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# SBAC IN THE SUNSHINE

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Volume 1, Issue 1

Fall 2013

## Changes in the Law

### *Parental Input and Involvement*

**Brian T. Moore**

*Staff Attorney*

The Legislature was busy again this year, and once again anecdotes from other parts of the state are bringing us new, statewide requirements. Instead of fixing the one problem that occurred at one school, the Legislature keeps solving small problems with giant laws.

One of these new laws is [Chapter 2013-236](#), Laws of Florida, which is commonly referred to as Senate Bill 1108. This new law made sweeping changes with respect to parental input and exceptional student education. This District has and always will value parental input as an important and necessary part of the process, but the new law threatens to upset the balance. Now, a parent can veto an IEP team and force the District to sue the parent (due process hearing) in order to get the child the services he or she needs. For example, if an IEP team determines that a child needs to be placed in an ESE Center, the child

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## Our Newsletter

### *What we hope to achieve*

**Brian T. Moore**

*Staff Attorney*

It has occurred to me on several occasions that: 1) our administrators, both school- and district-based, have a lot of daily responsibilities imposed on them by the law; and 2) it might be nice to create a resource for them as they navigate the ever-changing landscape of education law. With this newsletter, we hope to create a permanent archive of useful information that we will generate quarterly in our efforts to keep everyone up-to-date.

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We will attempt to feature some of the bigger issues percolating through the Staff Attorney's office, new changes in the law or State Board rules, and changes to our own School Board Policies. For example, in this issue, we are discussing issues involving the enrollment of our homeless students, recent changes in the law affecting parental rights, recent updates to our School Board Policies, and some reminders of what the Staff Attorney's Office can do for you.

In addition to trying to keep up with Tallahassee, the Staff Attorney's Office performs a variety of functions, from advising principals on some of the more unique custody issues to processing public records requests (hence, the title of this newsletter). We will try to highlight more of those services in future issues.

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will stay put, without needed services, until the District convinces a judge that the parent is wrong. The law will force districts to sue parents, which will seem heavy-handed and will not foster trust and cooperation.

## Five Levels of Funding

Many of you have received information and forms from the District's ESE team already, but it is worthwhile to re-examine some of the new requirements. The law now requires us to provide parents with [information about the five levels of ESE funding](#) after an initial IEP meeting. Jan Benet sent this document to all principals in an email dated August 29, 2013, and Staffing Specialists are responsible for explaining the form at initial eligibility staffings.

## Bringing a Guest

Another new requirement is that parents must be allowed to bring any adult they want to a meeting with school personnel. Section 1002.20(21)(a), Florida Statutes, now reads, in part (emphasis added):

Parents of public school students **may be accompanied by another adult of their choice at any meeting with school district personnel**. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, parents from inviting another person of their choice to attend any meeting. . .

1. Such meetings include, **but not are not limited to** . . . eligibility for exceptional student education or related services; . . . development of an [IEP or] a 504 accommodation plan. . . ; the transition of a student from early intervention services to other services; . . . and other issues that may affect a student's educational environment, discipline, or placement.

2. **The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion which states whether any school district personnel have prohibited, discouraged, or attempted to discourage the parents from inviting a person of their choice to the meeting.**

While the law says every meeting, it does not apply to routine parent-teacher conferences. Instead, it must be

followed whenever there is a meeting that may impact a student's educational environment, discipline, or placement. At every meeting of this type, the [Assurance to Parents of Rights for Parental Input at Meetings form](#) must be completed. Please note the place at the bottom of the form where parents can assert that they were discouraged from bringing another person to the meeting. We want to address and rectify any problems quickly. For more information, principals can refer to emails they received from Kathy Black on September 4, and October 21, 2013, or contact Kathy or Jan for more information.

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## Private Instructional Providers

Finally, the new law allows parents to hire professionals to come to school to "enhance" their child's education. Pursuant to [section 1003.572, Florida Statutes](#), a parent can hire certain professionals to observe the student in the class, collaborate with instructional personnel, and provide services in the educational setting. The principal and teachers still have some measure of control over this, and we want to make sure no child misses instructional time for something like extra occupational therapy. However, parents with the resources to provide private services during school hours can now do so, but it is important to remember that this program may not replace or interfere with the District's responsibilities under the IDEA.

My office worked with our ESE, Risk Management, and Personnel departments to develop procedures for addressing any requests from parents to send a privately-hired professional into the schools. I sent an email to principals on August 21, 2013, in which I provided a summary of the new law and a draft version of these procedures.

You can now access the completed [Procedures for Collaboration of Public and Private Instructional Personnel](#), which include all the forms the parent and professional will need to complete, by clicking on the highlighted text. If you have questions, please contact Kathy Black, Jan Benet, or me. ❖

## DID YOU KNOW?

### PUBLIC RECORDS REQUESTS

All requests for records, whether it is a hard copy, email, videotape, or something else, should be directed to the Office of the Staff Attorney, The School Board of Alachua County, 620 E. University Avenue, Gainesville, FL 32601, (352) 955-7461.

