

# Lebanon Western Boone Joint Services Procedures and Compliance Manual

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## MISSION STATEMENT:

Joint Services provides members with specialized services while promoting student success.

### Core Services

- Provide specialized staff and services
- Administer professional development
- Develop policies and procedures

Website: <https://www.lebanonwesternboonejs.org/>

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**\*\*This Procedure Manual has been reviewed and revised for  
the 2024-25 school year\*\***

## **Boone Clinton Joint Services**

Director of Exceptional Needs	Madeline Sandberg	Assistant Director of Special Education	William (Rob) Robinson
School Psychologist	Kristin Blessing Eitan Gordon Abigail Gliva Lauren Ott	Educational Consultant	Jamie Ladd Missy Bourdon
DHH/BLV TOR	Kathy McGee	DHH/BLV IA	Nikki Wilson
Administrative Assistant	Taylor Yazzie		

### **INTRODUCTION**

All member districts of the cooperative provide a full continuum of special education services for our students. Special education includes specially designed instruction to meet a student’s unique educational needs and related services to support a student’s educational program. The services range from support for students placed in general education classroom settings to self-contained, specialized programs for students whose educational needs require more intensive services and support.

This manual provides pertinent information regarding the specific procedures and supports within the Boone Clinton Joint Services available to assist staff and students. Joint Services holds high standards and expectations regarding service delivery and compliance with special education regulations (Article 7). The cornerstone of both federal and state law is that each student with a disability is entitled to a free appropriate public education (FAPE). This means that special education and related services are to be provided to students with disabilities at no cost to the parent, in conformity with an individualized education program (IEP) which complies with federal and state requirements, in the least restrictive environment (LRE), and in such a manner that provides the student with equal opportunity to participate in services and activities that are available to all students. Special education and related services must be provided in an environment that maximizes the student’s opportunity to interact with non-disabled peers. LRE is often explained as two distinct, yet clearly-related concepts: the actual setting in which a student with a disability receives special education and related services and a philosophy that a student with a disability should, to the maximum extent appropriate for that student, be educated with non-disabled peers.

## Definitions

**Behavior Intervention Plan (BIP):** A Behavior Intervention Plan is defined by Article 7 as a plan agreed upon by the case conference committee and incorporated into a student's individualized education program, that describes how the student's environment will be altered, identifies positive behavioral intervention strategies, and specifies which skills will be taught in an effort to change a specific pattern of behavior of the student. The plan shall be linked to information gathered through functional behavioral assessment. To ensure transference, the behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

**Certificate of Completion:** A Certificate of Completion encourages equity (course of study that mirrors a diploma) and allows flexibility through the credits or units for accessing both the Academic Standards and Alternate Achievement Standards.

**Continuum of Services:** Member corporations make special education and related services available to students from age 3 through 21 and offer a full continuum of placement options for students' with special needs, as deemed appropriate by the Case Conference Committee.

**CPI/Physical Restraint:** is defined as the use of physical contact between school staff and a student limited to the following situations:

1. To prevent self-abusive or aggressive students from harming themselves and others
2. Involves keeping the student stationary in a safe environment

**Crisis Behavior:** Crisis behaviors would be defined as the following: verbal and/or physical aggression that endangers the student engaging in the behaviors or any other persons.

**Crisis Prevention Intervention (CPI):** Non-violent method of intervening in a crisis situation to provide care, welfare, safety, and security to both staff and students. CPI is intended to help a child learn and grow by teaching the child to change old habits, destructive responses, and maladaptive behavior patterns into new healthy responses to their environment. This will enable them to achieve a higher level of social and emotional maturity and/or functioning and to enable them to continue their education successfully. Staff are trained in CPI techniques on a bi-annual basis.

**Crisis Team:** The actions taken by school staff in response to student actions including the coordination of a crisis team to de-escalate students in crisis and to prevent harm to the student or others.

**Developmental Delay:** A 3 to 9 year old may be eligible for special education as a student with a developmental delay. A developmental delay is defined as a delay in the student's development of gross motor, cognitive, receptive or expressive language, social or emotional, self-help, or other adaptive skills. To be eligible for special education services as a student with a developmental delay, the degree to which a student's skills are delayed must meet specific criteria.

**Early Childhood Services:** The program begins serving identified children by their third birthday until they become kindergarten eligible. Children in the developmental classroom have a

higher level of need for continuous support by special education staff and are working on readiness skills, socially appropriate behaviors, managing behaviors, and/or communication needs. Students with walk in services have a level of need and are provided very specific training to develop communication skills.

**Early Childhood Special Education Services:** The CCC determines the level of services (hours per day and days per week of instructional time), as well as any related services, based on the student's needs.

The choice of placement options fall on a continuum for early childhood special education services:

- Programs designed primarily for students with disabilities that are located in a general education or community setting;
- Home-based services;
- Walk-in services;
- Separate classrooms;
- Separate facilities.

**Inclusion Support:** Students identified with special needs are supported by special education staff in the general education classroom. Inclusion services are provided in all buildings.

**Individualized Education Program (IEP):** A written document for a student who is eligible for special education and related services by a case conference committee.

**Isolated Time Out:** Confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted.

**Life Skills Program:** Students who are identified as having moderate to severe cognitive deficits and have significant communication and self-help needs may be appropriate for the Life Skills program. While there is an academic component to the program, time is also spent on communication skills, fine/gross motor skills, self-help skills, academics, and on learning how to function in society. Academic skills taught are those vital to being able to be independent later in life.

**Manifestation Determination:** If the student's behavior/misconduct is a manifestation of the student's disability, discipline cannot be imposed. In making this determination, the CCC considers whether the student's behavior/misconduct was:

- Caused by or had a direct and substantial relationship to the student's disability, or
- The direct result of the school's failure to implement the student's IEP.

**Mechanical Restraint:** A physical device used to restrict the movement of an individual or the movement or normal function of a portion of his or her body. Mechanical restraint does not mean the use of protective or adaptive devices for providing physical support, prevention of injury, or voluntary or life-saving medical procedures, which would be prescribed by medical staff and/or occupational and physical therapy professionals.

**Physical restraint:** Means holding a student or otherwise restricting his or her movements. Physical restraint interventions must be included in the student's BIP/IEP. If this level of

intervention is required and used frequently, the committee should convene regularly to address less restrictive interventions and strategies to safely support the student in the educational setting.

**Related Services:** Transportation, developmental, corrective, and other supportive services that are required for a student to benefit from special education. (See Article 7, Rule 43, 511 IAC 7-43-6)

**Removal:** Any time school personnel unilaterally remove a student from his/her placement, it is considered a “removal”. A student may be removed for up to 10 days before educational services must be provided. Educational services must be provided for the 11<sup>th</sup> cumulative day of removal and beyond.

- Removal for part of a day counts as a day of removal *unless* it is part of the student’s IEP or BIP.
- Any removal is considered a suspension and suspension procedures must be followed.

**Removal/Suspension from the bus:** If transportation is a related service in the student’s IEP, and the student is suspended from the bus, the school must provide an alternate means of transportation for the student, or the days of suspension from the bus count as days of removal.

During the *first* 10 days of suspension (consecutive or cumulative), the school is not required to provide the student with educational services if it does not provide services to non-disabled students who have been suspended.

In-School Suspension (ISS) is *not* considered a removal IF the student has the opportunity to:

- Progress appropriately in the general curriculum,
- Receive the special education services identified in the student’s IEP, and
- Participate with non-disabled students to the extent the student would have in the student’s current placement.

When a series of suspensions “**constitutes a pattern**” and additional factors: The determination of whether a series of suspensions constitutes a pattern is based on the number of days removed, the similarity of the behavior/misconduct, and the frequency and proximity of removals, the suspension is considered a change of placement. The principal/designee may also consider other unique circumstances on a case-by-case basis to determine whether the change of placement is appropriate, including:

- The student’s disciplinary history and ability to understand consequences,
- The supports provided to the student prior to the behavior/misconduct, and
- Other relevant factors

**Resource Support:** Students identified with special needs are pulled out of the general education classroom to receive specific instruction in addition to the instruction received in the general education classroom. Resource time is instruction focused specifically on the student’s goals and their instructional level. Resource services are provided in all buildings.

**Section 504 Procedures:** Section 504 is a civil rights statute that prohibits discrimination against qualified individuals with disabilities in all programs and activities that receive federal financial assistance. The focus of Section 504 is on the eligible student with a disability having equal access and equal benefit to the school's programs and activities as compared with his nondisabled peers. Section 504 applies to all students who have mental or physical impairments, who have a record of such impairment, or who are regarded as having an impairment. In addition, the impairment must be substantially limiting to a major life activity (does not necessarily need to be an educational activity).

As the building-based team, which includes the parent, develops the 504 plan, the team must determine the accommodations appropriate to the impairment. Accommodations also must be written in a clear and specific manner to ensure all reading the document understand the expectations with no room for interpretation. All teachers working with the student as well as any other staff members responsible for care of the student as related to the area of disability must be aware of the plan and are responsible for implementation. The 504 plan is a legal document and failure to implement the plan as agreed upon can lead to litigation. All files, including emails containing identifying information of the student, are part of the educational record and can be requested by a parent. Thus, it is important to use appropriate and professional communication within emails.

Typically, with the development of a 504 plan, a medical diagnosis or documentation has been provided, stating the disability or condition, and its impact on the student within the school environment. Although we have a right to our opinions, we do not have the authority to change the diagnosis or disregard the recommendations within the plan.

**Transition Individualized Education Program (TIEP):** The CCC must develop a Transition IEP that will be in effect when the student: 1) enters into grade 9; or 2) becomes fourteen (14) years of age; whichever occurs first, or earlier if determined by CCC.

**Transition into Early Childhood Special Education:** If the student has been participating in an early intervention program, such as First Steps, there is to be a transition meeting prior to the student's third birthday. The school is required to participate in this meeting as long as the parents agree to the school's participation.

By the student's third birthday, the school must have:

- Completed the evaluation of the student;
- Convened the CCC to determine the student's eligibility for special education services;
- Developed an IEP (if the student is determined eligible); and
- Begun implementation of the student's IEP.

If the student's third birthday occurs during the summer, services must be provided during the summer if the student's IEP requires extended school year services. Otherwise, the IEP should indicate that services will start at the beginning of the school year and no extended school year services are necessary.

