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Position Paper on Florida DOE Proposed 60-Day Rule Change

The Florida Association of School Psychologists (FASP) would like to express several concerns and recommendations regarding the proposed rule change which would require that evaluations be completed within 60 calendar days, not taking into account school breaks, vacations, absences, etc. We suspect that this may be because of a perception expressed by some that it takes too long to get services for their children. If this is the case, it is important to consider that all students who have been deemed to be at risk for school-related difficulties are eligible to begin receiving evidence-based interventions and regular progress-monitoring **immediately** within a school's Multi-tiered System of Supports (MTSS) framework. These tiered intervention supports are provided at a level of intensity that matches a student's needs but are not dependent on the completion of a psychoeducational evaluation. For many students, these interventions often significantly improve learning and behavioral outcomes and can eliminate the need for further psychoeducational evaluations or for special education. This is not only a more efficient and timely method of providing services, but for many students it can also eliminate the stigma and negative outcomes associated with being labeled as a child with a disability.

When it is determined that a student must have a psychoeducational evaluation, 99% of students in Florida have been evaluated within 60 school days of receipt of parental consent. Moreover, evidence-based interventions take time to implement. Rule 6A-6.0331 of the Florida Administrative Code (FAC) specifically refers to the implementation of interventions for a **period of time sufficient to determine effectiveness**. Consideration of a specific learning disability (SLD), which, based on the Annual Report to Congress constitutes 66% of special education placements (USDOE, 2013, p. 43) and the vast majority of evaluations for a suspected disability, also specifies that the parent be provided with data-based documentation of **repeated** measures of achievement at **reasonable** intervals. The proposed rule change would likely limit a child's ability to show that they are making adequate progress with appropriately targeted interventions and cause eligibility teams to make decisions based on incomplete data. In addition, the consideration of SLD requires that patterns of absences be evaluated as an exclusionary factor. While winter holidays, spring breaks, and summer breaks do not constitute what is typically considered an absence, they do constitute an absence from core instruction and targeted interventions. For students with other needs besides SLD (e.g., social-emotional) schools also are responsible for data-based decision making. In the example of emotional behavioral disabilities this may involve implementation of behavioral interventions or counseling strategies and acquiring outcome measures across multiple weeks to determine intervention efficacy. Premature placement decisions without adequate data also are likely to have a disproportionately negative impact on children from diverse backgrounds, as data indicate that they are already over-identified and placed in the most restrictive settings across many disability categories (USDOE, 2013, p. 48).

School districts are required to institute policies that support a comprehensive service delivery model so that they can effectively and efficiently impact all students. Maximizing school resources enhances the school's continuum of supports and improves overall school health and safety, climate, positive behavior and discipline, mental health, and academic

performance. The decision to restrict evaluation timelines from 60 student attended school days to 60 calendar days would forcibly constrain the ability of districts to provide a full range of comprehensive services that are essential to improving the success of all students within a school and not just the few who require a psychoeducational evaluation.

Effective student evaluations are dependent upon school-based observations and response to intervention data. A shift from student attendance days to calendar days would limit opportunities to conduct evaluations of students in the regular school setting. This change would result in inequitable evaluations simply based on the time of year a student was identified to be evaluated. For example, the opportunity to observe, to test, and to gather updated response to intervention data for an evaluation opened in late May could be less than a handful of school days, while an evaluation opened in early January could be up to 40 school days. Students are not in school year round, and school psychologists are also not 12 month employees in most districts.

On the average across the state, there is only one school psychologist for every 1940 students (FDOE, 2012), which is significantly less than the one to 500-700 ratio recommended by the National Association of School Psychologists (NASP). Reducing the number of days allowed for an evaluation would place further stress on district personnel resources and finances and prevent the provision of many of the other critical services schools and school psychologists could provide.

As a result, FASP strongly urges the Florida State Board of Education not to modify the existing timeline. If the timeline is modified, we recommend that funds be provided to districts to hire additional school psychologists and other personnel to support the evaluations.

References

U.S. Department of Education, Office of Special Education Programs (2013). 35th Annual report to congress, on the implementation of the Individuals with Disabilities Education Act. Retrieved from <http://www.ed.gov/about/reports/annual/osep>

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