

Fowler Elementary School District #45



EXCEPTIONAL STUDENT SERVICES DEPARTMENT

Introduction

Welcome to the Fowler Elementary School District! The Exceptional Student Services department is dedicated to both its team of professionals and the students we serve. This handbook was created to be of use as a reference and guide in following policies and procedures related to Exceptional Student Services. There are sections of this manual that also give an overview of teacher responsibilities. More detailed information can be found on the Arizona Department of Education web site (<http://www.azed.gov/>). For further questions, please do not hesitate to contact our Exceptional Student Services Department.

Our Mission

The mission of the Fowler Elementary School District, Exceptional Student Services department is to inspire hope and empower all students to courageously pursue their goals and dreams.

Special education services for all disabled children

It is our goal to provide services to every disabled, school-aged child in our community. If you are aware of a student who resides in the district and meets one or more of the following disabling conditions, please contact our district office: Autism, Developmental Delay, Emotional Disorder, Hearing Impairment, Mild Intellectual Disability (MIID), Moderate Intellectual Disability (MOID), Severe Intellectual Disability (SID), Multiple Disabilities, Multiple Disabilities with Severe Sensory Impairment, Orthopedic Impairment, Other Health Impairment, Preschool Severe Delay, Specific Learning Disability, Speech and Language Impairment, Traumatic Brain Injury, or Visual Impairment.

Free Appropriate Public Education (FAPE)

A free appropriate public education (FAPE) is available to ALL children within the boundaries of the school district. The school district is required to provide FAPE to all students with disabilities ages 3 to 21, including children with disabilities who have been suspended or expelled from school. For school-aged children, the Fowler Elementary School District will make FAPE available to any child (5-21) who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.

Based on the provisions of FAPE, the Fowler Elementary School District will make the following services available:

- A free, appropriate public education.
- A fair, accurate, and unbiased evaluation to assist in deciding special education and related services.
- An individualized educational program (IEP) based on each student's individual capabilities and needs.
- Appropriate education in the most typical setting, in which each student can make educational progress.

- A range of placement options, from the least restrictive to the most restrictive.
- The same array of academic, nonacademic, and extracurricular activity services that are available to students without disabilities; such as athletics, art, music, industrial arts, consumer and homemaking education and vocational education, and special interest groups or clubs sponsored by the school district.

Additionally, the Fowler Elementary School District will complete the following to ensure FAPE for preschool-aged students, (3-5):

- o Make FAPE available no later than the child's third birthday;
 - Ensure that an IEP is in effect for each child by that date;
- o Ensure that the child's IEP Team determines the date when services under the IEP will begin if a child's third birthday occurs during the summer.

The Fowler Elementary School District will protect the rights of students and their parents throughout the special education process. Parents must approve the initial evaluation and initial placement of their child, will participate in developing the IEP, and will have advanced notice of proposed changes in their child's program.

Public Awareness

The Fowler Elementary School District, on an annual basis, creates public awareness of the availability of, and access to, special education services for students aged 3 through 21 years, located within the school district's boundaries of responsibility, including the general public and parents in private schools. Through Child Find, the district attempts to locate, identify, and evaluate preschool to 12th grade students residing within its boundaries. This also includes information regarding early intervention services for children aged birth through 2 years.

The district will ensure that its staff and the general public are informed of:

- The availability of special education services;
- Student rights to a free, appropriate public education;
- Confidentiality protections; and
- The special education referral process.

The Fowler Elementary School District shall establish, implement, and make available (either in writing or electronically) to its school-based personnel and all parents within its boundaries of responsibility, written procedures for the identification and referral of all children with disabilities aged birth through 21. In addition, it shall maintain documentation of school-based personnel review.

Powers of the School District Governing Board or County School Superintendent

The school district's governing board or superintendent shall establish policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the school district or county for the provision of special education services.

The special education programs and services established pursuant to ADE Policies and Procedures shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the division of special education.