## **Common Acronyms in Special Education**

AUT or ASD - Autism Spectrum Disorder

BIP - Behavior Intervention Plan

BLV - Blind or Low Vision

COTA - Certified Occupational Therapy Assistant

DB - Deaf/Blind

DD - Developmental Delay

DHH - Deaf Hard of Hearing

DSI - Dual Sensory Impairment

ED - Emotional Disability

EL - English Learners

ESY - Extended School Year

FAPE - Free Appropriate Public Education

FBA - Functional Behavioral Assessment

FERPA - Family Educational Rights and Privacy Act

HB - Homebound/Hospitalization

IAES - Individualized Alternative Education Setting

I AM - Indiana Standards Tool for Alternate Reporting

IC - Indiana Code

ID - Intellectual Disabilities

IDEA - Individuals with Disabilities Education Act

IDOE - Indiana Department of Education

IEP - Individual Education Plan

IN\*SOURCE - Indiana Resource Center for Families with Special Needs

IREAD-3 - Indiana Reading Evaluation and Determination for Grade 3

ISPROUT - Indiana Student Performance Readiness and Observation of Understanding Tool

LEA - Local Educational Agency

LI – Language Impairment

LRE - Least Restrictive Environment

MD - Multiple Disabilities

MIID - Mild Intellectual Disability

MOID - Moderate Intellectual Disability

MTSS – Multi tiered system of supports (academic and behavioral)

OHI - Other Health Impaired

OI - Orthopedic Impairment

OT - Occupational Therapy

PBS - Positive Behavior Support

PT - Physical Therapy

PTA - Physical Therapy Assistant

RTI - Response to Intervention

SDI - Specially Designed Instruction

SE - Special Education

SI - Speech Impairment

SLD - Specific Learning Disability

SLP - Speech Language Pathologist

STN - Student Test Number

SY - School Year

TBI - Traumatic Brain Injury

US DOE - United States Department of Education

## CHILD FIND

Child Find is the process for locating, identifying, and evaluating individuals with suspected disabilities who may need special education services, regardless of the severity of their disabilities. All member districts of the cooperative provide a Free Appropriate Public Education to any child who qualifies as having a disability, in accordance with federal and state laws. All schools are responsible for locating all children ages 3, but less than 22 years of age with a suspected disability who reside within the boundaries of our district. With early identification and intervention, frustration and academic failure can be prevented in turn creating a positive learning experience for students.

Child Find is a state and local effort to find children, ages 3-21, who are not receiving a free public education and who may have disabilities that interfere with learning. Child Find also seeks to create a greater awareness of the special needs of these children. The Child Find process is used to identify, locate, and evaluate all children with disabilities who are in need of special education and related services who reside within the school corporation's boundaries or attend a private school within the school corporation's boundaries.

This process of referral of students to Special Education in the Lebanon Western Boone Joint Services occurs as a possible outcome of one of two processes: *the individual school corporation's RTI/MTSS process and/or the Article 7 referral process outlined in the Indiana state guidelines*. The RTI/MTSS System uses problem-solving teams to initiate and track interventions targeting difficulties experienced by individual students. A primary focus of the problem-solving teams in the RTI/MTSS process is the identification of interventions for the student and progress monitoring to guide the content and intensity of interventions. Referral to Special Education using the RTI/MTSS process will occur only if it is evident that the student has not responded to interventions implemented with fidelity and appropriately targeted the student's difficulty. Referral to Special Education using the Article 7 process occurs when an educational staff or a parent makes the initial referral using the stated procedural steps after general education interventions occur.

The Lebanon Western Boone Joint Services is also responsible for conducting Child Find activities and evaluations necessary for non-public schools located in the cooperative. IDEA and the USDOE Regulations require school districts to identify and provide select services to students with disabilities at non-public schools in the jurisdiction, regardless of the student's home residence.

## CONFIDENTIALITY

The Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Improvement Act (IDEA '04) and Article 7 generally require the school to obtain parental consent before disclosing or releasing personally identifiable information from the student's educational record. However, there are also a number of situations in which the school may release certain information about a student without obtaining written parental consent. In situations where the school may disclose information without consent, school personnel must make a reasonable attempt to notify the parent(s)/student of legal age with a copy of the information that was disclosed.

The parent(s) and students of legal age have the right to inspect and review the educational record. When the parent(s)/student of legal age make a request to inspect and review the record, the school must provide access to the record:

- Without unnecessary delay;
- Before any meeting regarding an IEP, interim alternative educational setting (IAES) or manifestation determination;
- Before a resolution session or any due process hearing; and
- Within 45 calendar days of the request.

In addition to looking at the student's record, the parent(s)/student of legal age also have the right to:

- Have information interpreted or explained by school personnel,
- Have alternative arrangements or a copy of the record made if the originals would prevent the parent(s) from being able to inspect and review the record,
- Have a representative inspect and review the record on behalf of the parent(s) or student of legal age, and
- Receive a copy of the record for use in a pending due process hearing.

*REMINDER: If the student's parents are divorced, the non-custodial parent has the right to access the student's educational record as long as the school has not received a court order terminating or restricting the parent's authority to access the student's educational record.*

## PROCEDURAL SAFEGUARDS

Article 7 provides [Procedural Safeguards](#) for the parent(s) and students that are designed to promote parental participation, ensure that students with disabilities are provided a free appropriate public education (FAPE), and provide a means of resolving disagreements. Procedural Safeguards have been referred to as the "rights and responsibilities" of the parent(s) and schools.

The school must provide the parent(s) a copy of the [Notice of Procedural Safeguards](#) at least once a year and whenever:

- A student is referred for an initial evaluation
- A parent requests an evaluation

- A parent files a complaint (only the first complaint in the school year is required),
- A parent requests a due process hearing (only with the first hearing request in the school year),
- A disciplinary change of placement is made or recommended
- A parent requests a copy of the *Notice*, and
- At the annual case conference review.

### **TEACHER OF RECORD RESPONSIBILITIES**

The following responsibilities apply to any Special Education Teacher or Speech-Language Pathologist serving as a TOR:

1. Oversee the implementation of IEPs for all students for which you serve as Teacher of Record.
  - a. Provide services to students, either direct or consultation as indicated in the IEPs. These services must follow the frequency and duration as set out in the IEP of each student.
  - b. Monitor related services such as OT, PT, transportation, etc. If services are not being implemented, contact the therapist and if problems continue, contact the Director/Assistant Director of Joint Services.
  - c. Report on student progress on IEP goals and objectives at the same frequency as general education students receive progress reports. This is done through the Progress Monitoring Wizard tab of IIEP.
  - d. Collect data and keep documentation of student progress on goals and objectives.
  - e. Complete necessary paperwork and upload to IIEP.
2. When sending parents letters, be sure to upload a copy into IIEP
3. Arrange case conference meetings at a minimum of one time annually. The annual case review (ACR) should be held within a 12-month period of the previous ACR date. Proper personnel must be in attendance at the conference.
4. Keep documentation of parent contacts and attempts to contact parents. These attempts should be logged in IIEP.
5. Communicate with general education teachers about student needs and how the needs are to be addressed as outlined in the student's IEP. Staff who will be working with the student(s) should review the IEPs, particularly applicable areas such as modifications and accommodations as related to the general education and statewide assessment.
6. Know and understand assistive technology needs, if applicable. Monitor the operation of any devices that may be required for the student.
7. If the student is 14 or will be 14 before the next ACR, the teacher must complete the transition IEP as prompted by the IEP.

## EVALUATION PROCEDURES

### Identifying Students—Determination of Eligibility for Special Education Services

Referrals from teachers, parents, and a variety of other sources may lead to the identification of students who may need special education services. Once a referral is made: (1) A multi-disciplinary team (m-team) meeting will be conducted with the appropriate staff, (2) If an assessment is deemed necessary, consent will be obtained, and (3) when consent is received, a comprehensive individual assessment will be conducted. The purpose of the assessment is to determine: (1) if a physical, mental, or emotional disability exists; (2) if a significant educational deficit exists; and (3) the student's specific learning competencies and strengths and weaknesses.

If a student is determined eligible for and requires special education services, an Individual Education plan (IEP) is developed by the Case Conference Committee which includes parents and school representatives. The IEP outlines the specially designed instruction and related services a student is to receive. The plan is reviewed at least annually.

### Procedure for Educational Evaluations:

#### Notice of Request for an Educational Evaluation (NOREE)

- The NOREE is completed on the date a request for special education testing/evaluation is made
- Typically, the principal or Special Education contact should be the person completing the NOREE, or at least sign it on the day the request is made
- Special Education contact/Principal scans and emails the NOREE to [jointservices@leb.k12.in.us](mailto:jointservices@leb.k12.in.us) to process and distribute to the evaluation team
- If an initial request, the m-team has 10 instructional days from the date of the request to meet with building staff and review student records in order to determine if a suspected disability exists.
- After the m-team meeting, the School Psychologist creates a Notice of Initial Evaluation and provides it to the school contact to reach out to the parent if an evaluation is recommended. The consent and social developmental history form is sent to the parent. If the m-team is refusing the evaluation, the school psychologist will create a refusal summarizing the meeting and reasons why testing is not necessary. The refusal will be sent to the principal or special education contact to provide to follow up with the parent.
- If a refusal is sent, a copy of the refusal is emailed to [jointservices@leb.k12.in.us](mailto:jointservices@leb.k12.in.us).

#### **Notice of Initial Evaluation**

- School principal or special education contact communicates with parent regarding the Notice of Consent (areas to be considered, estimated timeline, etc.) and obtaining consent.
- The date the Notice of Initial Evaluation is received by qualified personnel (school) should be marked on the Notice.

- The Notice should be sent to [jointservices@leb.k12.in.us](mailto:jointservices@leb.k12.in.us) to be processed.
- The consent will be processed with the 45-day and 50-day timelines.
- The consent will be sent to the School Psychologist and other evaluation team members.
- School Psychologist and Educational Consultant will evaluate, write the report, and enter information into IIEP by the 45-day timeline in order to have the CC within 50 instructional days.
- School Psychologist uploads final report and enters relevant information in IIEP and notifies the school team to schedule the conference.
- School Psychologist enters Initial Findings and Proposed Actions for initial referrals.
- The principal or special education contact will contact parent, forward the report to the teacher of suspected disability, and schedule and convene the CC within the 50-day timeline.
- It is the school's responsibility to create the Notice of CC in IIEP and send it to the parent 5 days prior to CC date for initial evaluations.
- The teacher of record will draft an IEP for the case conference with present levels, proposed accommodations, proposed goals, and proposed services/provisions.
- The school psychologist will enter the eligibility decision on the eligibility tab.

### EL Referrals to Special Education ([IDOE resources](#))

The following are guidelines regarding the referral of EL students for Special Education:

1. It is recommended that the child be in the school system for more than a full academic year before a referral to special education is justified except when prior knowledge of a disability is available or a disability is obviously apparent.
2. A referral to special education should only happen after all other avenues have been explored to ensure that a Special Education referral for a student is handled appropriately. Upon completion of this process, if you conclude that the child's needs cannot be met by the regular education program and that student needs are **not related** to second or other language learning, the referral process may proceed. **Note: A student must not be determined eligible for special education services if the determinant factor is limited English proficiency.**
3. When evaluating students with limited English proficiency for special education, the assessments and other evaluation tools must be administered in the student's native language or other mode of communication and English to provide evidence that the difficulties are present in both languages.

