifted endorsed teachers that provided services and supports according to their active Educational Plan (EP). Volusia County School District's Instructional Continuity Plan can be found at <https://www.vcsedu.org/icp>. Instructional Continuity Plan Explanation: Guidance from the Office of Special Education Programs: As stated in the March 21, 2020 OSEP Guidance, “It is important to emphasize that federal disability

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law allows for flexibility in determining how to meet the individual needs of students with disabilities. The determination of how FAPE is to be provided may need to be different in this time of unprecedented national emergency. As mentioned above, FAPE may be provided consistent with the need to protect the health and safety of students with disabilities and those individuals providing special education and related services to students. Where, due to the global pandemic and resulting closures of schools, there has been an inevitable delay in providing services – or even making decisions about how to provide services - IEP teams (as noted in the March 12, 2020 guidance) must make an individualized determination whether and to what extent compensatory services may be needed when schools resume normal operations.” Monitoring of Services Delivered: All ESE Teachers and Related Services Providers may work with parents/families and students to create an Individualized Distance Learning Plan and will be documenting all contacts, services provided, and student progress using the ICP Virtual Support Log as services are provided. The Individual Distance Learning Plan is now an Event in the district's IEP writing program, and this plan should be provided to the family and kept as an educational record. The ICP Virtual Support Logs will be submitted to the ESE Department on Friday of each week for review and analysis. This data will be used to support decisions regarding appropriate services for each student after normal operations resume, which may include compensatory services. Parent/Guardian Permission for Group Services within a Virtual Setting: In order to provide families with written notification regarding their child with a disability engaging in group, virtual/phone instruction, teachers and related service providers will contact the parents/guardians of students on their caseloads and will provide the families with the option to opt out of this group instruction. Staff will complete the following steps to ensure proper notification: 1. Contact (email, phone, or virtually meet) each parent/guardian of the children on your caseload. 2. Share the information in the memo located within the uploaded file below. . 3. Staff will record the contact with the parent and the response on the child's ICP Virtual Contact Log. 4. If the parent chooses to opt out, that child's instructional contact will be scheduled in a one-to-one setting. Staff Training: All ESE related staff will participate in training as outlined in the District's Instructional Continuity Plan. This training includes grade relevant curriculum training, Microsoft Teams, and training specific to managing Individualized Instructional Office Hours. Services Delivered: A Free and Appropriate Public Education will be provided for all students with disabilities to the greatest extent possible, delivered through print, online, and through virtual/phone sessions. Individualized, instructional virtual/phone sessions will be used to provide specially designed instruction, accommodations, and related services. o Accessibility features built into on-line platforms (iReady, Canvas, and Edgenuity) o Direct teacher and provider instruction via Microsoft teams (Phone/Virtual) o ESE PK: Florida Early Learning web-based resources and AbleNet PK Curriculum o Access: Unique Learning System, Learning/Kids A-Z, System 44, Scholastic News, and more o ASD Family Resource Flyer Additional Information Regarding ESE Related Services: ASD Family Supports 1. One page, ASD family resource document will be posted on District website. 2. ESE Teachers will reference this document within instructional phone calls and virtual office hours as services are provided. 3. ESE teacher will consult weekly via Teams with families regarding needs related to ASD and student progress. Counseling as a related service 1. School Psychologist

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and School Social Worker will contact all students on their caseload to schedule sessions through Teams. (Phone/Virtual)

2. Services will be delivered in 1:1 sessions unless permission is granted from the parent/guardian. 3. Provider will document all contacts, services provided, and student progress using the ICP Virtual Support Log as services are provided. Deaf and Hard of Hearing (DHH) 1. DHH Teachers will contact students on their caseload to schedule sessions through Teams. (Phone/Virtual) 2. DHH Teachers will contact families to ensure home access to TTY relay services. 3. DHH Teachers will create daily schedules for students to include visuals. 4. Work packets will be mailed to students without technology access. 5. DHH Teacher will document all contacts, services provided, and student progress using the ICP Virtual Support Log as services are provided. Occupational Therapy/ Physical Therapy 1. Instructional packets will be created and mailed where necessary. 2. OT/PT will contact all students on their caseload to schedule sessions through Teams. (Phone/Virtual) 3. Services will be provided through Teams (Phone/Virtual). 4. OT/PT will consult with parents per IEP for all required consultation services. 5. OT/PT will document all contacts, services provided, and student progress using the ICP Virtual Support Log as services are provided. Orientation and Mobility 1. O&M Specialist will contact all students on their caseload to schedule sessions through Teams. (Phone/Virtual) 2. Work packets will be mailed to students without technology access. 4. O&M will consult with parents per IEP for all required consultation services. 5. O&M Specialist will document all contacts, services provided, and student progress using the ICP Virtual Support Log as services are provided. Speech and Language Services/Parentally Placed Private School Students 1. SLPs will contact students to schedule sessions through Teams. (Phone/Virtual) 2. Instructional sessions will be provided 1:1 unless permission is granted from the parent/guardian. 3. Work packets will be mailed to students without technology access. 4. SLPs will document all contacts, services provided, and student progress using the ICP Virtual Support Log as services are provided. Vision 1. Vision Teachers will contact students to schedule sessions through Teams. (Phone/Virtual) 2. Braille materials will be available for pick up at the zoned school. Pick up date will be communicated by the Vision Teacher. 3. Work packets will be mailed to students without technology access. 4. Vision Teachers will document all contacts, services provided, and student progress using the ICP Virtual Support Log as services are provided. Other ESE Related Considerations: Evaluations 1. Evaluators will complete all outstanding reports for completed evaluations and upload to FOCUS. 2. Evaluators will complete all evaluations with an open consent by the required 60-day timeline as defined below. -Evaluation components will be completed virtually or by phone. -Evaluations that must be completed face-to-face will be reviewed on a case-by-case basis. If an evaluation cannot be completed at this time, the reason for the delay will be documented and held after school resumes to normal operations. -When an evaluation component cannot be completed, rationale for the delay will be documented and a letter will be provided to the family. A log will be maintained to track these evaluations. 3. Weekly, the ESE Director will monitor the completion of all evaluation components due. IEP Meetings 1. pursuant to Title 34 Section 300.328, the parent of a child with a disability and the local agency or school district can conduct a meeting using alternative means of meeting participation if they both agree. Parents may participate by phone or virtually and be provided notice with specific instructions on how to participate by phone or virtually. 2. Case

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managers and related service providers will prepare their required portions of the IEP's. 3. Case managers will take a verbal roll call of the participants and record all participant's names and roles in the IEP Meeting Notes.