Early Intervention

Referral sources for early intervention services include parents/guardians and members of the community, AzEIP, Dept. of Developmental Disabilities, Headstart and preschools, pediatricians and medical staff.

Children from birth to 2 years, 10 months are referred to AzEIP. Children aged 2 years, 10 months to 21 are referred to the school district.

A referral from AzEIP to the school district includes a transition meeting 45-90 days before the child's third birthday. The school district's preschool team must complete any review of existing data, MET, evaluations if needed, and the IEP by the child's third birthday ("in by 3"). A process is in place for late referrals to the school district.

Child Find

Child Find is the process that ensures ALL children ages 3 to 21 that have a disability are identified. The school district must locate and evaluate ALL children within its geographic area, and who are in need of special education and related services or suspected of having a disability. This includes children who are homeless, highly mobile (including migrant children), wards of the state, or those attending private school or being home schooled. For students transferring into the district, the school shall review the enrollment data and educational performance from the prior school. Screening procedures shall include vision and hearing status, and consideration of the following areas: cognitive or academic, communication, motor, social or behavioral, and adaptive development.

Child Find screenings must occur once a month or at least every 45 days. The referral date for Child Find is the date the parent contacts the District, not the screening date. Screening procedures shall include vision and hearing status and consideration of the following areas: cognitive or academic, communication, motor, social or behavioral, and adaptive development. Screening does not include detailed individualized comprehensive evaluation procedures. If the screening instruments are designed for screening, they may not be used for a comprehensive developmental assessment ("CDA").

Screening school-age children:

All Kindergarten and other new students will be screened within 45 days of the date of enrollment, using the new student's screening form. The student's assigned teacher or school staff will complete this form.

If no action is required, the student's classroom teacher will complete the screening form, and the form will be signed by the principal or designee. The 45-day screening form will be kept in the student's permanent school file.

If screening results indicate a potential concern, the student will be referred to the school principal or designee for further inquiry, including possible referral to the school's General Education Intervention Team or the Student Intervention Team (SIT). The parent/legal guardian will also be notified within 10 school days and informed of the team's recommendation. If a student transfers to another school and then returns, further screening will not be needed.

It is not necessary to screen students that are already receiving IEP services. For a student transferring into a school, the school district shall review enrollment data and educational performance in the previous school. If there is a history of special education for a student not currently receiving services, or a history of poor progress, the name of the student shall be submitted to the site administrator for consideration of the need for a referral to the SIT, possibly for a full and individual evaluation or other services. If, after consultation with the

parent, the school district does not proceed to an evaluation, the parent will be given prior written notice and procedural safeguards in a timely manner.

Screening preschool children:

Preschool special education services are offered to eligible children ages 3 years to 5 years old, who reside within the school district, and who have been identified through the district's child find process. Children ages 2 years, 9 months to 3 years may be eligible for preschool special education services if it is determined to be in the best interest of the child. Parents, private preschools, pediatricians, and other community members may contact the district exceptional student services education office to refer a child for consideration for a preschool evaluation.

Information regarding early intervention services birth to 2 years old and nine months can be obtained by contacting AzEIP. The school site staff or administration will provide contact information for AzEip upon request.

Child find screening procedures for preschool children are as follows:

1. When a child is referred to the child find screening personnel by the parent or another community member, the parents will be provided a child find information packet to complete.
2. The district office staff will schedule the child for a screening. This screening includes a vision, hearing, and an appropriate developmental screening test. The developmental screening test addresses the areas of cognitive, academic, communication, motor, social/behavior, and adaptive development.
3. If the child passes the developmental screening test, parents will be promptly informed about the results by phone and/or by mail.
4. If the child fails the developmental screening test, the child find packet will be forwarded to the preschool evaluation team. The preschool evaluation team will contact the parents to schedule a review of existing data and potential comprehensive evaluation.

