

Final proposed rule language - Incorporating the proposed notice published on March 25th and the notice of change posted April 9th

Substantial rewording of Rule 6A-6.03013 follows. See Florida Administrative Code for present text.

6A-6.03013 Exceptional Student Education ~~Educational~~ Eligibility and Assessments for Students Who Are Deaf or Hard of Hearing ~~Hard-of-Hearing~~.

(1) Definitions.

(a) Deaf means a hearing level that is so severe that it impacts the processing of linguistic information through hearing, with or without amplification, that adversely affects the student's educational performance.

(b) Hard of hearing means a hearing impairment or loss, whether permanent or fluctuating, that adversely affects a student's educational performance, but that is not included under the definition of deaf.

(c) Speech Language Pathologist means an individual who is certified or licensed in speech or language pathology in accordance with Rule 6A-4.01761, Florida Administrative Code (F.A.C.).

(d) Teacher of the deaf or hard of hearing: means an individual who is certified in the area of deaf or hard of hearing in accordance with Rule 6A-4.0172, F.A.C.

(2) A full and individual evaluation must be conducted by a school district to identify a student who is deaf or hard of hearing as eligible for exceptional student education and consider the individual needs of a student who is deaf or hard of hearing when developing, reviewing, or revising an Individual Educational Plan (IEP) in accordance with Rules 6A-1.09401, 6A-1.09414, 6A-6.03028, 6A-6.0331, and 6A-6.03411, F.A.C.

(3) Eligibility determination. For a student who is, or who is suspected of being, deaf or hard of hearing, evaluation for eligibility must include an audiological report and two assessments as described in paragraphs (3)(b)-(c), unless one of the assessments is waived as provided in paragraph (3)(d).

(a) An audiological report. An audiological report must include a summary of the hearing and medical history, audiological evaluation results, and a diagnosis of any hearing impairment or loss. A licensed audiologist must provide the audiological report.

(b) Functional listening assessment. A functional listening assessment is an assessment that determines how noise, distance, and visual input affect a student's listening abilities. This assessment must be conducted by a teacher of the deaf or hard of hearing or a licensed speech language pathologist.

(c) Communication and language assessment. A communication and language assessment is an assessment that addresses expressive and receptive language, including pragmatic language. The assessments must consider a student's preferred mode of communication, such as American Sign Language, spoken language, signed or written

language, with or without visual support or hearing assistive technology, augmentative and alternative communication, or a combination thereof. These assessments must be conducted by a teacher of the deaf or hard of hearing, a licensed speech language pathologist, or a combination of both.

(d) Assessment waiver. If one of the assessments described in paragraphs (3)(b) or (3)(c) provides sufficient information to determine that a student who is deaf or hard of hearing is eligible for exceptional student education, the other assessment must be waived for the purpose of determining eligibility. However, if the assessment is waived because it was not necessary to determine eligibility, the assessment must be completed during the IEP process.

(4) Reevaluation. Reevaluation of students who are deaf or hard of hearing must comply with Rule 6A-6.0331(7), F.A.C., and in addition must include an audiological report and an evaluation of skills known to be impacted by the hearing impairment or loss as required for determining initial eligibility. The audiological report may be waived by the IEP team if the team finds that there is no suspected change in hearing.

(5) Usher syndrome screening. A screening for Usher syndrome must be administered to each student who is deaf or hard of hearing at least once during grades K-5 and grades 6-12.

(6) Once a student who is deaf or hard of hearing is determined eligible for exceptional student education, the district must conduct the following assessments:

(a) Any assessment waived for the eligibility determination as provided in paragraph (3)(d); and

(b) A special skills assessment. A special skills assessment evaluates skills aligned with content knowledge described in Rule 6A-1.09401(1)(j), F.A.C. This assessment must be conducted by a teacher of the deaf or hard of hearing.

(7) Supportive services. The district must make available referral forms, links, and technical support contacts for services to students and parents. These resources include:

(a) Auditory-Oral Clarke School and Bridge to Speech Clarke School;

(b) Auditory-Oral University of Miami (UM) Debbie School and Bridge to Speech UM Debbie School;

(c) Educational Interpreter Project (EIP);

(d) Florida Division of Blind Services (DBS);

(e) Florida Division of Vocational Rehabilitation (VR);

(f) Florida School for the Deaf and the Blind (FSDB); and

(g) Resource Materials and Technology Center for the Deaf and Hard of Hearing (RMTC-DHH).

Rulemaking Authority ~~1003.01~~, 1003.57, 1003.571 FS. Law Implemented 1003.01, 1003.57, 1003.571 FS. History–

New 7-1-77, Amended 9-11-84, Formerly 6A-6.3013, Amended 7-1-94, 7-1-07, 12-15-09.