### Procedure for Move-In with Signed Consent from a Previous School:

If a student moves into the corporation from outside of the cooperative districts and it is reported that an evaluation was in process at the previous school, then the school psychologist will contact the previous school to determine if academic/behavior data has been gathered and if the evaluation has been started and/or finished. A request would be made for that school to send the completed information. If the evaluation was completed, then the school will hold a case conference committee meeting to review those results and determine eligibility. If the evaluation was not yet completed. The evaluation would be completed no later than 50 instructional school days. If a student moves from one school district to another district within

Joint Services, then the school psychologist will be notified and coordinate the evaluation timeline.

### **Evaluations Completed by Outside Agencies:**

Parents may choose to have their child evaluated by an outside agency. When a school receives an outside evaluation report, a NOREE should be completed and sent to Joint Services, along with the outside report. The school should review the results of the outside evaluation as part of the data collection. The school psychologist will determine if the evaluation meets Article 7 criteria or what additional assessments will be needed, as defined by Article 7 for the suggested disability. If recommendations are made in the report, the case conference will determine what recommendations are appropriate. Once the evaluation is reviewed and testing is determined, the school psychologist will create a Notice of Initial (re)Evaluation to obtain written consent for additional evaluation procedures needed in order to determine eligibility.

### **Notice of Reevaluations**

- Once a student is identified as having special education services, including speech, any other evaluation for the student is considered a reevaluation
- Notice of Reevaluations are created in IIEP
- Reevaluation requests may be generated within a CC by completing a NOREE
- Typical reevaluation requests
  - Related service: OT, PT
  - Functional Behavioral Assessments (FBA)
  - A change in eligibility or an additional eligibility is suspected (i.e. Speech to SLD or SLD to ED) or no longer needing special education
- Best practice would be to discuss the need for reevaluation within a CC and complete a NOREE following the CC. Plan ahead to include the school psychologist and/or consultant.
- Reevaluation timelines may differ based on the student needs.
  - ACR timeline for evaluations when wanting to reestablish eligibility
  - 50-day timeline when an additional or change in eligibility is needed
  - 50-day timeline for related service and additional information is needed for the IEP

### **First Steps**

- First Steps Coordinator contacts the Joint Services office and Educational Consultant about a child who will be turning 3
- Schedule and attend the First Steps transition meeting
- Preschool packet is completed (Yellow Folder)
- JS Admin Asst processes the NOREE and referral information and sends it the evaluation team.
- The evaluation team coordinates a time to schedule the evaluation
- Reports are written and uploaded into IIEP.
- The CC must be scheduled and convened before the student's 3<sup>rd</sup> birthday with services beginning no later than the day before the 3<sup>rd</sup> birthday.

### Preschool Student who is not transitioning from First Steps (Parent referral and typically a student who is older than 3)

- Parent contacts the school, Educational Consultant or Joint Services office about the request
- NOREE is completed and the Educational Consultant follows up with the parent on concerns. Refusal or consent is generated and provided to the parent within 10 instructional days (M-team timeline)
- The referral packet (yellow folder) with consent is processed by the Admin Asst and sent to the evaluation team.
- Evaluation team coordinates a time to schedule the evaluation
- 50-day timeline for evaluation and CCC

### Head Start

- If the Pre-School student is attending a Head Start program in another corporation and services are provided by the corporation of legal settlement (COLS), the timeline for the student's evaluation will be determined by using the school calendar of the COLS.

### Reevaluations:

A reevaluation is any evaluation other than an initial evaluation, including the evaluation of a student for a different area of eligibility, related service, or FBA. Special Education law states the purpose of evaluation is to determine eligibility for special education services and/or to provide information to guide services and programming decisions. **Referrals to evaluate solely to attain an IQ or to "update" information should not be processed. TORs must consult with the assigned school psychologist when considering a request for reevaluation.**

Students already receiving special education services do not need full reevaluations every three years as required in the past. Committees have a wealth of data on progress (ILEARN, IREAD-3, Grades, local assessments, formative assessments, intervention data, AIMS web, NWEA, Progress monitoring data, etc.). If the committee has questions about services or eligibility, an evaluation team member can be consulted without a full evaluation request. Evaluation Questions should be **SPECIFIC** and measurable.

### Re-evaluation Considerations: Different or Additional Eligibility Categories

A request for a re-evaluation must include the original eligibility area(s) as a component of the re-evaluation and make student-specific decisions about what evaluation data is needed to consider: (1) the addition of any eligibility area(s); and (2) the removal of the existing category(ies). The rationale for all eligibility decisions, including both additions and removals of eligibility categories, should be thoroughly documented in the eligibility section of the individualized education program (IEP) under "Describe the reasons for eligibility determination including the other options considered and reasons these options were rejected" and CCC notes.

### **Process When Creating Notice of Re-Evaluation**

- In the first text box, write descriptive factors on the reasons for the additional/change in suspected disability; and the reasons why the current eligibility continues to be appropriate if that disability is not being questioned or why the current disability may not be appropriate at this time
- Second text box write detailed reasons why a re-evaluation is being requested
- On the pull-down menu for the following suspected disabilities, keep the current eligibility and check the additional/change are suspected disability
- On the re-evaluation procedures checklist, uncheck the areas that do not need re-evaluated and check those areas that need to be evaluated based on student needs
- When the evaluation is complete, in the report summary, make a statement regarding the current evaluation data and whether it supports a change in eligibility. Also, make a statement whether the current eligibility is still appropriate and the factors/data that support that statement. The speech therapist may need to provide a statement to report why language impairment or speech impairment continues to be an appropriate disability if they did not do a re-evaluation as part of this evaluation.
- The summary statement could be copied/pasted into the text box for “Describe the Reasons for Eligibility Determination” in the IEP/case conference for the re-evaluation review.

### **Case Conference Determination of Request for Reevaluation:**

The need for reevaluation is to be considered and documented in the notes section at each ACR, but reevaluation testing does not need to be completed unless the CCC determines that additional information is necessary to:

- Determine the student’s eligibility under a new or different exceptionality area, or
- Inform the CCC of a student's special education or related service needs (OT, PT, FBA, etc.)
- Dismiss from special education services.
- The CCC reviews existing present levels of performance including: evaluations; information provided by the parent(s); current classroom-based, local or state assessments; classroom-based observations, observations by teachers and related service providers; and other relevant information to determine if additional reevaluation information is needed.
- The Public Agency Rep checks the appropriate sections of IIEP and chooses either no need for reevaluation or, if the CCC determines reevaluation is needed to:
  - Determine a new or different disability: check the second option (Determine that the student is eligible for special education under a different or additional eligibility category) for reevaluation on the Existing Data tab within the IEP process. Complete a NOREE and send to Joint Services on the day of the ACR.
  - Inform the CCC of the student’s special education or related service needs: check the third option (inform the student’s case conference committee of the student’s related service needs, such as a related service) for reevaluation.

- Dismiss from special education services: check the first option (Reestablish eligibility for special education and related services) for reevaluation. Complete NOREE and send to Joint Services on the day of the ACR.

**Note: Re-evaluation timeline for students identified as Developmental Delay**

For students currently identified as a student with a Developmental Delay (DD), a re-evaluation must be completed prior to the 9th birthday.

LEAs should complete a NOREE for re-evaluation at least 4 months prior to the student’s 9th birthday. However, students having birthdays in June, July, August or September will be reviewed for re-evaluation in February prior to the 9th birthday.

In response, the team will meet and discuss present levels and to determine areas of suspected disability. The team should include: PAR/School representative, GE teacher, SE teacher, School Psychologist, Speech-Language Pathologist, and related service personnel (if student receives a related service as part of their current IEP).

If speech services are part of the student’s current eligibility as DD, the re-evaluation should include Speech/Language as part of the re-evaluation. If related services such as OT and/or PT are currently provided, a written update should be provided by the therapist as part of the re-evaluation.

**Parental Consent and Reevaluation Timelines**

**Timelines: To ensure the parent receives the Notice of Reevaluation or Notice of Evaluation Refusal within 10 school days after a reevaluation is requested, the NOREE requesting the reevaluation must be sent to [Joint Services](#) the day the request is made.**

- If the reevaluation is to consider a new or different eligibility or to inform the CCC of the student’s needs, the CCC must convene within 50 school days of the date the written consent was received.
- A copy of the reevaluation report is provided to the parent at the CCC meeting. There is no requirement to provide written notice about the re-evaluation results or make a copy of the report available 5 school days prior to the CCC meeting.
- A copy of the reevaluation report must be given to the parent at the CCC meeting.

**Students turning 18 after the request for reevaluation but before reevaluation testing is completed:**

- If the student turns 18 after the request for reevaluation but before testing actually occurs, the student may have to provide written consent prior to the test.
- The student also has the right to decline the testing at that time, regardless of the parent’s written consent, as long as the parents have not obtained formal guardianship of the student and no education representative has been assigned.
- If no guardian or educational representative has been appointed, the evaluator needs to discuss this with the student and obtain the student’s consent before proceeding with the evaluation.

## Failing to Meet Evaluation Timelines:

**Compliance with Evaluation Timeline:** Convening the initial CCC within the applicable timeline is expected. DOE allows three exceptions to exceeding the evaluation timeline:

1. When a student enrolls in a school of another LEA after the relevant time frame has begun, and prior to completion of the evaluation as long as the subsequent LEA makes progress to complete the evaluation and a new due date is mutually agreed upon.
2. Parents revoked consent for evaluation prior to the completion of the evaluation.
3. When a parent of a student repeatedly fails or refuses to produce the student for the evaluation.

In the event a **parent is unavailable to participate** in the initial case conference, the following steps should be followed to meet the due date according to DOE requirements.

1. Contact the Director or Assistant Director to discuss next steps.
2. The school should convene a case conference prior to the evaluation deadline.
3. The case conference committee must document the following items within the notes section of the IEP:
  - a. Attempts to contact the parents to schedule the conference.
  - b. A statement indicating the committee convened for the purpose of discussing results of the initial evaluation; however, the parents were unable to attend and the case conference committee will reconvene when the parents are available to attend.
4. Actual determination of eligibility **should not** be made until the parent participates in the case conference. The school should continue efforts to find mutually agreed upon time(s) to reconvene the case conference.

In the event the compliance due date is not met, the following steps should be followed:

1. If the deadline was not met, the psychologist (or speech language pathologist if primary evaluator) should notify the Director immediately.

## Independent Educational Evaluation:

### BACKGROUND INFORMATION/REMINDERS/DEFINITIONS

**Request for an independent educational evaluation (IEE):** When a parent disagrees with the results of an evaluation conducted by the school, the parent may make a verbal or written request for an IEE to the Director of Joint Services.

**Only one IEE per school evaluation:** A parent is entitled to only one IEE at public expense each time the school conducts an evaluation.

**Asking parents why they disagree with school evaluation:** Building personnel may ask the parent why he/she disagrees with the school's evaluation, but there is no requirement that the parent provide an explanation of the disagreement.

**IEE Report:** The school is entitled to a copy of the evaluation report from the independent evaluator, and the results must be considered by the case conference committee.