A Comprehensive Developmental Assessment (CDA, sometimes referred to as a multidisciplinary team evaluation) is required for all preschool evaluations. A Comprehensive Developmental Assessment is required for children ages 2.9-5 years old. It is a full and individual evaluation of the child in all developmental areas: cognitive, physical, communication, social/emotional, adaptive development, and sensory (vision and hearing). A thorough Review of Existing Data is the beginning of any evaluation process and allows the team to determine the need for further data collection or to determine eligibility based on current data. When further data collection is required to determine eligibility, consent for evaluation is obtained, a CDA is completed using existing data, criterion-referenced assessments, norm- referenced assessments, observation and parent input. The school district must ensure that in the case of a child less than school age (or who is out of school), a MET/IEP team member must observe the child in an environment appropriate for a child of that age. For the purpose of determining eligibility in preschool, at least one norm- referenced assessment instrument to obtain standard deviation information must be used to determine if eligibility criteria are met. The evaluation team shall determine eligibility based on the preponderance of the information.

Preschool Eligibility Categories include: Preschool Severe Delay (PSD), Developmental Delay (DD), Speech Language Impairment (SLI), Vision Impairment and Hearing Impairment (HI).

Please refer to the Help for Early Learning Professionals (Help) manual for additional information at <http://www.azed.gov/>.

Preschool Case Manager's Duties and Responsibilities

The preschool Special Education program fulfills the provision of 360 minutes per week of instruction in a program that meets at least 216 hours over the school year. In addition to teaching preschool special education students, listed below is an overview of the primary duties and responsibilities of preschool case managers.

	<u>Process</u>	<u>Case Manager Responsibility</u>
Referral	<ul style="list-style-type: none">• Assist with the Child Find process by taking responsibility with whatever duties may have been assigned.• Review screening results with the Child Find Team.• Coordinate with outside agencies as necessary, if additional documents are needed.	<ul style="list-style-type: none">• Forward any received information to District Office, ESS
Assessment	<ul style="list-style-type: none">• Adhere to the 60-day rule of completing the evaluation and determining eligibility from the date parents signed the permission to evaluate.	<ul style="list-style-type: none">• Provide a copy of permission to test to concerned member/s of the evaluation team.
IEP Team	<ul style="list-style-type: none">• Facilitate IEP team meeting.• Obtain written consent to excuse missing team members (if applicable)• Submit IEP filing documents (signature pages, PWN, (initial placement)) to the ESS Department for audit checking.• Keep all confidential documents, such as IEPs and evaluations, in a secure location.• Work with the school nurse to develop a Health Care Management Plan. If the student's plan includes diet needs or restrictions, be sure to provide a copy to food service personnel.• Transition meeting: Conduct IEP transition meetings of students moving up to kindergarten in their respective home schools.• Outside of the District: If the child will be attending from	<ul style="list-style-type: none">• Send IEP Meeting Notice to parents and other participants at least 10 days prior to the meeting.

	<u>Process</u>	<u>Case Manager Responsibility</u>
	<p>outside of the district</p> <ul style="list-style-type: none"> • communicate with the school registrar regarding new students that transferred to your school. • Ensure that the student is provided a FAPE with comparable services to those identified in the most current IEP until the IEP is adopted or a new IEP is created. • Forward ESS Dept all received documents. • Inform other team members regarding new students as soon as possible. • Review IEP records when they become available to determine appropriateness. • Convene an IEP team meeting to arrange and facilitate within 30 days. 	
Implementation of and Monitoring IEPs	<ul style="list-style-type: none"> • Whenever a new IEP has been developed, and prior to the first day of the new school year, review the contents of the IEP with district staff responsible to implement the IEP, including the instructional assistant as appropriate. • Ensure all providers report on a student's progress on goals in the electronic IEP system and send a copy to the parent, as indicated on the IEP. • Consult with teachers, related service personnel, students, and parents regarding student needs. • Confirm therapy schedules and goals; ensure that related service therapy is being provided as indicated on each IEP; confer with therapist(s) if services are not provided as written on IEP; notify ESS Department if problem persists. 	<ul style="list-style-type: none"> • Ensure IEP is implemented following its acceptance at team meetings.