Submit below samples of documentation to include parental notice regarding changes to the provision of special instruction and services for exceptional students, individualized temporary learning plans, etc.



Student Name:  
Grade:  
Parent:  
Email:

Student ID:  
Campus:  
Primary Exceptionality:

Gender:  
DOB:  
Phone:

**Prior Written Notice of Change of Placement  
and/or  
Free Appropriate Public Education (FAPE)**

**Dear Parent/Guardian:**

State and Federal laws regarding students with disabilities require that you be informed if changes are made to your child's exceptional student education services or placement.

The indicated recommendation(s) have been made concerning your child's exceptional student education services and/or placement and will take place effective:

**The following options were considered:**

- ☐ Eligible for additional Exceptional Student Education programs as follows:
- ☐ IEP revised; the following change(s) recommended: \_\_\_\_\_ to \_\_\_\_\_
- ☐ Change in placement (least restrictive environment) from: \_\_\_\_\_ to \_\_\_\_\_
- ☐ Discontinue:
- ☐ Graduation
- ☐ Other:

**The options not chosen were rejected**

- ☐ as not meeting the unique needs of your child.
- ☐ as not providing the appropriate program.
- ☐ as not providing for education in the least restrictive environment.
- ☐ other:

**Other factors, which are relevant to this proposal, may include:**

**The Individual Education Plan (IEP) Team considered and used the following information in making the proposed recommendations:**

- ☐ Diagnostic and Evaluation data
- ☐ Behavior reports/concerns
- ☐ Least Restrictive Environment Review
- ☐ Medical data
- ☐ Current grades/progress reports
- ☐ Reports from other agencies
- ☐ Documentation of Previous Placement
- ☐ Other
- ☐ Individual Education Plan
- ☐ Teacher Reports
- ☐ Records from previous school

**The IEP Team is proposing this action because:**

The parents of a child with a disability have protections under the *Procedural Safeguards for Parents of Students with Disabilities*, which is attached to this form. If you have questions, concerns or need assistance in understanding the provisions of the Individuals with Disabilities Education Act (IDEA), please see contact information below.

**To obtain assistance in understanding provisions of IDEA, please contact the:**

- Exceptional Student Education Specialist in your school.
- Florida Diagnostic and Learning Resource System (FDLRS) – 800-358-8525
- Bureau of Exceptional Education and Student Services at the Florida Department of Education (850-245-0475)

**To obtain the latest copy of the procedural safeguards, please visit:**

<http://www.fldoe.org/core/fileparse.php/7690/urlt/0070135-procedural.pdf>

# **EXHIBIT 2**

## Part B

### Notice of Procedural Safeguards for Parents of Students with Disabilities

As a parent, you are entitled to information about your rights under the Individuals with Disabilities Education Act (IDEA). These rights, or *procedural safeguards*, are intended to ensure that you have the opportunity to be a partner in the educational decisions made regarding your child.

This notice of your procedural safeguards will be made available to you, at least one time a school year, except that a copy also must be given to you:

- Upon initial referral or your request for an evaluation
- In accordance with the discipline procedures when a change in placement occurs
- Upon receipt of the first State complaint in a school year
- Upon the receipt of the first request for a due process hearing in a school year
- In accordance with the provisions of Section 1008.212, F.S., upon the school district superintendent's recommendation to the Commissioner of Education that an extraordinary exemption for a given state assessment be granted or denied
- Upon your request to receive a copy

You may elect to receive a copy of your procedural safeguards and required notices by email if the school district makes that option available. A district may also place a current copy of the procedural safeguards notice on its Internet website.

This pamphlet helps parents of children in Florida understand the rights that go along with programs for students with disabilities. It includes a description of the procedural safeguards that apply to students with disabilities enrolled in public schools and those that apply to students with disabilities enrolled by their parents in nonprofit private schools.

Parents who have issues with the district regarding their student's exceptional student education may be able to resolve those issues informally at the local level. However, administrative remedies (mediation, state complaint, and due process hearing request) are also available.

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Under the IDEA, you have the following rights:

#### GENERAL INFORMATION

##### PRIOR WRITTEN NOTICE

#### 34 Code of Federal Regulations (CFR) §300.503 Notice

Your school district must give you notice in writing whenever it:

1. Proposes to initiate or to change the identification, evaluation, eligibility determination, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; **or**
2. Refuses to initiate or to change the identification, evaluation, eligibility determination or educational placement of your child or the provision of FAPE to your child.

#### Content of notice

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a copy of a description of the procedural safeguards if the

action that your school district is proposing or refusing is not an initial referral for evaluation;

6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child's individual educational plan (IEP) team considered and the reasons why those choices were rejected; **and**
8. Provide a description of other reasons why your school district proposed or refused the action.

#### **Notice in understandable language**

The notice must be:

1. Written in language understandable to the general public; **and**
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; **and**
3. There is written evidence that 1 and 2 have been met.

#### **NATIVE LANGUAGE**

##### **34 CFR §300.29**

*Native language*, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a student, the language normally used by the student's parents;
2. In all direct contact with a student (including evaluation of the student), the language normally used by the student in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, braille, or oral communication).

#### **ELECTRONIC MAIL**

##### **34 CFR §300.505**

If your school district offers parents the choice of receiving documents by email, you may choose to receive the following by email:

1. Prior written notice;
2. Procedural safeguards notice; **and/or**
3. Notices related to a due process hearing request.

#### **PARENTAL CONSENT – DEFINITION**

##### **34 CFR §300.9**

##### **Consent**

*Consent* means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, braille, or oral communication) of all information about the action for which you are giving consent;
2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; **and**
3. You understand that the consent is voluntary on your part and you may withdraw your consent at anytime.

Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

#### **PARENTAL CONSENT**

##### **34 CFR §300.300**

##### **Consent for initial evaluation**

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under the heading *Parental Consent*.

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability. Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

If your child is enrolled in public school, or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by using mediation or due process procedures. Your school district will not violate its obligations to locate, identify, and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

##### **Special rules for initial evaluation of wards of the State**

If a child is a ward of the State and is not living with his/her parent —

The school district does not need consent from the parent for an initial evaluation to determine if the student is a student with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the student's parent;
2. The rights of the parents have been terminated in accordance with State law; **or**
3. A judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

*Ward of the State*, as used in the IDEA, means a student who, as determined by the State where the student lives, is:

1. A foster child unless the child has a foster parent who meets the state definition of a parent;
2. Considered a ward of the State under State law; **or**
3. In the custody of a public child welfare agency.

#### **Parental consent for the initial provision of services**

Your school district must obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, your school district may not use mediation or due process hearing procedures in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. Is not in violation of the requirement to make a FAPE available to your child for its failure to provide those services to your child; **and**
2. Is not required to have an IEP team meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

#### **Parental consent for specific actions**

The school district must obtain your consent for the following specific actions if included in your child's IEP, unless your school district can demonstrate that it took reasonable steps to obtain your consent **and** you did not respond.

These actions include:

1. Administration of the alternate assessment and provision of instruction in the state standards access points curriculum.
2. Placing your child in an exceptional student education center, except in the circumstance of a placement in an interim alternative education setting for violation of the district's code of student conduct related to weapons; possession, use or sale of illegal drugs; or infliction of serious bodily injury upon another person (see page 16, *Special circumstances*).

If the school district decides there is a need to change your child's IEP as it relates to the actions described above, the school must hold an IEP meeting that includes you. The school must provide you with a written notice of this meeting at least 10 days before the meeting indicating the purpose, time, and location of the meeting and who, by title or position, will be attending the meeting. Once you receive this notice, you and the district may agree to meet earlier.

If you refuse consent, the school district may obtain approval for these actions through a due process hearing. During the due process resolution period and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the school district agree otherwise, your child must remain in his or her current educational placement (see page 18, Due Process Hearing Request Procedures).

#### **Parental consent for reevaluations**

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; **and**
2. You did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using the consent override provision of mediation or due process. As with initial evaluations, your school district does not violate its obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.

#### **Documentation of reasonable efforts to obtain parental consent**

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluation, and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; **and**

3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

#### **Other consent requirements**

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a reevaluation; **or**
2. Give your child a test or other evaluation that is given to all students unless, before that test or evaluation, consent is required from all parents of all students.

**NOTE: In Florida, a parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. Your school district may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity.**

If you have enrolled your child in a private school at your own expense, or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its consent override procedures of mediation and due process and is not required to consider your child as eligible to receive equitable services (services made available to parentally-placed private school students with disabilities).

#### **INDEPENDENT EDUCATIONAL EVALUATIONS**

##### **34 CFR §300.502**

##### **General**

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district. If you request an IEE, the school district must provide you with information about where you may obtain an IEE and about the school district's criteria that apply to IEEs.

##### **Definitions**

*Independent educational evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

*Public expense* means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you.

#### **Parent right to evaluation at public expense**

You have the right to an IEE of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an IEE of your child at public expense, your school district must, without unnecessary delay, either: (a) Provide an IEE at public expense, or (b) File a due process hearing request to show that its evaluation of your child is appropriate; unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district's criteria.
2. If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an IEE, but not at public expense.
3. If you request an IEE of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and may not unreasonably delay either providing the IEE of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child.

You are entitled to only one IEE of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

#### **Parent-initiated evaluations**

If you obtain an IEE of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for IEEs, in any decision made with respect to the provision of a FAPE to your child; **and**
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

#### **Requests for evaluations by hearing officers**

If a hearing officer requests an IEE of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

#### **School district criteria**

If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation). Except for the criteria described above, a school district may not

impose conditions or timelines related to obtaining an IEE at public expense.

## REVOCATION OF PARENTAL CONSENT

### GENERAL INFORMATION

#### 34 CFR §300.300(b)(4)

If, at any time subsequent to the initial provision of special education and related services, the parent of a student revokes consent in writing for the continued provision of special education and related services, the school district may not continue to provide special education and related services to the student, but must provide prior written notice before ceasing the provision of special education and related services. The school district may not use mediation or due process hearing procedures in order to obtain agreement or a ruling that the services may be provided to the student.

If you revoke your consent for the continued provision of special education and related services to your child, your school district:

1. Will not be considered to be in violation of the requirement to make a FAPE available to your child for its failure to provide the student with further special education and related services to your child; and
2. Is not required to convene an IEP team meeting or develop an IEP for the student for further provision of special education and related services.

If you revoke consent in writing for your child's receipt of special education services after the child is initially provided special education and related services, the school district is not required to amend your child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

## CONFIDENTIALITY OF INFORMATION

### DEFINITIONS

#### 34 CFR §300.611

As used under the heading *Confidentiality of Information*:

*Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

*Education records* means the type of records covered under the definition of "education records" in 34 CFR Part 99, the regulations implementing the Family Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. 1232g.

*Participating agency* means any school district, agency, or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

### PERSONALLY IDENTIFIABLE

#### 34 CFR §300.32

*Personally identifiable* means information that has:

- (a) Your child's name, your name as the parent, or the name of another family member;
- (b) Your child's address;
- (c) A personal identifier, such as your child's social security number or student number; or
- (d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

### NOTICE TO PARENTS

#### 34 CFR §300.612

The Department of Education must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the state;
2. A description of the students on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
4. A description of all of the rights of parents and children regarding this information, including the rights under the FERPA and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as "child find"), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the state of the activity to locate, identify, and evaluate children in need of special education and related services.

### ACCESS RIGHTS

#### 34 CFR §300.613

##### §1002.22(3)(a)4, F.S.

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your school district under Part B of the IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any

meeting regarding an individual educational plan (IEP), or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 30 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship or separation and divorce.

