Understanding Compliance Issues Manual

ACTIVITIES/INTERVENTIONS REQUIRED PRIOR TO REFERRAL

(revised July 2007)

What the law says:

*Florida Statutes and State Board of Education Rules* regarding the areas of identification and determination of eligibility of exceptional students for specially designed instruction describe requirements for activities/interventions that must be conducted prior to submitting a referral for a pre-placement evaluation. These requirements are explained in 6A-6.0331 of *Florida Statutes and State Board of Education Rules*.

Parental consent is not required for screening activities that are used with an entire school population. Screenings administered on an individual basis that are not administered to an entire population (i.e., all students at a particular grade level) require prior parental permission. Vision and hearing screenings do not require parental consent when they are done in accordance with the District’s School Health Plan.

Parental consent is required for screenings such as speech/language, individual pre-academic/academic achievement. Parental consent is obtained using a Notice and Consent Form-Individual Screenings (SB34500) form. **Note:** The provision of Part B Procedural Safeguards Notice to parents is not required when general screening activities are recommended for a student. However, the Part B Safeguards Notice which contains a full explanation of the procedural safeguards must be provided to parents at the time that consent for a multidisciplinary team evaluation is requested. This fulfills the requirement of IDEA 2004 which mandates that parents must be provided with a copy of their procedural safeguards upon initial referral for evaluation.

What is the rationale?

General education activities/interventions will:

- assist the regular classroom teachers or ESE teachers in helping children that are experiencing academic or behavioral concerns that interfere with the student’s progress in the school setting
- provide the opportunity for classroom teachers to receive assistance with identifying interventions from other professionals
- reduce the possibility of over identification of students
- ensure that parents are aware of the school’s concerns for their child prior to the referral/evaluation process
- ensure parental involvement in addressing concerns

What students/situations will require that activities occur prior to referral?

For pre-kindergarten children (birth through 2 years), the following are required:

- A review of existing medical, psychological, social and other related data
For pre-kindergarten children (ages 3 through 5 years), the following are required:

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

For students in kindergarten through grade twelve, it is the district’s responsibility to address through appropriate interventions and, to the extent possible, to resolve a student’s learning or behavioral areas of concern in the general education environment prior to a referral for evaluation to determine eligibility as a student with a disability. Prior to submitting a referral for evaluation to determine eligibility as a student with a disability, the activities in Steps A through F described below must be completed. However, Step F is not required for students who demonstrate speech disorders, severe cognitive, physical or sensory disorders, or severe social/behavioral deficits that require immediate intervention to prevent harm to the student or others.

General Education Activities/Interventions for Students in Kindergarten through Grade Twelve

What are the Steps?
When concerns surface that could hamper a student’s potential for success in regular education or in a student’s current Exceptional Student Education program, a process is initiated to address and document required general education activities/interventions prior to initiating a referral. The district format for documenting these activities is called the Student Teacher Assistance Team packet. The classroom teacher may begin documenting activities using the STAT packet format, and he/she may request assistance from the Intervention Team as applicable to the needs of the student.

Steps:
A. Discuss the academic, behavioral or other concern(s) with the parent. Two or more conferences must be held which include the parents, the student’s regular education teacher, and any other personnel, as appropriate. Document the conferences, including dates of conferences, participants and a summary of the discussion which must include describing the areas of concern with the parent. In situations when interventions will be implemented: the initial conference with the parents must include discussion of the student’s learning or behavioral concerns; the interventions planned; and the anticipated effects of the interventions. Subsequent conference(s) must include discussion of the student’s responses to interventions and anticipated future actions.

B. Through observations and/or anecdotal records made by at least two persons, one of whom is the student’s classroom teacher, and in more than one situation, describe the specific behaviors which indicate the possible need for a referral.

C. Review the social, psychological, medical, and achievement data in the student’s educational records.

D. Review the student’s attendance records, and when appropriate, investigate the reasons for excessive absenteeism.

E. Conduct screenings or review the results of screenings for speech, language, hearing and vision for the purpose of ruling out sensory deficits that may interfere with the student’s
academic and/or behavioral progress. Follow up on any screenings that the student fails.