	<u>Process</u>	<u>Case Manager Responsibility</u>
Beginning of School Year	<ul style="list-style-type: none"> • Develop master calendar of MET and IEP due dates. • Coordinate triennial reassessments as necessary with appropriate team members. • Coordinate therapy schedules with related service providers. 	<ul style="list-style-type: none"> • Review all IEPs on caseload. • Provide IEP information sheet of students in your caseload to all school personnel who are directly working with your students (e.g. General Education Teacher, Principal, Instructional Assistants).
Records		<ul style="list-style-type: none"> • If the parent or an outside agency request's information or a copy of the student's records in writing, notify the Exceptional Student Services Office immediately that a request has been received and forward. The Exceptional Special Services department has 10 business days from the written receipt of request for records to be sent.
Others	<ul style="list-style-type: none"> • Remain professional in all communications, interactions and meetings with students, parents and staff; keep team members informed. 	<ul style="list-style-type: none"> • Manage Paraprofessional(s): Express expectations; hold regular conferences; provide feedback; clarify disciplinary practices and preferred classroom routines; if difficulties arise, communicate with building administration or ESS Director.

Special Education Case Manager Duties and Responsibilities Checklist

BEGINNING OF THE YEAR

IEP Compliance:

1. Ensure all special education students on your caseload have a current IEP in place at the beginning of school.
2. Review thoroughly all paperwork (including IEPs) of students assigned to your caseload.
3. Make contact within the first two weeks of school with the parent(s) of each student on your caseload. Establish preferred communication method(s) and provide your contact information.
4. Ensure that appropriate services, accommodations, goals, and behavior intervention plans for each student are provided and are being implemented.
5. Ensure all special education services are in place including secondary and related services. Check schedule versus frequency of services on the IEP. Contact necessary secondary and related service providers to be sure services are provided.
6. Coordinate appropriate distribution of classroom accommodations, supplementary aids and services, and behavior intervention plans with regular education teachers/administrators/bus drivers.

MONTHLY

IEP Compliance:

1. When a student's schedule changes during the school year, review goals, accommodations, and behavior plans with all new teachers.
2. Organize the annual IEP meeting and revision of the IEP for each student, carefully monitoring due dates as stated on the IEP. Each annual review IEP meeting must be held within 365 days.
3. Send a formal notice of IEP/ Eligibility Meeting to parents prior to the meeting. Ensure that appropriate efforts and contact are made regarding annual reviews, addendums, and eligibility meetings.
4. Provide parents with a draft copy of the IEP, ten days prior to the meeting date.
5. Ensure progress reports are completed every general education school grading period and sent home to parents.
6. Ensure data collection/progress monitoring is being completed for IEP goals.
7. Submit a monthly census to the Exceptional Student Services department by the last business day of each month.

Progress Monitoring/Data Collection for Annual Goals:

Continually monitor progress on each IEP goal and schedule IEP meetings when necessary to reevaluate goals and services. Remember that case managers should reconvene the IEP team if progress is inconsistent or not being made.

Complete progress reports and send home at general education grading reporting intervals.

IEP CASE MANAGER ROLE & RESPONSIBILITIES

Oversee the IEP Process

The IEP case manager's primary responsibility is to ensure that students have appropriately written individualized education programs and that these programs are being implemented in all school settings. Plans must be developed following a process that reviews and considers all relevant factors including assessment data, curriculum-based measurements and input from all team members. Team members must include the case manager/special education teacher, general education teacher(s), PEA Representative, an individual who can interpret the instructional implications of the evaluation results, related service personnel (if applicable), Parent(s)/guardian(s), and student (if appropriate). The case manager is also responsible to monitor the plan and to ensure program compliance: that required timelines are being observed; that services, accommodations, modifications and other services indicated on the plan are being implemented in all school settings; and that the student is benefitting from the services provided.

