

**Florida Department of Education
Bureau of Exceptional Education and Student Services**

**Rule Implementation Brief
November 1, 2004**

Rule 6A-6.030191, Florida Administrative Code, *Development of Educational Plans for Exceptional Students Who Are Gifted*

Questions and Answers

The following questions and responses reflect the most common inquiries and are intended to assist educators in the consistent implementation of the rule. As appropriate, specific citations to Rule 6A-6.030191, FAC, are provided in the responses.

1. What is the most significant change in the prior educational plan (EP) development policies?

(Preamble) Districts no longer have the option of developing an individual educational plan (IEP) or an educational plan (EP) for a student identified solely as gifted. Every student who is gifted will have an EP. However, a student who is gifted and has a disability would have an IEP with goals addressing all the special needs of the student.

2. Should every K-8 gifted student have a three year EP?

Rule 6A-6.030191(6), FAC, requires that..."[m]eetings shall be held to develop and revise the EP at least every three (3) years for students in grades K-8 and at least every four (4) years for students in grades 9-12. EPs may be reviewed more frequently as needed, such as when the student transitions from elementary to middle school and middle to high school or if the student's parent or teacher requests a review."

The determination of anticipated duration for the EP would depend on the student's needs and evaluation criteria as determined by the EP team. However, the rule is clear that EPs may not be in effect for more than 3 years for grades K-8 or 4 years for grades 9-12. A parent or the school may request a review of the EP contents at any time.

3. Who are the required participants at an EP meeting?

(3) The EP team "...shall include the following participants: (a) the parents of the student in accordance with subsection (2) of this rule; (b) one regular education teacher of the student who, to the extent appropriate, is involved in the development and review of a student's EP... (c) at least one teacher of the gifted program; (d) a representative of the school district...[LEA representative]; at the discretion of the school district, one of the student's teachers may be designated to also serve as the representative of the school district; an individual who can interpret the instructional implications of evaluation results...; at the discretion of the parents or school district, other individuals who have knowledge or special expertise regarding the student..., and; the student, as appropriate."

4. What is the requirement regarding the participation of a regular education teacher at EP meetings? What is the best procedure at middle or high school when a student has more than one regular education teacher?

(3)(b) Involvement may be attendance at the EP meeting or may be the provision of written documentation of a student's strengths and needs.

When a student has more than one regular education teacher, teachers may provide information in writing to the EP team regarding the student's specific strengths, an explanation of why the regular education curriculum is not appropriate for this student, and recommendations for meeting the student's needs and supporting continued academic progress.

The regular education teacher should be one who is aware of the student's strengths and needs. Other teachers may provide input and/or written documentation. For example, if a student excels in mathematics, the math teacher might be designated to attend to discuss the strengths of the student in this area and special needs that would be appropriate to challenge the student academically.