#### **RECORD OF ACCESS**

##### **34 CFR §300.614**

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

#### **RECORDS ON MORE THAN ONE CHILD**

##### **34 CFR §300.615**

If any education record includes information on more than one student, the parents of those students have the right to inspect and review only the information relating to their child or to be informed of that specific information.

#### **LIST OF TYPES AND LOCATIONS OF INFORMATION**

##### **34 CFR §300.616**

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

#### **FEES**

##### **34 CFR §300.617**

Each participating agency may charge a fee for copies of records that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records. A participating agency may not charge a fee to search for or to retrieve information under Part B of the IDEA.

#### **AMENDMENT OF RECORDS AT PARENT'S REQUEST**

##### **34 CFR §300.618**

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information. The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request. If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose as described under the heading *Opportunity For a Hearing*.

#### **OPPORTUNITY FOR A HEARING**

##### **34 CFR §300.619**

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

#### **HEARING PROCEDURES**

##### **34 CFR §300.621**

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the FERPA.

#### **RESULT OF HEARING**

##### **34 CFR §300.620**

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must change the information accordingly and inform you in writing. If, as a result of the hearing, the participating agency decides that the information is **not** inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; and
2. If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

## **CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION**

### **34 CFR §300.622**

Unless the information is contained in education records, and the disclosure is authorized without parental consent under FERPA, your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible student who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

## **SAFEGUARDS**

### **34 CFR §300.623**

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding our State's policies and procedures regarding confidentiality under Part B of the IDEA and the FERPA. Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

## **DESTRUCTION OF INFORMATION**

### **34 CFR §300.624**

Your school district must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

## **CHILDREN'S RIGHTS**

### **34 CFR §300.625**

Under the regulations for FERPA in 34 CFR 99.5(a), your rights regarding education records are transferred to your child at age 18.

If the rights accorded to you under IDEA are transferred to your child who reaches the age of majority, consistent with 34 CFR 300.520, the rights regarding educational records also are transferred to your child. However, the school district must provide any notice required under §615 of the Act or Florida State Board of Education Rules 6A-6.03011 through 6A-6.0361, Florida Administrative Code (F.A.C.), to you and the student.

## **MEDIATION**

### **GENERAL INFORMATION**

#### **34 CFR §300.506**

The school district must make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B of the IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve disputes under Part B of the IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading *Filing a Due Process Hearing Request*.

#### **Requirements**

The procedures must ensure that the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part B of the IDEA; **and**
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents and schools that choose not to use the mediation process an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center, or community parent resource center in the state; **and**
2. Who would explain the benefits and encourage the use of the mediation process to you.

The State must have a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. The Department of Education must select

mediators on a random, rotational, or other impartial basis.

The State is responsible for the cost of the mediation process, including the costs of meetings. Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district. Both the parent and the school district may be required to sign a confidentiality pledge prior to the commencement of the mediation process.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; **and**
2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any federal court or State court of a State receiving assistance under Part B of IDEA.

#### **Impartiality of mediator**

The mediator:

1. May not be an employee of the Department of Education or any school district or any State agency that receives IDEA funds through the Department of Education; **and**
2. Must not have a personal or professional interest that conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.

### **STATE COMPLAINT PROCEDURES**

#### **DIFFERENCES BETWEEN DUE PROCESS HEARING AND STATE COMPLAINT PROCEDURES**

The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B requirement by a school district, the Department of Education, or any other public agency. Only you or a school district

may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation, or educational placement of a student with a disability, or the provision of a FAPE to the student. Although staff of the Department of Education generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45 calendar days after the end of the resolution period, as described in this document under the heading **Resolution Process**, unless the hearing officer grants a specific extension of the timeline at your request or the school district's request. The State complaint and due process complaint, resolution, and hearing procedures are described more fully below.

### **ADOPTION OF STATE COMPLAINT PROCEDURES**

#### **34 CFR §300.151**

##### **General**

The Department of Education must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another State;
2. Widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

#### **Remedies for denial of appropriate services**

In resolving a State complaint in which the Department of Education has found a failure to provide appropriate services, the Department of Education must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the student; **and**
2. Appropriate future provision of services for all children with disabilities.

### **MINIMUM STATE COMPLAINT PROCEDURES**

#### **34 CFR §300.152**

##### **Time limit; minimum procedures**

The Department of Education must include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. Carry out an independent on-site investigation, if the Department of Education determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint,

including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; **and** (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;

4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; **and**
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; **and** (b) the reasons for the Department of Education's final decision

#### **Time extension; final decision; implementation**

The Department of Education's procedures described above also must:

1. Permit an extension of the 60-calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; **or** (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution, if available in the State.
2. Include procedures for effective implementation of the Department of Education's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; **and** (c) corrective actions to achieve compliance.

**NOTE: Complaints limited to gifted education are covered by State Board of Education Rule 6A-6.03313, *Procedural Safeguards for Exceptional Students who are Gifted*, and have a 90-calendar-day limit unless there is an approved extension for exceptional circumstances.**

#### **State complaints and due process hearings**

If a written State complaint is received that is also the subject of a due process hearing as described below under the heading ***Filing a Due Process Hearing Request***, or the State complaint contains multiple issues of which one or more are part of such a hearing, the State must set aside the State complaint, or any part of the State complaint that is being addressed in the due process hearing, until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue and the Department of Education must inform the complainant that the decision is binding.

A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the Department of Education.

#### **FILING A STATE COMPLAINT**

##### **34 CFR §300.153**

An organization or individual may file a signed written State complaint under the procedures described above.

The State complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of the IDEA or its regulations, or state requirements;
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations regarding a specific student:
  - (a) The name of the student and address of the residence of the student;
  - (b) The name of the school the student is attending;
  - (c) In the case of a homeless student or youth, available contact information for the student and the name of the school the student is attending;
  - (d) A description of the nature of the problem of the student, including facts relating to the problem; **and**
  - (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than **one year** prior to the date that the complaint is received.

The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the student at the same time the party files the complaint with the Department of Education.