F. In situations when general education interventions or strategies are required, at least two must be implemented and documented. Interventions and/or strategies may include: supplemental academic instruction; change in student’s class schedule or teacher; change in instructional strategies and techniques; interventions provided by student services personnel or state or community agencies. For students with academic learning problems, the general education interventions must include the use progress monitoring and the provision of remedial instruction for a reasonable period of time. Pre- and post-intervention measures of the academic and/or behavioral areas of concern must be conducted to assist in identifying appropriate interventions and in measuring their effects. The general education teacher and/or other school personnel, as applicable to the situation, will implement the interventions for a designated period of time. Modifications to the interventions should be made as appropriate. If the student continues to experience difficulty, the case should be reviewed by STAT (Student Teacher Assistance Team) to determine if additional interventions may be appropriate and/or if the intervention process should continue for a longer period of time. If STAT recommends that the case be discussed by Child Study Team (CST), then the general education teacher should contact the CST Chair so that the child may be placed on the CST agenda. CST procedures will be followed and the parents will be invited to attend a meeting to discuss consideration for a pre-placement evaluation. If the recommendation of CST is to refer for a multidisciplinary team evaluation, then the Informed Notice/Consent form for the evaluation (SB34501) will be completed and explained to the parent along with the Part B Procedural Safeguards Notice.

If the student is currently an ESE student, an IEP Team meeting may be the most appropriate means of addressing the above listed steps.

Prior to a request for a multidisciplinary evaluation, the required general education activities/interventions must be conducted. The Student Teacher Assistance Team packet will document the general education activities/interventions that have been completed. See Fast Fact #7 posted in district’s Exceptional Student Education website. (A link to the Fast Facts appears in the Table of Contents of this online manual.)
### Requirements Chart for Grades K – 12/Prior to Referral

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Autism Spectrum Disorder</td>
<td>Steps A through E are required; F is required when the student is able to participate in the grade-appropriate general education environment and curriculum without immediate and/or extensive supports</td>
</tr>
<tr>
<td>Deaf/Hard-of-Hearing</td>
<td>Steps A through E are required; F is required when the student is able to participate in the grade-appropriate general education environment and curriculum without immediate and/or extensive supports</td>
</tr>
<tr>
<td>Dual Sensory Impaired</td>
<td>Steps A through E are required</td>
</tr>
<tr>
<td>Emotional/Behavioral Disabilities</td>
<td>Steps A through F are required</td>
</tr>
<tr>
<td>Gifted</td>
<td>No activities or sensory screenings are required</td>
</tr>
<tr>
<td>Homebound/Hospitalized</td>
<td>No activities or sensory screenings are required</td>
</tr>
<tr>
<td>Language Impaired</td>
<td>Steps A – F are required</td>
</tr>
<tr>
<td>Mentally Handicapped</td>
<td>Steps A – E are required; F is required when the student is able to participate in the grade-appropriate general education environment and curriculum without immediate and/or extensive supports</td>
</tr>
<tr>
<td>Occupational Therapy</td>
<td>No activities or sensory screenings are required since this is a Related Service</td>
</tr>
<tr>
<td>Physical Therapy</td>
<td>No activities or sensory screenings are required since this is a Related Service</td>
</tr>
<tr>
<td>Physically Impaired with:</td>
<td>Steps A – E are required; F is required when the student is able to participate in the grade-appropriate general education environment and curriculum without immediate and/or extensive supports</td>
</tr>
<tr>
<td>Orthopedic Impairment; Other Health Impairment;</td>
<td></td>
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<tr>
<td>and Traumatic Brain Injury</td>
<td></td>
</tr>
<tr>
<td>Specific Learning Disabilities</td>
<td>Steps A – F are required</td>
</tr>
<tr>
<td>Speech Impaired</td>
<td>Steps A – E are required</td>
</tr>
<tr>
<td>Visually Impaired</td>
<td>Steps A – E are required; F is required when the student is able to participate in the grade-appropriate general education environment and curriculum without immediate and/or extensive supports</td>
</tr>
</tbody>
</table>
General Education Activities/Interventions
What Forms/Documents do I Need?