**Procedures for Independent Educational Evaluation Requests:**

- If a parent asks for information about where an independent educational evaluation may be obtained or the school's criteria for an independent educational evaluation, building personnel should direct the parent to contact the Director of Special Education to obtain the requested information.
- If a parent makes a verbal request to building personnel for an independent educational evaluation, personnel should ask the parent to put their request in writing. In addition, building personnel should immediately advise the building administrator and document that the request was made, including the date of the request. The information about the requests should be sent to the Director or Special Education. The information should include:
  - Student's name,
  - Student's date of birth,
  - Parent's name and address,
  - Date of request, and
  - Any available information about the nature of the parent's disagreement with the school's evaluation.
- If the parent makes a written request to building personnel for an independent educational evaluation, building personnel should immediately email the written request to the Director of Special Education.
- The Director of Special Education will provide the parent with a written response advising whether it will pay for the independent educational evaluation at the public agency's expense, along with a list of potential independent evaluators.
- Joint Services will forward a copy of the evaluation report to the school upon receipt.
- Case Conference must be scheduled by the school to review the independent evaluation.

**Revoke Parental Consent for Evaluation:**

Parents have the right to revoke consent for an educational evaluation prior to the completion of the evaluation. In order to rescind consent, the parent must provide a signed, written statement stating the desire to withdraw consent for an educational evaluation. The school should inform the parent of their right to request an evaluation at a later time and inform parents this would start a new referral. If the school recommended the referral, discuss with parents and document the reason for the initial referral request. The parent's written statement and any other documentation should be uploaded to IIEP. Previous interventions implemented as part of a 504 plan, Rtl and/or PBIS should continue as deemed necessary to meet the student's needs. The rescind request is located on the website.

## Initial Case Conference and Determining Eligibility:

Upon completion of the initial evaluation, the case conference is convened to review the evaluation results and determine if the student meets eligibility criteria, as defined by Article 7. The case conference committee must not determine that a student is eligible for special education and related services if the determinant factor is due to exclusion factors (i.e., lack of appropriate instruction, limited English Proficiency, and/or the student does not otherwise meet the eligibility criteria). School Psychologists utilize eligibility checklists, based on Article 7 criteria, to help case conference committees determine eligibility. For students referred to consider eligibility under Specific Learning Disability (SLD), the Multidisciplinary Team will need to complete the additional SLD certification form.

Assessments and other evaluation materials are provided and administered in the student's native language or other mode of communication and in a form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so. They are selected and administered so as not to be discriminatory on a racial or cultural basis, used for the purposes for which the assessments or measures are valid and reliable, administered by trained and knowledgeable personnel and in accordance with any instructions provided by the producer of the assessments. Assessments and evaluation materials are technically sound instruments that may assess the relative contributions of cognitive and behavioral factors, in addition to physical or developmental factors. Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient. Assessment tools and strategies provide relevant information that directly assists the CCC in determining the special education and related service needs of the student. Educational evaluations are sufficiently comprehensive to identify all of the student's special education and related service needs whether or not commonly linked to the disability category in which the student has been classified.

During an Initial case conference, if the student is determined eligible, the case conference committee must determine the special education and related services necessary to meet the educational needs of the student. The case conference committee must consider all evaluative data when determining eligibility, including:

- Assessment reports
- Teacher observations and recommendations
- Parent input
- All other pertinent information, including but not limited to, any medical documentation and outside evaluation results. Note: if any evaluation from an outside agency was considered as part of the case conference, the IEP, including the note section, must specify the components of the evaluation and recommendations considered.

**Parent signature on the Notice of Initial Proposed IEP must be obtained to either provide consent for special education services to be provided or to refuse consent for special education services.** If the parent is not prepared to provide written consent at the end of the case conference, a copy of the finalized IEP should be provided within **10 BUSINESS** days. Parents must provide consent in order for the school to provide services proposed in the IEP. In

the event the parents are not responsive or refuse to provide consent, the special education contact/principal must document all attempts to obtain parental consent for services. Reasonable efforts to obtain parental consent, including certified letter being sent to the parents, explaining the need for consent to being services, as well as their right to refuse services through the Notice, should be made and documented.

When a case conference committee determines the student is not eligible for special education services, the parents should be provided the Notice of Ineligibility. The case conference committee may consider referring the student to the building 504 coordinator for further exploration of alternative interventions, if appropriate.

A copy of all IEPs must be sent to the Joint Services office. Evaluations must be sent to the Joint Services office.

## ELIGIBILITY CATEGORIES

### Autism Spectrum Disorder:

Definition: a lifelong developmental disability that includes autistic disorder as described in the current version of the American Psychiatric Association's Diagnostic Statistical Manual of Mental Disorders (DSM). The disability is generally evident before three years of age and significantly affects verbal, nonverbal, or pragmatic communication and social interaction skills and results in an adverse effect on the student's educational performance.

DSM-5 Autism criteria

**Persistent deficits in social communication and social interaction across contexts, not accounted for by general developmental delays, and manifest by all three of the following:**

1. Deficits in social-emotional reciprocity; ranging from abnormal social approach and failure of normal back and forth conversation through reduced sharing of interests, emotions, and affect and response to total lack of initiation of social interaction.
2. Deficits in nonverbal communicative behaviors used for social interaction; ranging from poorly integrated-verbal and nonverbal communication, through abnormalities in eye contact and body-language, or deficits in understanding and use of nonverbal communications, to total lack of facial expression or gestures
3. Deficits in developing and maintaining relationships, appropriate to developmental level (beyond those with caregivers); ranging from difficulties adjusting behavior to suit different social contexts through difficulties in sharing imaginative play and in making friends to an apparent absence of interest in people

**Restricted, repetitive patterns of behavior, interests, or activities as manifested by at least two of the following**

1. Stereotyped or repetitive speech, motor movement, or use of objects; (such as simple motor stereotypes, echolalia, repetitive use of objects, or idiosyncratic phrases)
2. Excessive adherence to routines, ritualized patterns of verbal or nonverbal behavior, or excessive resistance to change; (such as motoric rituals, insistence of same routine or food, repetitive questioning or extreme distress at small changes)
3. Highly restrictive fixated interests that are abnormal in intensity or focus; (such as strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests)
4. Hyper- or hypo-reactivity to sensory input or unusual interest in sensory aspects of environment; (such as apparent indifference to pain/heat/cold, adverse response to specific sounds or textures, excessive smelling or touching of objects, fascination with lights or spinning objects)

**Symptoms must be present in early childhood (but may not become fully manifest until social demands exceed limited capacities)**

Autism spectrum disorder does not apply if the student's educational performance is adversely affected primarily by 1. An emotional disability, 2. Blindness or low vision, 3. Deaf-blindness, 4. Intellectual disability

### **Blind Low Vision**

Definition: A disability that even with best correction affects the student's ability to use vision for learning, which adversely affects the student's educational performance.

- Includes a reduced ability or a complete inability to utilize the visual system to acquire information; and
- May include or be limited to a reduction in field of vision

### **Intellectual Disability**

**Definition:** is manifested during the developmental period; is characterized by significant limitations in cognitive functioning; is demonstrated through limitations in adaptive behavior; and adversely affects educational performance

**Mild Intellectual Disability:** falls 2 standard deviations below mean (70-55); and manifests delays in adaptive behavior consistent with the mild cognitive disability

**Moderate Intellectual Disability:** falls 3 standard deviations below mean (55-40) and manifests delays in adaptive behavior consistent with the moderate cognitive disability

**Severe Intellectual Disability:** falls 4 or more standard deviation below mean (<40) and manifests delays in adaptive behavior consistent with severe cognitive disability

### **Deaf or Hard of Hearing:**

Definition: referred to as a hearing impairment that means; a disability that with or without amplification adversely affects the student's ability to use hearing for developing language and learning; educational performance; and developmental progress; The hearing loss may be permanent or fluctuating, mild to profound, unilateral or bilateral; students may use spoken language, sign language or combination of spoken language and signed system.

### **Developmental Delay:**

Definition: solely a category for students who are at least three (3) years of age and less than nine (9) years of age. A developmental delay of either 2 standard deviations below the mean (70) in one of the following developmental areas or one and one-half standard deviations below the mean (78) in any of the two following developmental areas: gross or fine motor development; cognitive development; receptive or expressive language development; social or emotional development; self-help or adaptive development;

### **Emotional Disability:**

Definition: an inability to learn or progress that cannot be explained by cognitive, sensory, or health factors. Student exhibits one or more of the following characteristics:

A tendency to develop physical symptoms or fears associated with personal or school problems;

A general pervasive mood of unhappiness or depression;

An inability to build or maintain satisfactory interpersonal relationships;

Inappropriate behaviors or feelings under normal circumstances;

Episodes of psychosis

### **Orthopedic Impairment:**

Definition: a severe physically disabling condition that adversely affects educational performance; may include impairments caused by any of the following: congenital anomaly, diseases such as poliomyelitis or bone tuberculosis, or other causes such as cerebral palsy, amputations, fractures, burns that cause contractures

### **Other Health Impairment:**

Definition: Health problems that result in medications, treatments, therapies, frequent doctor's appointments, and repeated hospitalizations can affect a student's ability to learn and function at school. Health problems may significantly impact academic, behavioral, social, or emotional functioning. A student with such a condition may be considered for special education services under the category of Other Health Impairment (OHI).

### **Guidelines to Use when Determining Eligibility Using the OHI Criteria:**

- A medical diagnosis alone is insufficient to determine eligibility for special education services.
- Teams must establish and document a link between the chronic or acute health problem and its adverse impact on a student's educational performance in order for a student to be determined eligible under OHI criteria.
- Students with medical diagnoses should not automatically be considered as a student with OHI. Teams are advised to focus on the student's presenting problems in conjunction with a full individual evaluation in order to determine eligibility for special education services.
- Students with some medical diagnoses may demonstrate educational needs that may lead teams to consider eligibility in other categories (i.e. cognitive impairment, emotional disability, traumatic brain injury, orthopedic impairment).
- When the health problem is medically managed and the student can successfully participate in school then the student may not need special education services.

### **Other Health Impairment is:**

- An impairment requiring a full and individual evaluation by a multidisciplinary team just like any other disability category.
- A disability due to an identified health problem with symptoms that have a moderate to severe impact on educational performance.
- A health problem that has a direct causal relationship to the student's inability to access the general education curriculum.
- A health problem which may result in excessive absences from school or classroom for specialized treatment, and interferes with the student's ability to maintain satisfactory academic progress in comparison to peers.

### **Symptoms of Other Health Impairment may include but not limited to:**

- A health problem which causes fatigue which interferes with the student's ability to remain on task and sustain effort to complete tasks at a level comparable to peers.
- A chronic and/or acute health problem resulting in a level of pain that causes limited endurance, strength or increased fatigue and distractibility.

- A level of distractibility that interferes with a student's ability to be successful in the general education classroom.
- A level of impulsivity that interferes with a student's ability to focus and complete activity-based classroom projects in comparison to peers.