#### **DUE PROCESS HEARING REQUEST PROCEDURES**

##### **FILING A DUE PROCESS HEARING REQUEST**

##### **34 CFR §300.507**

##### **General**

You or the school district may file a due process hearing request on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation, eligibility determination, or educational placement of your child or the provision of a FAPE to your child.

In addition, in accordance with §1008.212, F.S., in the event that your school district superintendent requests that an extraordinary exemption from participation in a state assessment be granted to your child and the Commissioner of Education denies this request, you have the right to request an expedited due process hearing. This request would be made to the Department of Education. Upon your request, you would be informed of any free or low-cost legal services and other relevant services available. The Department of Education will arrange a hearing on this matter with the State of Florida Division of Administrative Hearings. The hearing must begin within 20 school days following receipt of your request. The administrative law judge (ALJ) must make a determination within 10 school days after the expedited hearing is completed.

The due process hearing request must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process hearing request within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; **or**
2. The school district withheld information from you that it was required to provide you under Part B of the IDEA.

### **Legal Services**

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a due process hearing request.

## **DUE PROCESS HEARING REQUESTS**

### **34 CFR §300.508**

#### **General**

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process hearing request to the other party. That due process hearing request must contain all of the content listed below and must be kept confidential.

You or the school district, whichever one filed the due process hearing request, must also provide the Department of Education with a copy of the due process hearing request.

#### **Content of the due process hearing request**

The due process hearing request must include:

1. The name of the student;
2. The address of the student's residence;
3. The name of the student's school;

4. If the student is a homeless child or youth, the student's contact information and the name of the student's school;
5. A description of the nature of the problem of the student relating to the proposed or refused action, including facts relating to the problem; **and**
6. A proposed resolution of the problem to the extent known and available to you or the school district at the time.

### **Notice required before a hearing on a due process hearing request**

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney) files a due process hearing request that includes the information listed above.

### **Sufficiency of due process hearing request**

In order for a due process hearing request to go forward, it must be considered sufficient. The due process hearing request will be considered sufficient (to have met the content requirements above) unless the party receiving the due process hearing request (you or the school district) notifies the hearing officer and the other party in writing, within 15 calendar days of receiving the due process hearing request, that the receiving party believes that the due process hearing request does not meet the requirements listed above.

Within five calendar days of receiving the notification the receiving party (you or the school district) considers a due process hearing request insufficient, the hearing officer must decide if the due process hearing request meets the requirements listed above and notify you and the school district in writing immediately.

### **Due process hearing request amendment**

You or the school district may make changes to the due process hearing request only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process hearing request through a resolution meeting, described below; **or**
2. By no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the complaining party (you or the school district) makes changes to the due process hearing request, the timelines for the resolution meeting (within 15 calendar days of receiving the due process hearing request) and the time period for resolution (within 30 calendar days of receiving the due process hearing request) start again on the date the amended due process hearing request is filed.

### **Local educational agency (LEA) or school district response to a due process hearing request**

If the school district has not sent a prior written notice to you, as described under the heading **Prior Written Notice**, regarding the subject matter contained in your due process hearing request, the school district must, within 10 calendar days of receiving the due process hearing request, send to you a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process hearing request;
2. A description of other options that your student's IEP team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; **and**
4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1–4 above does not prevent the school district from asserting that your due process hearing request was insufficient.

### **Other party response to a due process hearing request**

Except as stated under the sub-heading immediately above, **LEA or school district response to a due process hearing request**, the party receiving a due process hearing request must, within 10 calendar days of receiving the due process hearing request, send the other party a response that specifically addresses the issues in the due process hearing request.

### **MODEL FORMS**

#### **34 CFR §300.509**

In its role as the state educational agency (SEA), the Department of Education must develop model forms to help you file a due process hearing request and a state complaint. However, the SEA or the school district may not require you to use these model forms. In fact, you can use this form or another appropriate model form, provided it contains the required information for filing a due process hearing request or state complaint.

### **STUDENT'S PLACEMENT DURING DUE PROCESS PROCEEDINGS**

#### **34 CFR §300.518**

Except as provided below under the heading **Change of Placement Because of Disciplinary Removals**, once a due process hearing request is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the SEA or school district agree otherwise, your child

must remain in his or her current educational placement.

If the due process hearing request involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process hearing request involves an application for initial services under Part B of the IDEA for a child who is transitioning from being served under Part C of the IDEA to Part B of the IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of the IDEA and you consent for the child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

### **RESOLUTION PROCESS**

#### **34 CFR §300.510**

##### **Resolution meeting**

Within 15 calendar days of receiving notice of your due process hearing request, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or members of the IEP team who have specific knowledge of the facts identified in your due process hearing request. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; **and**
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the IEP team to attend the meeting.

The purpose of the meeting is for you to discuss your due process hearing request, and the facts that form the basis of the due process hearing request, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and the school district agree in writing to waive the meeting; **or**
2. You and the school district agree to use the mediation process, as described under the heading **Mediation**.

##### **Resolution period**

If the school district has not resolved the due process hearing request to your satisfaction within 30 calendar days of the receipt of the due process

hearing request (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.

If after making reasonable efforts, and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that the ALJ dismiss your due process hearing request. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process hearing request or fails to participate in the resolution meeting, you may ask the ALJ to order that the 45-calendar-day due process hearing timeline begin.

#### **Adjustments to the 30-calendar-day resolution period**

If you and the school district agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, then the 45-calendar-day timeline for the due process hearing starts the next day.

If you and the school district agree to use the mediation process, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district withdraws from the mediation process, then the 45-

calendar-day timeline for the due process hearing starts the next day.

#### **Written settlement agreement**

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; and
2. Enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States or by the Department of Education.

#### **Agreement review period**

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within three business days of the time that both you and the school district signed the agreement.

### **DUE PROCESS HEARINGS**

#### **IMPARTIAL DUE PROCESS HEARING**

##### **34 CFR §300.511**

##### **General**

Whenever a due process hearing request is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described in the *Due Process Hearing Request* and *Resolution Process* sections.