For students being considered for a multidisciplinary evaluation, required general education activities/interventions must be completed. When Child Study Team members are planning a meeting (to include the parents) to consider initiating a referral for a multidisciplinary evaluation, the forms to use for documenting the process are:

- **Prior Parent Notification (MO-12/SB89002)** - Use to invite the parents to the Child Study Team meeting to discuss and determine the need for a multidisciplinary evaluation
- **Part B Procedural Safeguards Notice** – To be provided upon initial referral for a multidisciplinary evaluation
- **Student Teacher Assistance Team packet** – Contains documentation of the required general education activities/interventions applicable to the current student/situation
- **When applicable, copy of Notice and Consent Form- Individual Screenings (SB34500) that has been signed by parent prior to individual screenings**
- **Request and Consent for a Multidisciplinary Evaluation (SB34501) form** Complete and explain to the parent at the Child Study Team meeting

For students who are currently ESE students, the forms to use for documenting required activities/interventions are:

- **Prior Parent Notification (MO-12/SB89002)** - Use to invite the parents to the IEP Team meeting to discuss and determine the “IEP Review/Revision” and “Discussion of Reevaluation Needs”
- **Part B Procedural Safeguards Notice** - To be provided upon each notification of an IEP Team meeting and upon consent for reevaluation of the student
- **Student Teacher Assistance Team packet** which documents the required activities/interventions applicable to the current student/situation
- **Notice and Consent for Reevaluation (SB34504) form** Complete and explain to the parent at the IEP Team meeting during which reevaluation needs are being discussed
SUMMARY OF REQUIRED GENERAL EDUCATION ACTIVITIES/INTERVENTIONS

*Florida Statutes and State Board of Education Rules* require that certain activities/interventions be conducted for designated students/situations.

Prior to a decision being made to refer a student for a pre-placement (multidisciplinary) evaluation, activities must be conducted for the following students/situations:

- PreK Children (birth through two)
- PreK Children (ages three through five)
- Students in Kindergarten through Grade 12

General education activities/interventions are not required for consideration of Related Services (i.e., Occupational Therapy or Physical Therapy), for consideration of Hospital/Homebound Program, nor for Gifted Education consideration.

**Required activities for PreK Children (birth through two) include:**
- A review of existing medical, psychological, social and other related data
- Screenings for vision and hearing

**Required activities for PreK Children (ages three through five) include:**
- A review of existing social, psychological, and medical data with referral for a health screening when the need is indicated
- Screenings for vision, hearing, and communication functioning with referral for complete evaluations when the need is indicated.

**Required activities for students in Kindergarten through Grade 12 include:**

- A. Documentation of at least two conferences between the parent and current teacher. The problematic areas of concern must be discussed. Additionally, when interventions are required, specific information must be provided to parents pertinent to suggested interventions/strategies. The parent must be informed of the planned interventions and the anticipated effects. Subsequent conference(s) must include discussion of the student’s responses to interventions and the anticipated future actions.
- B. Anecdotal records and/or observations made by at least two persons in more than one situation. One of the two persons must be the classroom teacher.
- C. Review of social, psychological, medical and achievement data in the student’s cumulative folder.
- D. Review of attendance records, and when warranted, investigation of the reasons for excessive absenteeism.
- E. Screenings for speech, language, hearing and vision.
- F. Documentation of a minimum of two general education interventions or strategies with documentation of pre-intervention and post-intervention measures.
  
  *(Note: Academic concerns require the use of progress monitoring and the provision of remedial instruction for a reasonable period of time.)*

**EXCEPTION:** Activities described in item F are not required for students who demonstrate speech disorders, severe cognitive, physical or sensory disorders, or severe social/behavioral deficits that require immediate intervention to prevent harm to the student or others. *(However, the activities described in items A through E above ARE required for these students.)*

**Lack of documented conferences, observations and educational interventions result in fund adjustments when monitoring occurs.**

Activities are required when students move from one program category to another. Examples of such moves include, but are not limited to:

- Specific Learning Disabilities to Emotional/Behavioral Disabilities
- Mentally Handicapped to Emotional/Behavioral Disabilities
- Specific Learning Disabilities to Language Impaired

Students moving within mentally handicapped categories do not require documentation of activities.
REQUIRED ACTIVITIES/INTERVENTIONS
PRIOR TO REFERRAL
Questions and Answers

1. Are general education activities/interventions required for all K through grade 12 students prior to submission of a referral for a multidisciplinary evaluation?

Yes, schools and parents should work together to resolve a student’s learning or behavioral areas of concern within the general education environment prior to referring a student for evaluation as a student with a disability (STAT process). However, for students that are suspected of having a speech disorder, a severe cognitive, physical or sensory disorder or a severe social/behavioral deficit, the implementation of interventions and/or strategies are not required.