- Learn and use E-IEPPro as the official protocol for special services.
- Ensure all documents are finalized and locked in E-IEPPro within two days of the meeting.
- Keep all confidential documents, such as working files, in a secure location (records must be locked in a file cabinet) — this includes computer files.
- Manage Special Education Paraprofessional(s): Express expectations; hold regular conferences; provide frequent feedback; clarify preferred disciplinary practices & classroom routines; if difficulties arise, communicate with building administrators regarding those difficulties.
- Communicate with the Principal — Case managers need to make sure the principal has a list of all the students for whom the case manager is responsible and access to those students' IEPs. The case manager must notify the building principal if any part of a student's plan is not being implemented appropriately despite the case manager's efforts to correct problems via consultation with other school personnel or service providers.
- Communicate with General Educators — be sure to meet with all general education teachers who will be, or are, working with students on your case list; provide teachers each student's IEP accommodations and modifications requirements with whom they are working—remind them that ALL information related to special services is CONFIDENTIAL; confer with teacher(s) if services/accommodations are not implemented as indicated on the IEP—notify building administrator if problem persists;
- Confirm therapy schedules and goals; ensure that related service therapy is being provided as indicated on each IEP; confer with therapist(s) if services are not provided as written on IEP; notify principal if problem persists;
- Work with nurse to develop Health Care Management Plan — if plan includes diet needs or restrictions, be sure to provide a copy to food service personnel;
- Maintain regular contact with parents; send positive notes home as much as possible; keep parents abreast of school events; send progress reports home as indicated in the IEP—and at least as often as nondisabled peers.

Convene IEP Team for:

- Initial IEP—no later than 30 calendar days from eligibility meeting date.
- Annual IEP—no later than one year from the last annual IEP meeting date.
- IEP Addendum—if the team decides the IEP needs to be amended.

- Schedule/ Facilitate IEP meetings.
- Document parent contact attempts on e-IEPPro.
- Coordinate with all required IEP members when scheduling meetings.
- Participate in building special education team meetings to facilitate on-going and open communication with all team members regarding on-going and upcoming needs related to evaluations and IEPs.
- Remain professional in all communications, interactions and meetings with students, parents and colleagues.

Procedures for Multidisciplinary Evaluation Teams

A review of existing data (RED) is completed as a result of a referral from Child Find, the General Education or Student Intervention Team, upon parent request, prior to transitions, triennially, or upon request from a member of the IEP team. Initial referrals from the Student Intervention Team will typically result in consideration of data driven intervention and the need for additional data. If a parent requests the evaluation in writing, the school district must, either begin the evaluation by reviewing existing data or provide a prior written notice refusing to conduct the requested evaluation, within a reasonable amount of time not to exceed 15 school days from the time it receives the parent's written request for an evaluation. A reevaluation of each child with a disability will be conducted in accordance with IDEA regulations.

Review of Existing Data

1. A Multidisciplinary Evaluation Team (MET) meeting will be scheduled to review existing data.
2. Parents are furnished with a Meeting Notice. Parents are an integral part of the MET and should be provided with ample opportunity to participate in the MET process. However, parental permission is not required to review existing data.
3. If the parent declines to attend the meeting, the team will obtain parent input through alternative means.
4. At the meeting, the team will review all available records, including, but not limited to medical history, past school experiences, information provided by parents, and previous evaluations. In addition, the team will obtain current information regarding classroom performance, grades, and standardized assessment results. The data will be documented on the MET.
5. Based on this review, the team will determine one of the following:
 - Additional data collection is needed to determine eligibility.
 - No further data is needed and the student is not eligible for special education.
 - No further data is needed and the student is eligible for special education.

If additional data is needed:

- If the evaluation team determines that additional data is needed, the MET will outline specific assessment areas, assessment instruments, and responsible evaluators.
- The staff will request written Permission to Evaluate; and provide the parent with the Prior Written Notice, a copy of the Review of Existing Data, and a copy of the Procedural Safeguards.
- If the student fails vision or hearing screening, the team must resolve this issue or take these results into account when determining which assessments are utilized.

