



School District of Palm Beach County, Florida
ESE Advisory Council Meeting Minutes
November 2, 2021



Note – for all motions below, the member who made the motion and the member who seconded the motion are indicated in parentheses following the motion.

Meeting called to order at 9:35

Introductions were done. A quorum was established.

Motion to approve October 2021 minutes (Quinn-Linny, Pappas) Unanimous approval

Director's Report – Kevin McCormick

- The ESE Advisory now has a page on the district web site.
- District staff (including Kevin) are teaching in the schools one day a week to help with shortage of teachers and subs.
- There has been a big increase in discipline, fights, weapons, etc. It is thought to be due to students being isolated at home without social interaction and spending more time on social media. Kevin gets alerts to make sure any student with a disability is handled appropriately.
- We are awaiting “American Recovery” funds.
- Mr. McCormick discussed Access Points with FL ESE Bureau Chief. We have a grace period from the new Access Points law this year. The only students they will be tracking this year are the students who are newly put on Access Points. However, until this is in writing, the district has to proceed with the new Access Point requirements for everyone.

Procedural Safeguards update – Laura Pincus

- Procedural Safeguards must be offered to parents at four certain times, but not at every meeting.
- Prior written notice must be given for many situations, not just for a change in placement or service.
- Prior written notice must contain alternatives considered.
- If a parent withdraws consent for ESE services, the records of ESE services are not removed from the student records. A 504 plan can then be considered.
- A student can receive accommodations that are not permitted on the statewide assessment if parent gives consent.
- A student cannot be put on Access Points unless the parent gives written consent.
- A student cannot be put into an ESE Center School without written consent from the parent. If the parent does not give consent, the district can file due process. This places the burden of proof on the district, not the parent.
- A parent always has a right to request an Independent Educational Evaluation at public expense. The district can refuse to pay for it if they can show their evaluation was sufficient.
- A parent can file due process to change a student record.
- The FDOE must respond to a state complaint within 60 days.

- When filing a state complaint, a parent must provide a proposed resolution.
- There are limitations to what subjects can be handled through due process. For example, the grade a student receives is not handled through due process.
- A parent must file due process within two years.
- A due process filing must contain all required information, or it can be dismissed for insufficiency.
- There are two situations in which a due process case can be expedited – those involving discipline or Denial of an Extraordinary Exemption request.
- Mediators in Florida must be certified with the FL Supreme Court and have no sanctions against them.
- A school district attorney cannot attend a resolution meeting if the parent does not bring an attorney.
- A due process hearing is always conducted by an Administrative Law Judge with the DOAH (Division of Administrative Hearings)
- A parent does not have to have an attorney at a due process hearing.

Individual Education Plan - Form 0659 - Janice Coe

The new Plan automatically reloads the accommodations in alphabetical order instead of the order they are entered. Janice will look into whether this can be changed.

District Diversity and Equity Committee – Kimberly Spire-Oh

- The DDEC had a spirited conversation about state law that bans transgender girls/women from participating in women's sports.
- The DDEC is discussing of the Baker Act being used on students – especially students of color and students with disabilities.

Boundary Committee – Carla Donaldson

No meeting yet this year.

Academic Advisory Committee report – Randee Gabriel

The AAC talked about the Master Board process. Randee will share a PowerPoint with the ESE Advisory.

Regional Team Lead Reports

- South – Kelley Fisher – not in attendance
- Central – Theresa Padro-Morel – lots of movement from out of district and within district.
- North – Shaquira Young – had to leave for another meeting
- West – Amy Brown – having a real issue finding certified ESE teachers.

Intervention Feeder Patterns

- The ESE Advisory needs to know what interventions are offered for Reading, Math, Writing in Elementary, Middle, and High School.

- Reading interventions are required by law to be given by a Reading Endorsed teacher. This is not always an ESE teacher. An ESE teacher will provide the ESE services.

Member Comments

- Carla would like to get the By-laws subcommittee together to discuss membership. There are many parents who have been on the committee for a long time and their children are no longer in school. We need to recruit new members.

Guest Comments

None

Motion to adjourn (Clark, Coe) Unanimous approval. Meeting adjourned at 11:35.