2. Must the required activities be documented on a Student Teacher Assistance Team (STAT) packet?

For kindergarten through grade 12 students, our district has developed a format called Student Teacher Assistance Team (STAT) packet which is to be used to document the required activities that have been completed for a student. The important part of this process is that the activities have occurred. It is not mandatory that the STAT packet be used for documentation, but it is preferred.

3. Are general education activities/interventions required for students moving from temporary to permanent assignment?

If a student moves from temporary assignment to eligibility under the same category of disability or moves within the Mentally Handicapped categories (EMH, TMH, PMH) then activities are not required. However, if a different program is being considered for permanent assignment, and that new program is one that requires activities, then yes, they must be addressed.

4. If a student identified as mentally handicapped is being referred for a different program, or for different areas of concern, are activities required?

Yes, activities are required for students identified as mentally handicapped when a different program eligibility and different areas of concern are being addressed, i.e., Mentally Handicapped to Emotional/Behavioral Disabilities. Activities are not required for students who are being considered for another mentally handicapped category.

5. Must parents be invited to participate in meetings to discuss general education activities such as intervention strategies?

No, meetings can take place without parents to plan general education interventions and strategies that may be helpful for a student. However, parents must be invited to attend and participate in meetings when decisions will be made regarding the identification, evaluation, eligibility, educational placement and provision of a free appropriate public education (FAPE). Additionally, a requirement of the initial parent conference prior to submitting a referral is that the parent must be informed of planned interventions and the anticipated outcomes.
6. If the Child Study Team is going to convene to discuss the appropriateness of a pre-placement evaluation for a student, must the parents be invited to participate?

Yes, parents must be invited to participate in meetings when a discussion ensues and a decision is reached to conduct evaluations.

7. What form, if any, must be used to invite a parent to a Child Study Team meeting to review general education activities/interventions and determine the need for a pre-placement evaluation?

A new form has been developed for this purpose. It is form SB 87080. It may be accessed online in the District Forms are of IDEAS.

8. At what point during the process must parents be provided with a notice that contains a full explanation of their procedural safeguards?

Part B Procedural Safeguards Notice must be provided to the parent when the student is initially referred for evaluation. When the Request and Consent for a Multidisciplinary Evaluation form (SB34501) is presented to the parent, the Part B Procedural Safeguards Notice must also be provided to the parents.

9. How current must sensory screenings be at the time of referral?

Far Point Vision: Grades Pre K-6 within 12 months; Grades 7-12 within 36 months; Hearing: Grades Pre K-12 within 36 months; Speech/Language: Kindergarten or prior to eligibility.

10. How is it determined that a student demonstrates a possible severe cognitive, physical or sensory disorder or a severe social/behavioral deficit?

A student is considered to exhibit a severe cognitive, physical or sensory disorder or a severe social/behavioral disorder when the student is unable to participate in grade-appropriate general environment and curriculum, without immediate and/or extensive supports. When this is the case, for these students, required activities do not include the need to implement interventions or strategies.

11. Are there specific requirements for interventions/strategies prior to referral for evaluation?

Yes, when required, a minimum of two general education interventions or strategies shall be attempted. For students with academic learning problems, the general education interventions must include the activities of progressing monitoring and the provision of remedial instruction for a reasonable period of time. Pre- and post-intervention measures of the academic and/or behavioral areas of concern must be conducted to assist in identifying appropriate interventions and measuring their effects.

12. How long must interventions/strategies be conducted?

A guideline to follow is 45 days. However, each situation should be considered on a case-by-case basis. Sometimes a shorter or longer time frame may be appropriate based on the current functioning and needs of the student.
13. **Are there specific requirements for the conferences prior to referral for evaluation?**

   Yes, the conferences must include the parents and the student’s general education teacher, and others, as appropriate. When interventions/strategies are required, then the first conference must also address the area of concern, the interventions to be implemented and the expected outcomes of the interventions. Subsequent conferences must include a discussion of the student’s response to the intervention(s) and anticipated future actions to address the areas of concern.

14. **Are there specific requirements for the anecdotal records/conferences prior to referral for evaluation?**

   Yes, the observations or anecdotal records must be conducted by at least two people. One of whom is the student’s classroom teacher. The observations or anecdotal records must reflect more than one situation in which the specific behaviors indicating the need for a referral for evaluation are evident.