**Other Health Impairment is Not:**

- A default category if the student does not meet eligibility criteria for impairment.
- Primarily due to behaviors and/or emotional concerns.
- Automatic entitlement for special education services for student with a diagnosed health problem (i.e. ADHD).
- A way to avoid difficult discussions about other appropriate eligibility areas (i.e. labels).
- A lack of progress attributable to motivational concerns not directly linked to the health problem.
- An eligibility category used if the student's academic and/or developmental level is commensurate to peers.
- An eligibility category used with there is no causal link between the lack of educational progress and the identified health problem.
- An eligibility category used when the presenting health problems manifests as significant cognitive, motor or behavioral concerns which may lead the multidisciplinary team to consider other eligibility areas.

**Specific Learning Disability:**

Definition: a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that adversely affect the student's educational performance; manifested itself when the student does not achieve adequately for the student's age or to meet state approved grade level standards in one or more of the following areas:

- Reading; due to difficulties in the basic reading skills, reading fluency, and/or reading comprehension
- Written Expression;
- Math: difficulties in math calculation and/or math problem solving
- Oral expression is characterized by deficits in using expressive language process to mediate the learning of reading, writing, spelling or math
- Listening Comprehension is characterized by difficulties in using receptive language processes to mediate learning of reading, writing, spelling or math

Specific learning disability is neurological in origin and has a continuum of severity

Can be evidenced through either

- Insufficient progress to meet age or state approved grade level standards in one or more areas (reading, math, written expression) when using a process on the student response to scientific, research based intervention
- A pattern of strengths and weaknesses in performance or achievement or both relative to age, state approved grade level standards or intellectual development

Does not include learning problems that are primarily the result of the following

- Visual, hearing or motor disability
- Cognitive Disability
- Emotional Disability

- Cultural Factors
- Environmental or economic disadvantage
- Limited English Proficiency

Lack of appropriate instruction in reading or math as evidence by

- Data demonstrating that the student was provided appropriate instruction in general education setting delivered by qualified personnel
- Data based documentation of repeated assessment of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction which was provided to the student's parents

### **Traumatic Brain Injury:**

Definition: is an acquired injury to the brain caused by an external physical force, resulting in or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. Term applies to open or closed head injuries resulting in impairments in one or more of the following: cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual, and motor abilities, psychosocial behavior, physical functions, information processing and speech.

TBI does not include congenital or degenerative or induced by birth trauma.

## CASE CONFERENCE PROCEDURES

The Case Conference Committee (CCC) is the only group that can make decisions regarding the eligibility and placement in special education for a student with disabilities. This committee, composed of persons representing a variety of perspectives regarding the student's needs, helps to ensure that decisions made for each student are appropriate. The CCC is bound by the rules and regulations governing special education services for students with disabilities. All determinations pertinent to eligibility, needs for special education, and the nature of the student's program must be made within established criteria of federal, state and local policy.

### **A case conference committee must convene in the following circumstances:**

- Within the timeline (50 or 20 days depending on the referral) after an initial evaluation is conducted
- After the student has been reevaluated
- Periodically, but not less than annually, for a student previously determined eligible for education
- Within 10 instructional days of the enrollment date of a student who has been receiving special education in another state or another district within the state
- Within 10 instructional days of a disciplinary change of placement to determine whether the student's behavior is a manifestation of the student's disability
- At least every 60 instructional days when the setting in which the student is receiving educational services is outside the school setting (i.e., alternative setting, homebound).

### **Required Case Conference Committee Participants:**

- Public agency representative/PAR. This person must be able to allocate resources (i.e. funding, services, etc.)
- A teacher licensed in the area of the student's suspected disability and/or speech and language pathologist (Teacher of Record)
- General Education teacher
- School Psychologist and/or Educational Consultant (must be invited to initial case conference to review evaluation results)
- Occupational or Physical Therapist (if student is receiving related services)
- Parents(s)/Guardian(s)
- Student (if of transition age—age 14 and up)

### **Case Conference Committee (CCC) Meetings and Individualized Education programs (IEP):**

The following CCC and IEP procedures describe what happens prior to, at, and after a case conference committee meeting. In many cases, the building principal may be assigned to serve as the PAR, but regardless of who is assigned, the individual must have the authority to commit resources and will be the person who can meet with the parent: (1) to agree to excuse members of the CCC, and (2) will have the authority to resolve the parent's challenge to a proposed IEP. Except as indicated, these procedures apply to all case conference committee meetings, regardless of the meeting's purpose.

## **Before the CCC meeting:**

- **Scheduling the meeting; *Notice of Case Conference*:**
  - The PAR/TOR is responsible for scheduling CCC meetings and sending the *Notice of Case Conference* must:
    - Schedule the meeting at a date and time that is mutually agreeable to the required school participants and the parent.
    - Complete the *Notice of Case Conference*, including documentation of all attempts to arrange the CCC meeting.
    - Send the *Notice of Case Conference* to the parent and to all other individuals who are required to participate within a reasonable time prior to the CCC meeting.
  - If this is an **INITIAL** CCC meeting, the PAR/TOR must also ensure that the parent receives a copy of the required written notice of proposed action (IEP) and *Notice of Case Conference* at least 5 school days prior to the CCC meeting. These should be sent at the same time.
- **Required CCC Participants:**
  - Parent(s)/Legal Guardian(s)
  - Teacher of Record
  - General Education Teacher
  - Public Agency Representative
  - Student, if over 14 years of age
- **Excusing CCC participants:**
  - If one of the required participants of the CCC must be excused from the CCC meeting, the participant must advise the PAR/TOR sufficiently in advance of the CCC meeting to allow the PAR/TOR to obtain the parent's written consent to excuse the participant. This should be an exception.
    - Upon being notified of a required participant's request to be excused from the CC meeting:
    - The PAR/TOR should immediately contact the parent to discuss the participant's request to be excused and determine if the parent agrees with excusing the CCC member(s).
    - If the parent agrees, the PAR/designee should complete a revised *Notice of Case Conference* to include excusals.
    - When the signed revised *Notice of Case Conference* is returned, the PAR/TOR should notify the participant that he/she is excused from all or part of the meeting and, if applicable, that he/she is required to provide written input to all CCC participants prior to the CCC meeting.
    - If parent consent is not given or not received, the CCC member is not excused from the CCC meeting, and the PAR/TOR designee should notify the CCC member accordingly.
      - When any school CCC participant is unexpectedly absent on the day of the CCC meeting, the PAR/TOR should notify the parent as soon as he/she becomes aware of the situation and advise the parent of the following options:

- If available, a substitute for the participant can attend the CCC meeting.
    - With the parent’s agreement, the CCC can convene without the expected participant.
    - The CCC may be rescheduled to a time when the participant is available.
  - If a substitute attends or the parent agrees to meet without the expected participant, the PAR/TOR should document this in the IEP notes and adjust the people listed as being in attendance.
- **Parent attendance/participation in CCC meetings:**
  - If a parent fails to attend the scheduled CCC meeting, the PAR/TOR should attempt to contact the parent to see if the parent can participate by phone at that time or if the meeting should be rescheduled.
  - If a parent fails to attend the subsequently scheduled CCC meeting, the PAR/TOR should attempt to contact the parent by phone to see if the parent can participate by phone at that time. If the parent is available by phone and agrees to participate in this manner, the CCC meeting should occur as scheduled. If the parent is not available or declined to participate by phone, the PAR/TOR should reschedule the CCC meeting. The PAR/TOR must document all attempts to obtain the parent’s participation in the CCC meeting within IIEP/Communication.
  - Absent unusual circumstances, if the parent is absent from and unable to be reached or declines to participate by phone in the second scheduled CCC meeting, the CCC may meet in the parent’s absence and send the parent a copy of the resulting IEP. Along with a copy of the IEP, the PAR/TOR should advise the parent that the CCC may be convened upon the parent’s request and provide appropriate contact information.
  - After the student reaches the age of 18, unless the student’s parent/guardian has been granted guardianship of that student, all rights transfer to the adult student.

**The CCC Meeting and Developing the IEP:**

- a. **Developing the IEP:** The TOR is responsible for ensuring that the IEP contains complete and accurate information for each student. The following agenda provides a general guide for all case conferences to make sure all required components are completed and documented in an IEP.
  - i. **Introductions/Purpose:**
    1. **Introductions:** Introduce participants/address any excusals of required participants.
    2. **Purpose:** Clarify the purpose(s) of the case conference which should already be documented in the *Notice of Case Conference*.
    3. **Procedural Safeguards:** Required at: annual case conference, change of placement due to behavior, and initial evaluations.
  - ii. **Existing Data:**
    1. **Strengths:** Describe the strengths of the student.
    2. **Concerns of Parents:** Document all parental concerns.
    3. **Response to Interventions:**

- a. Describe the interventions offered prior to referral for special education
    - b. Describe student’s response to interventions
  - 4. **Progress Monitoring Date:** Enter progress monitoring data or current IEP goals
  - 5. **Present Levels Of Performance:**
    - a. Describe the student’s present levels of performance in all required areas: Cognitive, Academic, Fine/Gross Motor, Adaptive Behavior/Vocational/Leisure, Communication/Language Skills, Social & Emotional Behavior, Medical Description of how the suspected disability affects the student, Description of observable behaviors affecting school performance.
    - b. Review any new evaluations since the last case conference.
  - 6. **Reevaluation:** Consider the need for a reevaluation—this should be done at each annual case conference.
  - 7. **Concerns of the Parent:**
    - a. Discuss any issues or concerns parent(s) would like to address.
- iii. **Eligibility:** Determine eligibility if new evaluation information was presented. Refer to current eligibility status.
  - 1. Primary Disability
  - 2. Reasons for Eligibility Determination and rejected areas.
- iv. **Special Considerations & Behavioral Concerns**
- v. **LEP:** Discuss language needs related to limited English Proficiency
- vi. **Behavioral Concerns:**
  - 1. If no behaviors impede learning, no further action is needed.
  - 2. If there are behaviors which impede learning, an FBA and BIP must be completed.
  - 3. If current behaviors exist and a BIP is present, update/revise.
- vii. **Transition Services:**

When a student turns 14, or during the year the student will turn 14, the IEP becomes the Transition IEP. The intent of the Transition IEP is to ultimately prepare the student for their post-secondary goals. Transition IEPs are aligned to the DOE Compliance Indicator 13.

#### **Indiana Transition Requirements Checklist:**

1. Evidence that the student was invited to the IEP Team meeting where transition services were discussed.
  - a. At this time, the student **MUST** be invited to the ACR (e.g. student’s name must be on the Notice of Case Conference). Indiana IEP (IIEP) automatically does this. Student must participate in case conference unless the parent chooses for the student to not attend, the notes should:
    - i. Reflect the reason the student was not in attendance
    - ii. Indicate the student’s interests were taken into consideration (i.e. in the transition assessment, in a conversation).
2. Measurable goals in the area of (Education/Training; Employment; Independent Living, if applicable).