**NOTE: In addition to requesting mediation and filing a state complaint, parents and school districts have the right to request an impartial due process hearing. A request for a due process hearing may be made regarding any proposal or refusal of the school district to initiate or change the identification of, evaluation of, educational placement of, or provision of a FAPE to your child. Should a due process hearing be required, the hearing will be conducted by the Department of Education through an impartial ALJ with Florida's Division of Administrative Hearings (DOAH) in accordance with applicable Florida Statutes and State Board of Education Rules.**

Florida has a "one-tier" due process system in which the SEA or another State-level agency or entity (other than the school district) is responsible for convening due process hearings. An appeal from a due process hearing decision goes directly to a federal district or State circuit court.

#### **Impartial hearing officer (i.e., ALJ)**

At a minimum, a hearing officer:

1. Must not be an employee of the SEA or the school district that is involved in the education or care of the student. However, a person is not an

- employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
  3. Must be knowledgeable and understand the provisions of the IDEA, and federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by federal and State courts; **and**
  4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

The Department of Education will keep a list of those persons who serve as ALJs that must include the qualifications of each of those persons.

#### **Subject matter of due process hearing**

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process hearing request, unless the other party agrees.

#### **Timeline for requesting a hearing**

You or the school district must request an impartial hearing on a due process hearing request within two years of the date you or the school district knew or should have known about the issue addressed in the due process hearing request.

#### **Exceptions to the timeline**

The above timeline does not apply to you if you could not file a due process hearing request because:

1. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your due process hearing request; **or**
2. The school district withheld information from you that it was required to provide to you under Part B of the IDEA.

#### **HEARING RIGHTS**

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##### **34 CFR §300.512**

##### **General**

Any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be represented by counsel or to be represented by a qualified representative under the qualifications and standards set forth in Rules 28-106.106 and 28-106.107, F.A.C., or to be accompanied and advised by individuals with special knowledge or training with respect to the problems of students with disabilities, or any combination of the above;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;

3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; **and**
5. Obtain written, or, at your option, electronic findings of fact and decisions.

#### **Additional disclosure of information**

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing. An ALJ may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

#### **Parental rights at hearings**

You must be given the right to:

1. Have your child present;
2. Open the hearing to the public; **and**
3. Have the record of the hearing, the findings of fact, and the decisions provided to you at no cost.

#### **HEARING DECISIONS**

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##### **34 CFR §300.513**

##### **Decision of ALJ**

An ALJ's decision on whether your child received a FAPE must be based on substantive grounds.

In matters alleging a procedural violation, a hearing officer may find that your child did not receive a FAPE only if the procedural inadequacies:

1. Interfered with your child's right to a FAPE;
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a FAPE to your child; **or**
3. Caused a deprivation of an educational benefit.

#### **Construction clause**

None of the provisions described above can be interpreted to prevent an ALJ from ordering a school district to comply with the requirements in the procedural safeguards section of the federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536).

#### **Separate request for a due process hearing**

Nothing in the procedural safeguards section of the federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process hearing request on an issue separate from a due process hearing request already filed.

### **Findings and decision to advisory panel and general public**

The SEA or the school district (whichever was responsible for your hearing), after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; **and**
2. Make those findings and decisions available to the public.

## **APPEALS**

### **FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW**

#### **34 CFR §300.514**

##### **Finality of hearing decision**

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described below.

### **TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS**

#### **34 CFR §300.515**

The SEA must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings **or**, as described under the sub-heading *Adjustments to the 30-calendar-day resolution period*, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; **and**
2. A copy of the decision is mailed to each of the parties.

An ALJ may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party. Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

### **CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS**

#### **34 CFR §300.516**

##### **General**

Any party (you or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

### **Time limitation**

The party (you or the school district) bringing the action shall have 90 calendar days from the date of the decision of an ALJ to file a civil action.

### **Additional procedures**

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; **and**
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

### **Jurisdiction of district courts**

The district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

### **Rule of construction**

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under the IDEA (i.e., the due process hearing request, resolution meeting, and impartial due process hearing procedures) before going directly into court.

### **ATTORNEYS' FEES**

#### **34 CFR §300.517**

##### **General**

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you.

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing SEA or school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; **or** (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; **or**

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing SEA or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding.

#### **Award of fees**

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if:
  - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing, at any time more than 10 calendar days before the proceeding begins;
  - b. The offer is not accepted within 10 calendar days; **and**
  - c. The court or ALJ finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.

Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.
3. Fees may not be awarded relating to any meeting of the IEP team unless the meeting is held as a result of an administrative proceeding or court action.

**NOTE: Fees also may not be awarded for mediation as described under the heading *Mediation*.**

A resolution meeting, as described under the heading ***Resolution meeting***, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for

similar services by attorneys of reasonably similar skill, reputation, and experience;

3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; **or**
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading ***Due Process Hearings***.

However, the court may not reduce fees if the court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of the IDEA.

## **PROCEDURES WHEN DISCIPLINING STUDENTS WITH DISABILITIES**

### **AUTHORITY OF SCHOOL PERSONNEL**

**34 CFR §300.530; Rule 6A-6.03312, F.A.C.**

#### **Case-by-case determination**

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

#### **General**

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a student with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting (which must be determined by the student's IEP team), another setting, or suspension. School personnel may also impose additional removals of the student of not more than **10 school days** in a row in that same school year for separate incidents of misconduct; as long as those removals do not constitute a change of placement (see ***Change of Placement Because of Disciplinary Removals*** for the definition, below).

#### **Additional authority**

If the behavior that violated the student code of conduct was not a manifestation of the student's disability (see ***Manifestation determination***, below) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that student with a disability in the same manner and for the same duration as it would to students without disabilities, except that the school must provide services to that student as described below under ***Services***. The

student's IEP team determines the interim alternative educational setting for such services.

### Services

The services that must be provided to a student with a disability who has been removed from the student's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a student with a disability who has been removed from his or her current placement for **10 school days or less** in that school year if it provides services to a student without disabilities who has been similarly removed.