### TWINS

[Section 1003.06, Florida Statutes](#), provides that a parent of twins (or more) can request that the children be placed in the same or separate classrooms. The request can be denied if there is factual evidence against it, if it would violate class-size requirements, or if the principal decides it is not appropriate following the first grading period.

### LETTERS OF REFERENCE

The School Board recently amended [Policy 8340 – Letters of Reference](#) – to address the issue of teachers or other staff members writing letters of reference for students. To prevent parents and students from obtaining copies of confidential recommendation letters without the author's consent, it is now firmly established that:

No teacher, administrator, or other District employee shall be required to complete a letter of reference or recommendation for a student. If a teacher, administrator, or other District employee elects to write such a letter, it shall be considered the personal work of that employee. The letter will not be maintained by the school or the District unless the letter was written for admission into another school or program in this District, in which case it will be maintained solely by the school that receives the letter.

In our next issue, Winter 2014, I expect that we will have some news about policy updates in the works, as well as a look at some of the more interesting bills being considered by the Florida Legislature. Future issues will also include topics that might be old news for some but a welcome refresher course for others. An aunt, a guardian, and a DCF investigator come to school to pick up a child, and Mom is in jail. Do you . . . ?

Right now, this newsletter is simply a work in progress, and I want it to be as useful as possible. If you have questions about any of the articles or have problems finding any of the forms, policies, or procedures referenced in the articles, please let us know. Finally, please feel free to provide us with any suggestions for future issues with respect to both format and content. ❖

## Recent Policy Updates

*Both adopted and in progress*

### **Brian T. Moore**

*Staff Attorney*

The School Board has been keeping busy at recent meetings with a number of new and amended policies. As always you can find all of the Board's policies at <http://neola.com/alachua-fl/>. From [the latest batch adopted in October](#), you may find of particular interest the new and amended policies on interscholastic athletics, attendance, instructional materials, and bullying.

The Board adopted a more comprehensive policy on transfer students participating in interscholastic activities pursuant to FHSAA guidelines, as well as a policy on concussions and other head injuries. It also made some adjustments to the attendance and suspension policies to allow suspended students to receive credit for keeping up with their schoolwork during the suspension, and it is now more clearly spelled out that students who fail to return or pay for library books can be held out of extra-curricular activities.

Other policy amendments cover recent changes in the law, including an expansion of definition of bullying to cover cyber-bullying and the requirement to report known or suspected child abuse or face potential felony charges. ❖

# Homelessness Issues

## *Forms for fixing mistakes*

**Brian T. Moore**

*Staff Attorney*

Under the McKinney-Vento Act, students who assert homelessness are enrolled first, and most questions are asked later. However, one of the questions a school can and should ask first is what are the available schools (i.e., what is the school of origin and what is the zoned school)? For example, a student who attended Santa Fe last year but is now living in a shelter in the Hawthorne zone can choose either school. If the student comes to either of them, he or she should be enrolled immediately. However, if the student comes to GHS, Eastside, Newberry, or Buchholz, he or she should be referred to Hawthorne or Santa Fe. For a more complete rundown of enrollment procedures, please refer to Everett Caudle's email to principals dated September 6, 2013; the [Children at Promise Questionnaire \(Form 5111.01 F1\)](#); or contact our new Homeless Education Coordinator, Nadia Shields.

After the student is enrolled, it is essential that copies of the enrollment form be sent to Zoning and Nadia, in addition to the food service manager. Nadia will make sure that the student and family are connected to available and appropriate services, and Zoning will verify the address and other information on the form (e.g., is it a business address, is the school zone correct, did this person try to obtain a zoning exception first and is now abusing the McKinney-Vento Act, etc.?).

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If the school, Zoning, or Nadia has sufficient evidence to find that the student is not homeless under the Act, we now have the forms and procedures required to carry out our [Homelessness policy \(5111.01\)](#). After contacting Nadia, schools will provide the parent(s) with a Notice of Enrollment Decision (Form 5111.01 F2) and accompanying documents for the appeal process. Please refer to [this set of documents](#), and direct any questions you may have to my office, Everett Caudle, Nadia Shields, or Martha Dean.

Finally, it is worth noting that the Florida Department of Education is monitoring our District this year. As a

result, our compliance with the McKinney-Vento Act will be a recurring topic of conversation. For example, someone from each school will be designated to address homelessness enrollment issues and receive federally mandated training. In addition, the DOE will be visiting several schools to monitor compliance with the Act. So, we all need to continue to do our best to identify and serve all of our homeless students.❖

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**We will graduate students who have the knowledge, skills, and personal characteristics to be lifelong learners and independent thinkers. Our graduates will excel in their chosen careers and be productive and contributing members of the global community.**