- a. **Every** student with a Transition IEP (even speech only) **must** have post-secondary goals in the following areas: Education/Training, vocational (employment), and, when necessary, Independent Living Skills (this is the only one that is optional). When determining if an Independent Living Goal is needed, it is in comparison to typical peers.

Post-Secondary Goals must be written so that they are measurable and occur after the student graduates/transitions from high school.

- Measurable words: Obtain, Get, Live, Attend, Enroll
- Non-measurable words: Seek, Hopes to find, Wants to, May get

(e.g. *regarding education and training after high school, I will: attend Ball State University with a major in the area of architecture.*)

Post-secondary goals must align with the information available for the student within the IEP (e.g. present levels, transition assessment, etc.)

The annual goals **MUST** support the Post-Secondary Goals. If the student wants to go to college, there should be goals related to preparing for college (e.g. academic skills, organization skills). If a student in a Life Skills program wants to live in an apartment or house with roommates, there should be goals addressing independent living skill development.

Some teachers have expressed concern over writing a goal that will occur after the student exits the school setting. IDEA does not hold schools accountable for the attainment of post-secondary goals, but the school is accountable for making sure the student's education program supports the post-secondary goals.

- In other words, the school is responsible for making sure The Transition IEP has annual goals that support the stated post-secondary goals.
- As annual goals are entered into the IEP program, a section will address which post-secondary goals are supported by the goal.

3. Evidence that the measurable post-secondary goals were based on an age-appropriate transition assessment.

Transition Assessment(s) help determine the Post-Secondary Goals. The post-secondary goals DRIVE the Transition IEP and help determine the annual goals. Transition Assessment(s) must be used to address the areas of education, employment/training, and Independent Living (if applicable). Parent rating forms should be utilized if a student cannot make strong decisions for post-secondary.

- The law requires that you have transition assessment at least 1 annually addressing Education/Training; Employment; Independent Living, if applicable, and input from the student, so you must have this form or some other form of transition assessment from the student.

If transition assessment(s) shows a deficit in an area relating to the attainment of post-secondary goals, an annual goal should be present to work on those deficits.

- For example, if the transition assessment shows that the student has little knowledge of study skills, but the student wants to go to college, there should be an annual goal addressing study skills
- Likewise, if a transition assessment shows that the student has little knowledge of money skills, but the student wants to live semi-independently, there should be an annual goal addressing money skills.

Transition Assessment(s) must occur each year and address each post-secondary area. The assessment should tie back to the future transition assessments discussed in the prior year's summary. Key information to remember about transition assessments:

- Education—Employment—Independent Living (if necessary)
- The name and date of the assessment(s) should be included.
- The findings/results of the assessment must be **summarized**.
- This information should build from year to year and should help determine the student' strengths, preferences, interests, and needs to support each post-secondary goal.
- Independent living skills need to be addressed in summary when there is a need for a post-secondary goal, or if there is not a need for a post-secondary goal evidence must be cited.
- The same assessment should not be used each year.

4. Post-secondary goal(s) updated annually.

- IIEP provides a drop-down option, on the Transition tab, to ensure the case conference committee reviewed and discussed the post-secondary goals.

5. Documentation regarding whether the student will pursue a high school diploma or certificate of completion.

- IIEP provides a drop down option, on the State Assessments and Other Participants, to reflect the graduation option being pursued.

6. Measurable annual Transition IEP goal(s) that will reasonably enable the student to meet the post-secondary goal(s).

- For each of the post-secondary goal areas, there must be a measurable annual goal that will help the student make progress towards the stated post-secondary goal. If an Independent Living post-secondary goal was noted as N/A, DO NOT check that an annual goal supports Independent Living.

7. Transition services in the Transition IEP focus on improving the academic and functional achievement of the student to facilitate their movement from school to post-school.

8. For transition services that are likely to be provided or paid for by other agencies with parent or student (once the age of majority is reached) consent, evidence that representatives of the agency(ies) were invited to the Transition IEP meeting must be added.

When Transition is selected as a meeting purpose of this case conference, the program will prompt if a Transition Service Agency Representative is requested to attend (e.g. Would you like to request that a Transition Service Agency Representative attend?). When you are not inviting this person, select “No” and include a statement in the notes the reason a representative is not needed (e.g. age) and the need for a representative to attend will be revisited each year. However, if the student is of age to invite an outside agency to the case conference, select “Yes” and complete the Notice of Case Conference. The Notice will include the Consent to Disclose Personally Identifiable Information for parents to sign.

The Transition Service Agency Representative is a person from an outside adult agency that may be able to help the student transition into the adult world. The representative could be from Vocational Rehabilitation, Bureau of Developmental Disabilities, Case Manager—if the student has waiver services, Behavior Specialist, College Representative, or any person from an outside agency that may provide services to the student upon exit.

Under the “Provisions” tab in IIEP, you will also be asked to document the written information that was presented to the parent and student regarding available adult services provided through state and local agencies and other organizations to facilitate student movement from the public agency to adult life. If this is the Initial Transition IEP, provide the parent/student the Transition Planning Information along with any other information on VR, guardianship, colleges, adult services providers, etc. and document exactly what was given. Encourage the student and family to keep the information for future reference. If this is any conference after the initial Transition IEP meeting you can record the date that this information was given at the initial Transition IEP meeting (at age 14).

9. Transition services include a course of study that focuses on improving the academic and functional achievement of the student to facilitate their movement from school to post-school.

10. Transition IEP must meet the requirements of Indicator 13.

**a. State Assessments & Other Participation:**

- i. Anticipated Date of Graduation:** Indicate anticipated date of exit from high school or extended secondary services.
- ii. Graduation Option:** Indicate whether or not the student is diploma bound.
- iii. State Assessments:**
  1. Indicate how the student will participate in the state assessment.
  2. Select appropriate accommodations from the list of approved accommodations.
- iv. Other Assessments:** Indicate which assessments the student will participate (i.e. district wide assessments.)

**b. Goals:**

- i. Title:** List a clear title of the goal

- ii. **Present Level:** Discuss present levels of each goal explicitly with supporting data to identify skill deficit
- iii. **SDI:** Instructional techniques or strategies the student is provided to make progress academically or functionally
- iv. **Set Goal(s):** Write measurable goals for each area of need identified
- v. **Determine progress monitoring design:** Descriptive, Single Point, Single Rubric, or Collection of Indicators
- vi. **Identify the standard(s) to which the goal(s) will align.**
- vii. **Objectives/Benchmarks:** are only required for students participating in I AM in lieu of I LEARN.
- viii. **Progress Monitoring Assessment:** collected data
- ix. **Subject Area:** area of deficit
- x. **Metric:** data that is collected
- xi. **Provisions:**
  - 1. **Transition Services:** If applicable, indicate transition services to align with post-secondary goals.
  - 2. **Special Education Services:** Indicate special education services that will be provided to address all goals.
  - 3. **Related Services:** Indicate related services needed for the student, if applicable
  - 4. **Additional Accommodations:** Select additional accommodations, if applicable
  - 5. **Transportation:**
    - a. Complete special transportation section, if applicable
- xii. **Accessible Materials:** Indicate special education services that will be provided to address all goals.
- xiii. **Assistive Technology:** Determine if there are any assistive technology needs.
- xiv. **ESY:** Determine the need for Extended School Year and document in the narrative box the CC discussion.
- xv. **Aids/Supports:**
  - 1. List supports necessary for the school personnel to have the knowledge/skills necessary to implement the IEP.
  - 2. List modifications needed to enable the student advance appropriately toward attaining annual goals.
- xvi. **Progress Monitoring Timeline:** Indicate timelines for reporting student progress, typically per grading period.
- xvii. **Rationale:** Describe the rationale for providing the indicated services and supports and the reason for rejecting other options.
- xviii. **Placement:** Based on the provision of services selected in the Provisions tab:
  - 1. **List Courses of Study:** focused on improving academic and functional achievement of the student in order to support the attainment of post-secondary goals.
  - 2. **Determine the LRE Placement** based on services.
    - a. Additional descriptors
    - b. Document the considerations given to potential benefits and harmful effects.

- c. Address opportunities to participate with student's without disabilities.
  - d. The committee members must write justification if the student will not be attending his/her home school, and/or why the student will not be participating in the general education curriculum.
- 3. **Summarize the discussion** of consideration of harmful effects of suggested services.
- 4. **General Considerations:**
  - a. Determine if student will be able to participate in all educational and non-educational programs that are made available to nondisabled students. If "no", must provide a detailed reason why student cannot participate
  - b. Determine if a student will participate in the general physical education program that is available to nondisabled students. If "no", must provide a detailed reason why the student cannot participate.
  - c. Determine if student will be educated in the school he/she would attend if not disabled. If "no", must provide a detailed reason why student cannot participate.
  - d. Indicate if the length of the instructional day will be the same as the instructional day for nondisabled peers. If "no", must provide a detailed reason why student's day is not the same.
- 5. **Program Information:**
  - a. Indicate School of Legal Settlement.
  - b. Indicate School of Services
- 6. **Summary of Performance:** Required when a student is to exit high school.
- 7. **Notes:** Make sure notes are dated and clearly written.
- 8. **Conclusion/Finalize:**
  - a. **Participants:** Verify that all participants are listed accurately by name and position.
  - b. **Offer of FAPE:** Determine if the parent rejects the offer of FAPE and intends to unilaterally enroll child in a non-public school.
- 9. **Provide parent with a copy of the finalized IEP and the appropriate notice:**
  - a. **Notice of Initial Proposed IEP** (Consent is required for initiation of services when the CCC determines the student is eligible).
  - b. **Notice of Ineligibility**
  - c. **Notice of Implementation** (Consent is encouraged for all IEPs, but is not required unless implementing sooner than 10 school days).

- d. *Rejection of Services in a Public School*** is required if parent rejected the offer of FAPE and unilaterally enrolling their child in a non-public school.

**\*\*REMINDER:** The school has 10 BUSINESS days to finalize the IEP. The IEP should stand ready to implement services on the day of the case conference so be sure to adjust service initiation and duration dates to match the dates of the effective IEP. For example: all ACRs will have service dates beginning on the date or the day after the CC and go for one year. An IEP review will have services begin on the date of the review cc and end at the next ACR date.

**After the CCC Meeting:**

- c. If student will be exiting services, complete the [Change of Enrollment](#) form and send to Joint Services.**

**d. Proposed IEP and parental consent:**

**i. Initial IEP (parent consent required):**

**1. At the conclusion of the initial CCC meeting:**

- a.** If the CCC determines the student is not eligible for special education and related services, the PAR/TOR should print the *Notice of Ineligibility*. Provide a copy of the *Notice of Ineligibility* to the parent. Send a copy to Joint Services.

- b.** If the CCC determines the student is eligible and develops an IEP, the PAR/TOR should obtain the parent's written consent for services on the *Notice of Initial Proposed IEP*.