A student with a disability who is removed from the student's current placement for **more than 10 school days** must:

1. Continue to receive educational services, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

After a student with a disability has been removed from his or her current placement for **10 school days** in that same school year, and if the current removal is for **10 school days** in a row or less and if the removal is not a change of placement (see definition below), then school personnel, in consultation with the student's special education teacher(s), determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

If the removal is a change of placement (see definition below), the student's IEP team determines the appropriate services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

### Manifestation determination

Within **10 school days** of any decision to change the placement of a student with a disability because of a violation of a code of student conduct (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district) must review all relevant information in the student's file, including the student's IEP, any teacher observations,

and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. If the conduct in question was the direct result of the school district's failure to implement the student's IEP.

If the school district, the parent, and relevant members of the student's IEP team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the student's disability.

If the school district, the parent, and relevant members of the student's IEP team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

### Determination that behavior was a manifestation of the student's disability

If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading **Special circumstances**, the school district must return the student to the placement from which the student was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

### Special circumstances

Whether or not the behavior was a manifestation of the student's disability, school personnel may remove a student to an interim alternative educational setting (determined by the student's IEP team) for up to 45 school days, if the student:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the Department of Education or a school district;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance (see the definition below), while at school, on school premises, or at a

- school function under the jurisdiction of the Department of Education or a school district; **or**
3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the Department of Education or a school district.

#### Definitions

*Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in §202(c) of the Controlled Substances Act, 21 U.S.C. 812(c) and §893.02(4), Florida Statutes.

*Illegal drug* means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substance Act, 21 U.S.C. 812(c) or under any other provision of federal law.

*Interim alternative educational setting (IAES)* means a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of State Board of Education Rule 6A-6.03312.

*Serious bodily injury* means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

*Weapon* means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing, death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and one half inches in length.

#### Notification

On the date it makes the decision to make a removal that is a change of placement of the student because of a violation of a code of student conduct, the school district must notify the parents of that decision and provide the parents with a procedural safeguards notice.

#### CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS

##### 34 CFR §300.536

A removal of a student with a disability from the student's current educational placement is a **change of placement** if:

1. The removal is for more than 10 school days in a row; **or**
2. The student has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;

- b. The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals;
- c. Of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another; **and**

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

#### DETERMINATION OF SETTING

##### 34 CFR § 300.531

The IEP team must determine the interim alternative educational setting for removals that are **changes of placement**, and removals under the headings *Additional authority* and *Special circumstances*, above.

#### APPEAL

##### 34 CFR § 300.532

###### General

The parent of a student with a disability may file a due process hearing request if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions; **or**
2. The manifestation determination described above.

The school district may file a due process hearing request if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

#### Authority of an ALJ

An ALJ hears and makes a determination regarding an appeal and requests for expedited due process hearing regarding discipline and, in making the determination:

1. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of the requirements described under the heading *Authority of School Personnel*, or that the student's behavior was a manifestation of the student's disability; **or**
2. Order a change of placement of the student with a disability to an appropriate interim alternative educational setting (IAES) for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

These hearing procedures may be repeated if the school district believes that returning the student to

the original placement is substantially likely to result in injury to the student or to others.

Whenever a parent or a school district files a due process hearing request, a hearing must be held that meets the requirements described under the headings ***Due Process Hearing Requests, Due Process Hearings***, except as follows:

1. The Department of Education or school district must arrange for an expedited due process hearing, which must occur within **20** school days of the date the hearing is requested and must result in a determination within **10** school days after the hearing.
2. Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process hearing request. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process hearing request.
3. A State may establish different procedural rules for expedited due process hearings than it has established for other due process hearings, but, except for the timelines, those rules must be consistent with the rules in this document regarding due process hearings.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings (see ***Appeals***, above).

#### **PLACEMENT DURING APPEALS**

##### **34 CFR §300.533**

When, as described above, the parent or school district has filed a due process hearing request related to disciplinary matters, the student must (unless the parent and the Department of Education or school district agree otherwise) remain in the interim alternative educational setting pending the decision of the ALJ, or until the expiration of the time period of removal as provided for and described under the heading ***Authority of School Personnel***, whichever occurs first.

#### **PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES**

##### **34 CFR §300.534**

###### **General**

If a student has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the student was a student with a disability, then the student may assert any of the protections described in this notice.

#### **Basis of knowledge for disciplinary matters**

A school district must be deemed to have knowledge that a student is a student with a disability if, before the behavior that brought about the disciplinary action occurred:

1. The parent of the student expressed concern in writing that the student is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the student;
2. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; **or**
3. The student's teacher or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's director of special education or to other supervisory personnel of the school district.

#### **Exception**

A school district would not be deemed to have such knowledge if:

1. The student's parent has not allowed an evaluation of the student or refused special education services; **or**
2. The student has been evaluated and determined to not be a student with a disability under Part B of the IDEA.

#### **Conditions that apply if there is no basis of knowledge**

If, prior to taking disciplinary measures against the student, a school district does not have knowledge that a student is a student with a disability, as described above under the sub-headings ***Basis of knowledge for disciplinary matters*** and ***Exception***, the student may be subjected to the disciplinary measures that are applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by the parents, the school district must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

## **REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

### **34 CFR §300.535**

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a student with a disability to appropriate authorities; or
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and State law to crimes committed by a student with a disability.

### **Transmittal of records**

If a school district reports a crime committed by a student with a disability, the school district:

1. Must ensure that copies of the student's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and
2. May transmit copies of the student's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

## **REQUIREMENTS FOR UNILATERAL PLACEMENT BY PARENTS OF STUDENTS IN PRIVATE SCHOOLS AT PUBLIC EXPENSE**

### **GENERAL**

### **34 CFR §300.148**

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a FAPE available to your child and you choose to place the student in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

### **Reimbursement for private school placement**

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or an ALJ may require the agency to reimburse you for the cost of that enrollment if the court or ALJ finds that the agency had not made a FAPE available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. An ALJ or court may find your placement to be appropriate, even if the placement does not meet the State standards that

apply to education provided by the Department of Education and school districts.

### **Limitation on reimbursement**

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) at the most recent IEP meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) at least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;
2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; or upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) the school prevented you from providing the notice; (b) you had not received notice of your responsibility to provide the notice described above; or (c) compliance with the requirements above would likely result in physical harm to your child; and
2. May, in the discretion of the court or an ALJ, not be reduced or denied for the parents' failure to provide the required notice if: (a) the parent is not literate or cannot write in English; or (b) compliance with the above requirement would likely result in serious emotional harm to the child.