**i.** If the parent is ready to provide written consent at the conclusion of the initial CCC meeting, the PAR/TOR will obtain signature and provide the parent with a copy of the IEP and the signed *Notice of Initial Proposed IEP* (consent).

**ii.** If the parent is not ready to provide written consent at the conclusion of the initial CCC meeting, the PAR/TOR should provide the parent with a copy of the IEP and *Notice of Initial Proposed IEP* at that time or mail it to the parent after the CCC meeting. If the PAR/TOR mailed the IEP to the parent, he/she must ensure that the parent received the proposed IEP and *Notice of Initial Proposed IEP* no later than 10 business days after the CCC meeting and document the date they were mailed.

- 1.** The PAR/TOR should make reasonable efforts (telephone calls, emails, letters, home visit, etc.) to obtain parent consent for the initial IEP and document all attempts made
- 2.** Once the PAR/TOR received the signed *Notice of initial Proposed IEP* (consent), the PAR/TOR will upload the signed *Notice of Initial Proposed*

IEP (consent) to the online IEP system and notify the TOR.

**3.** Send signed IEP to Joint Services.

**ii. All other IEPs** (parental consent is encouraged, but only required if implementing sooner than 10 school days):

- 1.** When the IEP is finalized, the PAR/TOR should ask for the parent's consent to the proposed IEP.
- 2.** If the parent is willing to sign, the PAR/TOR will obtain the parent's signature on the *Notice of Implementation*. The IEP will be implemented immediately.
- 3.** If the parent is not ready to sign the *Notice of Implementation*, the PAR/TOR should provide the parent with a copy of the IEP and *Notice of Implementation*. If these are not provided at the conclusion of the CCC meeting, the PAR/TOR must ensure that they are mailed or otherwise provided to the parent so that the parent receives them within 10 business days of the CCC meeting and document the date they are mailed.
  - a.** The parent has 10 school days after receiving the IEP and *Notice of Implementation* to challenge the proposed IEP.
  - b.** The IEP cannot be implemented until either:
    - i.** Parent provides consent by returning the signed *Notice of Implementation* or
    - ii.** 10 school days have passed.
- 4.** When the signed notice of Implementation is received, the PAR/TOR will fax/upload the signed *Notice of Implementation* to the online IEP system and notify the TOR.
- 5.** The TOR is responsible for knowing when the IEP is to be implemented and for ensuring that the IEP is implemented as written.
- 6.** Send copy of the final IEP to Joint Services.

**e. If a parent disagrees with the proposed IEP:**

- i.** If the parent requests a meeting, the PAR/TOR should immediately contact the parent to schedule a meeting for a mutually agreeable date and time as quickly as possible and document all efforts to schedule the meeting. Once the arrangements for the meeting have been made, the PAR/TOR should send the parent written confirmation of the meeting. The PAR/TOR should include the TOR or other staff in the meeting with the parent as determined necessary.
- ii.** The PAR/TOR should also immediately notify the TOR of the "stay put" with the current IEP. The TOR should notify all affected staff that they should continue to implement the current IEP until notified otherwise.
- iii.** At the meeting with the parent, the PAR/TOR should document the discussion and any decisions that are made.
  - 1.** If the disagreement is resolved through a revision to the IEP, the PAR/TOR should:
    - a.** Make the necessary revisions to the IEP

- b. Obtain parent’s signature on the *Notice of Implementation* and upload the consent to the online IEP system.
  - c. Provide the parent with a copy of the signed *Notice of Implementation* and revised IEP. If these are not provided at the conclusion of the CCC meeting, the PAR/TOR must ensure that they are mailed or otherwise provided to the parent so that the parent receives them within 10 business days of the CCC meeting and document the date they were sent.
  - d. The IEP will be implemented immediately.
  - e. Immediately inform the TOR of the changes. The TOR must inform the other CCC members and the affected staff of the changes made and ensure that the IEP is implemented as written.
2. If the disagreement is not resolved at the meeting, the PAR/TOR will:
- a. Document the discussion.
  - b. Provide the parent with a copy of the documentation.
  - c. The school must continue to implement the current IEP and determine the steps it will take to try to resolve the disagreement, such as reconvening the CC meeting (including a facilitated CCC meeting), contact the Director of Joint Services about requesting mediation or a due process hearing.
  - d. Indicate in the Notes section that parent disagrees and previous IEP is in “stay put”.

### **Tips for a Successful Case Conference**

**Reminder:** An IEP is a legal document that can be held up in a court of law.

#### Agenda

- Welcome
- Purpose—(Initial/Annual Case Review(ACR)/Other)
- Introductions—(Case Conference Participants)
- Roles—(Role and Responsibilities of Staff)
- Outcomes
- Parent Rights
- Decision-Making Method—Team approach has to be child-centered
- Ground Rules—
  - Follow the agenda
  - One person speaks at a time in order to communicate and listen effectively
  - Share your views willingly—stick to the FACTS
  - Ask and welcome questions for clarification
  - Be open to the ideas of others
  - Honor time limits and stay on task

## Convening a Case Conference on an E-Learning Day

Local corporations should be prepared to follow through with scheduled case conferences in the event of unplanned or planned school closures that result in an e-learning day (an instructional day).

Each corporation develops a procedure for convening conferences on e-learning days. A local staff person should be identified to share the e-learning process with all those involved in the case conference.

TOR provides draft of proposed IEP and all evaluations to parent/guardian

TOR contacts parent with reminder about the local case conference procedures

Providing parents with an explanation of the case conference procedures for e-learning days early in the school year is advisable.

## Continuous Learning Plan

A Continuous Learning Statement must be added or reviewed for each student during the ACRs and other conferences. This plan should be developed to be implemented for school closures both planned and unplanned. This would include inclement weather. It is impossible to anticipate every potential scenario, be mindful about what can realistically be done by school staff members, both for short term closures and for longer situations.

The CCC needs to discuss the student's *individual* needs and the student's name needs to be included in the Continuous Learning portion of the IEP. You may have some students who will need more information added based upon his or her individual needs and you should proceed as necessary. The last portion of the sample below needs to be individualized for the student. This information should be documented in the IEP in the "Additional descriptors information" sections on the LRE Tab with the date of the addition. This information will need to be reviewed and updated annually.

The IDOE "Continuous Learning and Accommodations" document is provided in the appendix. These are examples of how the highlighted portions below could be individualized. Some examples are for students who do not have internet access, some are more focused on behavioral supports, some are more focused on behavioral supports, some are for students who reading challenges, etc. These are **only a few examples for consideration and review: be sure that the committee discusses the individual and specific needs for each student.**

## Sample Continuous Learning Statement

**Date:** **Name of School Corporation** is participating in Continuous Learning which may be utilized on a day when school is cancelled (as a planned day or as a makeup day when a day of school is missed). This may be short term due to inclement weather or long term due to a natural disaster, crisis, or pandemic. In these instances, student work may be accommodated to meet IEP goals. Specialized instruction based on IEP goals may be provided to **student name** through the following: online materials, paper and pencil assignments, videoconference, telephonic instruction, etc. all in consideration of the circumstances at the time. The IEP accommodations will continue to be provided as well. Services may not be minute for minute based on the change in setting.

Communication of continuous learning instruction and materials may include any of the following, but not limited to: websites, other virtual means, telephone, email, text, packets or other means. Families who do not have internet access at home or nearby can be provided home learning materials.

Accommodations will be implemented through collaboration between school staff and parent/caregiver.

### **EXAMPLES ONLY: BE SURE TO INDIVIDUALIZE** ([See IDOE guidance for information](#))

For **student name**, the following is noted:

- **Presentation:** List here **how students receive information**

Examples: read aloud, captioning, clarify directions, chunking instruction, assignments, manipulative, visual supports, copy of notes, large print/contrast, interpreter, Braille, graphic organizer, AAC, behavioral supports

- **Response:** List here **how students show what they know**

Examples: scribe, AAC, calculator, math charts/tables, extra time, additional breaks, software/apps, visuals

- **Setting:** List here **how the environment is made accessible for instruction and assessment**

Examples: positioning, seating, group size, behavioral supports, movement breaks, visual schedule

- **Scheduling:** List here **how time demands and schedules may be adjusted**

Examples: behavioral supports, group size, visual supports, additional breaks, movement break

## RELATED SERVICES

Related Services are for children ages 3-21 years and are defined as developmental, corrective, or other supportive service that is provided to help a student benefit from special education programming. Related services include services such as occupational therapy, physical therapy, behavioral consultation, and special transportation. **Before a student can receive related services, a student must first be eligible for special education and must also demonstrate a significant deficit in skills that would in turn affect their school performance.** Common related services include (see Article 7 for an exhaustive list of related services):

- **Assistive Technology:** is any item or piece of equipment acquired to increase, maintain, or improve the functional capabilities of a child with a disability. Such devices can be as simple as pencil grips and magnifiers, or as complex as voice output devices and computer access software.
- **Occupational/Physical Therapy:** These services support the development of educationally relevant skills in the areas of fine and gross motor, self-care, and mobility. The OT/PTs use an integrated service model that may include direct, indirect, consultation, technical assistance, or observation depending on the student's needs. *REMINDER: Before a student can receive PT, the student is required to have a Physician's Order for Physical Therapy.*
- **School Counseling:** This related service emphasizes the development of social, behavioral, and/or learning skills to enable the student to benefit from instruction.
- **Special transportation:** This service is available to students with disabilities who are placed the CCC outside of their neighborhood school and/or to students whose disability prevents them from using regular transportation.

### OT/PT Procedures and Referrals

Occupational and Physical Therapy are considered related services under Article 7. A student must be eligible under an area of disability in order to qualify for a related service. A referral for an OT or PT evaluation can be initiated at the First Steps transition meeting, or by parents, school, physician, Head Start, or the case conference committee once the student is determined in need of special education services under an area of eligibility. A referral for an OT or PT evaluation is generated through completion of a NOREE. It is recommended to consult with the therapist assigned to the building before making the referral to ensure the correct information is included. Please note some areas of eligibility, such as Autism Spectrum Disorder, requires an assessment of motor skills and sensory responses.

### **Flow Chart for OT/PT Referral—Case Conference**

1. Concern for OT/PT expressed in case conference
2. School completes NOREE and send to Joint Services
3. Referral will be processed and sent to the OT and/or PT.

### **Flow Chart for OT/PT Referral—Initial Evaluation Request**

1. Request for initial evaluation
  - a. NOREE is completed and sent to Joint Services
2. If PT/OT assessments are noted on the NOREE, it is sent to the assigned OT and/or PT

### **OT/PT Only—Re-evaluation**

1. Request for OT/PT as re-evaluation (student already eligible for services)
2. School completes NOREE and sends to Joint Services
3. Joint Services office will scan and email to the receiving OT and/or PT
4. OT/PT contacts school re: request for re-evaluation.

### **Guidance on Requests Regarding ABA, ABA Centers, ABA Therapists**

If a school is presented with a request from a parent for their child to be released from school for either part of a day, a full day, or several days per week to go to an ABA (Applied Behavior Analysis) Center, it should first be approached as a request consistent with how the school would approach a request from a parent to have their child released from school for any other medical matter. This is a local process. An ABA Center is not a school.

For a student with an IEP, when a parent requests release from school for ABA services, a case conference should convene. The case conference committee should review the current IEP to determine goals and services are appropriate to meet the child's needs and FAPE. Parent concerns should be discussed. It should be explained clearly that absences either excused or unexcused, reduce the ability of the school to meet the targets, accommodations, supports, and outcomes identified in the IEP and could impede the student's growth to varying degrees (depending on the frequency, duration, and schedule of the absences) given the fact that the school will have less time to be able to provide direct instructions and instructional support for the student. It should also be noted that the frequency of the provision of related services and speech may be compromised. Additionally, the parent should be informed that the school does not provide transportation to or from a Center at any point in the day. Notes should reflect all conversations.

## Guidelines for Working with Non-School Service Providers

Due to the intensity of the disability of some students within special education, some families arrange services beyond the school day to assist them with meeting their children's needs within the home and community. The following are Guidelines to assist school personnel in facilitating communication between these service providers.

1. A parent/guardian signs the Release of Information form. This is required before school personnel can contact or communicate with non-school service providers. This must be updated annually.
2. The teacher of record or therapist should communicate with non-school service providers. Teachers of service may also need to provide input depending upon the student's services. Paraprofessionals should not be asked to communicate directly with the non-school service providers. They can provide information with the student's teacher.
3. With a parental signed consent, verbal consultation is allowed between school personnel and non-school service providers. Each interaction should be documented.
4. Consistency between home/community and school is important. However, strategies and educational practices within the school setting are to be directed by the appropriate school personnel. Requests to alter the student's current practices can be taken under advisement by school personnel. A CCC should be convened for any additional needs and services during the instructional day.
5. Home/community services are best provided in these natural environments and not in the school setting. The generalization of skills learned at school or at home needs coordination and communication.
6. Changes in school services are to be made only by a case conference committee through an IEP review.
7. Any request for information for assessments should be given to certified school personnel in the area of question, i.e. language ratings to speech/language pathologist, motor ratings to occupational or physical therapist, etc.
8. Non-school providers are welcome to annual case reviews or other appropriate case conference committees, when invited by parent.
9. At no time should services of a non-school agency or service provider be included in a student's IEP.

## DISCIPLINE AND STUDENTS WITH DISABILITIES

**General Rule:** A school does not have to provide services to a student who is eligible for special education during the first 10 days of removal.

### What is a Removal?

- Removal for any part of a day constitutes a day of removal.
- A suspension is a removal
- Suspension from bus is a removal if transportation is part of IEP, unless school arranges alternate transportation.
- A removal is a suspension.

### What is Not a Removal?

- A short-term removal pursuant to IEP is not a removal.
- An in-school suspension is not a removal if the student has the opportunity to:
  - Progress appropriately in the general curriculum;
  - Receive special education services specified in the IEP; and
  - Participates with non-disabled students to the extent the student would have in the student's current placement.

It is recommended the CCC convene after violations to address student needs.

During the Case Conference:

- Review current data, present levels, and current IEP
- Revise IEP/BIP to address areas of concern that resulted in the need for suspension (i.e. environment, placement, goals, supports, etc.)

As part of the discussion, the team must determine if:

- The information gathered is sufficient information to make revisions to IEP/BIP
- Further information is needed in order to make revisions to IEP/BIP
- There is a need for changes in the student's current special education program.

The IEP team discusses the following questions:

A.) Are the IEP and placement, supplementary aids and services appropriate to meet student's needs?

This is based on the current IEP. As the discussion progresses, it may be decided that one or the other or both needs to be changed.

B.) Are the IEP services and behavioral intervention strategies described on the IEP consistently applied?

### **Removals Exceed 10 Cumulative Days But No Pattern (No Change of Placement)**

- School personnel, in consultation with at least one of the student's teachers, determine which services will enable the student to:
  - Continue to participate in the general education curriculum, although in another setting; and
  - Progress toward meeting the goals in the student's IEP
- Parent can challenge the school's decision regarding whether there is a pattern/disciplinary change of placement via mediation and/or due process.
- If a parent requests a due process hearing, the hearing is expedited. Hearing officer may return student to current placement if removal violates Article VII.

### **Removals That Constitute a Change of Placement**

- Removals constitute a change of placement when:
  - Greater than 10 consecutive days; or
  - Greater than 10 cumulative days when there is a pattern.
- On day of decision, school must notify the parent and provide with Notice of Procedural Safeguards. If unable to notify parent on the day of decision, school must mail to parent notice of decision and Notice of Procedural Safeguards.
- School must convene CCC within 10 instructional days to conduct manifestation determination.

### **Interim Alternative Educational Setting**

- The principal/designee may place a student in an interim alternative educational setting for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability for weapon, drug offenses, or for inflicting serious bodily injury.
- The principal/designee must immediately notify the parent of the disciplinary change of placement and provide the parent with a copy of the Notice of Procedural Safeguards.
- If the decision is made to place a student in an alternative education setting, the CCC must determine the services the student will need to continue to participate in the general education curriculum, progress toward meeting IEP goals, and as appropriate, receive behavioral interventions, services, and modifications to prevent the behavior/misconduct from recurring.

### **Manifestation Determination**

Manifestation Determination is a process to determine if a student's behavior problem **was or was not** a manifestation of the student's disability. A Manifestation Determination is completed as part of an IEP team meeting.

- The school must convene the CCC to conduct a manifestation determination within 10 instructional days of the date that:
  - The student is suspended for more than 10 consecutive school days,
  - Expulsion is being considered.
- The CCC conducts the manifestation determination by:

- Reviewing all relevant information in the student’s file, including the IEP, TIEP, BIP, if applicable, teacher observations, the most recent psychological evaluation, and any relevant information provided by the parent and
- Answering two key questions to determine if the student’s behavior/misconduct is a manifestation of the student’s disability.
  - Was the conduct in question the direct result of the school’s failure to implement the student’s IEP?
  - Was the conduct in question caused by, or did have a direct and substantial relationship to the student’s disability?

### **Agenda for Manifestation Determination Conference for Pending Expulsion**

- 1. Introductions**
- 2. Purpose of Conference**
- 3. Review Alleged Misconduct**
- 4. Review of Special Education Records;**
  - a. Most Recent Psychological Evaluation
  - b. Information from Teachers
  - c. Relevant Information Provided by the Parent/Guardian
  - d. Review of Student’s Individual Education Plan (IEP), including:
    - i. Individual Transition Plan (ITP), if applicable
    - ii. Behavioral Intervention Plan (BIP), if applicable
- 5. Determining Relationship:**
  - a. Was the conduct in question the direct result of the school’s failure to implement the student’s IEP?
  - b. Was the conduct in question caused by, or did it have a direct and substantial relationship to, the student’s disability?
- 6. If there is a “manifestation,” the expulsion cannot proceed. Case Conference Committee must plan the educational and behavioral services the student will receive and ensure that an appropriate IEP and BIP are developed and implemented immediately.**

**If NO manifestation relationship exists, disciplinary consequences can be applied as would be for a student without a disability, but educational services cannot cease. Case Conference Committee will plan the duration, location, and specific educational and behavioral services the student will receive.**

## Functional Behavior Assessment

Article 7 defines Functional Behavior Assessment (FBA) as a process that uses data to identify patterns in the student's behavior and the purpose or function of the behavior for the student. In addition, Article 7 specifies that a Functional Behavioral Assessment must be completed:

1. When the behavior of a student in special education is interfering with learning of self or others
2. When the student is being considered for eligibility for special education due to behavior or emotional concerns
3. To develop a Behavior Intervention Plan (BIP)
4. When a student is suspended for ten or more days (it is recommended to convene after suspensions to address the behaviors and violations).
5. When a student is placed in an interim alternative educational setting
6. When a student is recommended for expulsion
7. When the school initiates a removal that constitutes a change of placement

As a result of these guidelines, it is important to recognize the range of behaviors can be addressed through the process including, but not limited to, failure to complete homework assignments, tardiness, refusal to comply with staff directive, and hitting other students. The FBA is a process to help support the student. In order to be effective, the TOR needs to take into consideration the following points:

- Look through a new lens when completing the assessment
- Know the student's story
- Remove own emotions from situation
- Look for cultural factors systematic racism influencing behavior concerns

A Functional Behavioral Assessment is the organized collection and analysis of information about a student's behavior in order to:

- Clearly define and describe the problem behaviors;
- Understand the conditions under which the problem behaviors occur;
- Determine why the problem behavior occurs; and
- Understand what individual factors, such as lack of personal or academic skills, impact the occurrence of the problem behaviors.

Since an FBA is considered an evaluation when new data is acquired as part of the process, parental consent must be attained prior to the FBA being completed. When under evaluation, either initial or reevaluation, to determine an area of suspected disability; the FBA may be a required part of the assessment to determine eligibility. In this case, no additional steps are needed to gain parental consent for an FBA. However, if a student already identified under an area of disability requires an FBA to be completed, the IIEP system will be utilized to process the notice of reevaluation as outlined by the following procedures:

- Complete a NOREE and send to Joint Services

- The School psychologist and educational consultant will be notified.

When the parent returns the signed consent, the school should immediately:

- Send the consent to Joint Services for processing.

**REMINDER:**

Parental consent for an FBA must be attained for the initial FBA as well as any time a new behavior is being assessed to develop a behavior intervention plan. If a student has an FBA/BIP in place, but no new behaviors have developed, the data within the FBA should be updated at the ACR and any subsequent case conference to reflect present levels and behavioral data showing progress in the areas of concern. This update can occur without the need to attain parental consent. The FBA/BIP should be reviewed and address potential cultural differences that contribute to perceived behavior difficulties.

**Behavioral Intervention Plan**

A behavioral Intervention Plan (BIP) is developed by the CCC and describes what modification, positive intervention strategies, and skill instruction will be used in an effort to change the student's behavior. The BIP is developed from the information gathered in the FBA.

The CCC must meet within 10 business days of the decision to request an expulsion, placement in an interim alternative educational setting, or the 11<sup>th</sup> cumulative day of suspension in order to:

- Develop a plan for a functional assessment of the student's behavior if not FBA has been conducted or if the student does not have a BIP; or
- Review and revise an existing BIP.

## JOINT SERVICES FORMS AND RESOURCES

[NOTICE OF REQUEST FOR AN EDUCATIONAL EVALUATION](#)

[CHANGE OF ENROLLMENT FORM](#)

[NEW STUDENT MOVE IN FORM](#)

[EDUCATION EVALUATION CHECKLIST](#)

[PHYSICIAN'S ORDERS FOR PHYSICAL THERAPY](#)

[RELEASE OF INFORMATION](#)

[NOTICE OF PROCEDURAL SAFEGUARDS](#)

[JOINT SERVICES FREQUENTLY ASKED QUESTIONS](#)