## **REQUIREMENTS FOR STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS**

### **GENERAL INFORMATION**

### **34 CFR §§300.129 – 300.144**

Students with disabilities who have been enrolled in private schools by their parents do not have an individual right to special education and related services while enrolled in the private school. However, the following rights are afforded to parents of students enrolled in nonprofit private schools:

## **CHILD FIND**

### **34 CFR §300.131**

You have the right to have your child evaluated by the district in which the private school is located to determine if your child may be a student with a disability. The district's child find and referral obligations toward your parentally-placed private school student are the same as for students enrolled in public school.

## **EXPENDITURES**

### **34 CFR §300.133**

The district in which the nonprofit private school is located has a duty to expend on the pool of identified parentally-placed private school students with disabilities an amount that is the same proportion of the district's federal special education dollars as the number of those students is to the overall total number of students with disabilities within the district's jurisdiction.

## **CONSULTATION**

### **34 CFR §300.134**

When designing and implementing special education services for parentally-placed private school students, the district has an obligation to consult in a timely and meaningful manner with representatives of those students and with private schools regarding the following issues:

1. The child find process itself, and whether parentally-placed private school students may participate equitably, as well as how parents of those students and private school representatives are notified of the process;
2. How the school district determined the proportionate share of federal dollars that will be spent;
3. The consultation process itself, including how that process will operate throughout the school year so as to ensure meaningful participation in services;
4. How, where, and by whom special education and related services will be provided, including the types of services and how such services will be apportioned if funds are insufficient to serve all students, and how and when these decisions will be made; **and**

5. If the district disagrees with views of private school officials on the provision and types of services, how the local unit will provide a written explanation of the reasons why the district made the decisions that it did.

## **EQUITABLE SERVICES DETERMINED**

### **34 CFR §300.137**

The district in which the nonprofit private school is located shall make the final decision(s) with respect to the services to be provided to eligible parentally-placed private school students with disabilities, following timely and meaningful consultation.

## **EQUITABLE SERVICES PROVIDED**

### **34 CFR §300.138**

For any parentally-placed private school student with a disability for whom the district decides that it will provide services, the district shall initiate and conduct a meeting with representatives of the private school to develop, review and revise a services plan detailing the special education and related services to be provided. To the extent appropriate, the services plan team shall develop the services plan in a manner consistent with the development of an IEP.

## **DUE PROCESS HEARINGS**

### **34 CFR §300.140**

The due process hearing requirements apply to allegations that a district has failed to meet its child find duty to locate, identify, and evaluate private school students with disabilities. See page 12 for information regarding due process hearings.

## **STATE COMPLAINTS**

### **34 CFR §300.140**

The state complaint requirements apply to allegations that a district has failed to meet its obligations related to: the opportunity for equitable participation of parentally-placed private school students provided under IDEA; expenditures; the consultation process; provision of equitable services; including Private school officials may file a complaint with the Department of Education, Bureau of Exceptional Education and Student Services, alleging that the district did not engage in consultation that was timely or meaningful or did not give due consideration to the views of the private school officials.

For more information about procedural safeguards in exceptional student education, please contact:

- The exceptional student education administrator in your district
- The Bureau of Exceptional Education and Student Services at the Florida Department of Education  
850-245-0476



Pam Stewart, Commissioner

309256

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# **EXHIBIT 3**

### Dispute Resolution at a Glance

#### A Comparison of Administrative Remedies Available to Parents of Students With a Disability and Schools

	<b>State-Level Sponsored Facilitated IEP (FIEP) Meeting</b>	<b>State-Sponsored Mediation</b>	<b>State Complaint</b>	<b>Due Process Hearing</b>
<b>Issues Addressed</b>	Issues related to the process of IEP development as an alternative dispute resolution method when a formal state complaint has been filed	Any issues related to special education	Alleged violations of special education requirements in state or federal regulations	Any issue related to identification, evaluation, placement or the provision of a free appropriate public education
<b>Financial Cost</b>	The FLDOE provides a trained facilitator at no cost to the parent	The FLDOE provides a third party mediator at no cost to the parent.	An FLDOE staff member is provided at no cost to the parent or district	Impartial hearing officer is provided at no cost to the parent through the Division of Administrative Hearings
<b>Process</b>	A facilitator supports the IEP team in the collaborative problem-solving process regarding decisions that are best for the student and helps parties reach consensus when possible	After all parties agree to participate in mediation, a third party mediator, assigned by FLDOE, meets with the parties in an informal setting and assists them to resolve the issue(s) in dispute	Information and documentation related to the allegation(s) are reviewed by FLDOE staff. A report with findings of fact and conclusions is issued. Extensions may occur in exceptional circumstances or when both parties agree to try an alternative method	A hearing officer listens to evidence in a courtroom-like setting and issues a written order
<b>Timeline</b>	Generally less than 30 days, subject to agreement by the parties.	Generally less than 30 days, subject to agreement by the parties.	60 days from receipt of the formal complaint unless extended.	45 calendar days after the initial 30 day resolution period, unless timeline extended by the hearing officer or motion of a party.
<b>How to Request</b>	Discuss with FLDOE staff	Refer to FLDOE's website for directions and forms	Refer to FLDOE's website for directions and forms	Refer to FLDOE's website for directions and forms
<b>Result</b>	A revised IEP is developed	Mediation agreements are created and signed by the parties, implemented in "good faith" by the parties, and enforceable in court.	If a violation(s) are found, the report will specify corrective action that the district must take in order to be in compliance with the law. The corrective action is monitored by FLDOE for completion.	The impartial hearing officer renders a decision that determines whether violation(s) occurred, and if so, orders remedial action.
<b>Confidentiality</b>	Participants will be asked to sign a confidentiality statement prior to the start of the facilitated IEP meeting.	Participants will be required to sign a confidentiality statement prior to the start of the mediation session.	Written findings are subject to release with identifiable information removed.	The hearing is confidential unless the parents choose to open it to the public. Written findings are subject to release with identifiable information removed.