Assessment Procedures

A full, individual initial evaluation will be conducted by the school district before the initiation of special education and related services are provided to a child with a disability in accordance with the Individual with Disabilities Education Act (IDEA). No single procedure will be used as the sole criterion for determining whether a student has a disability, or for determining an appropriate education program for the student. The team should also assess the student in all areas related to the suspected disability.

- If the student has limited English proficiency, the primary evaluator is responsible for facilitating comprehensive evaluation in the language most likely to yield meaningful results.
- The school district must ensure that the child is observed in his/her learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.

A multidisciplinary evaluation team (MET) must conduct an assessment(s), which must include at least one education specialist in a field relevant to the student's suspected disability.

The Multidisciplinary evaluation team members

The multidisciplinary evaluation team (MET) is a school district team of qualified professionals, including the parent or the student if at age of majority. The MET team determines whether existing data is sufficient for educational decision-making, what additional data may be needed, and if a student is eligible for special education.

Members of the MET may include, but are not limited to:

- Parent.
- Special Education Teacher or specialist with knowledge in the area of the suspected disability.
- Regular education teacher directly instructs the student or a regular education teacher in an age-appropriate grade level.
- District representative (Site administration, Department chair, or another designee).
- Evaluator(s) (School Psychologist, Speech-Language Pathologist or another primary evaluator).

Primary evaluators

The primary district evaluator is responsible for completing a comprehensive evaluation and subsequent written report, conjointly with the evaluation team, and reviewing the results with the parents and team at a multidisciplinary conference.

Disability Category

Autism

Emotional

Primary District Evaluator

School psychologist, Speech-Language Pathologist

Psychiatrist/Licensed Psychologist/Licensed

Professional Counselor/Licensed Social Worker or Certified School Psychologist

Hearing Impairment	Audiologist/Doctor/Licensed Nurse Practitioner/Licensed Physician's Assistant/School Psychologist or Licensed Psychologist with PhD
Mild/Moderate/ Severe Intellectual Disability	School Psychologist
Multiple Disabilities	School Psychologist and other evaluators required for each disability considered
Orthopedic Impairment	School Psychologist, Medical Certification required
Other Health Impairment	School Psychologist, Medical Certification required
Developmental Delay	School Psychologist
Preschool Severe Delay	Preschool evaluation team and School Psychologist
Specific Learning Disability	School Psychologist
Speech/Language Impairment	Speech Language Pathologist
Visual Impairment	Vision Impairment teacher, Ophthalmologist or Optometrist

Parent Permission

The school district must receive permission from parents or the legal guardian before completing an educational evaluation or reevaluation. The evaluation must be completed within 60 days of receiving parental consent. A student placed in Special Education will be considered for reevaluation every three years. Informed consent from the parents must be completed before any special education or related services are provided.

Multidisciplinary evaluation team considerations

It is the responsibility of the evaluation team to consider all available and relevant information about the student before making a decision. In order to conclude that a student is eligible for and in need of special education, the team must determine that the student meets all of the criteria for any specific category of disability according to federal, state, and local regulations. The team must also determine that the student's needs cannot solely be met in a general education setting and that the school has attempted to address the student's needs through both informal and formal interventions. The team will ensure that the determination that the student has a disability is not made due to a lack of instruction in reading, math or limited English proficiency.

Assessments of Culturally and Linguistically diverse children (best practices)

1. Use a variety of current assessment tools and strategies.
2. Do not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability.
3. Use tests and other evaluation materials that are not discriminatory on a racial, linguistic or cultural basis.
4. Use standardized tests that have been validated for the specific purpose for which they are used (i.e. "technically sound instruments").

5. Assessment and other evaluation materials must be “provided and administered in the language and form most likely to yield accurate information unless it is not feasible to provide or administer...”
6. The eligibility may not be determined if such determination is based on the lack of reading, mathematics instruction or limited English proficiency.

Based on the review of information, and input from the student’s parents, the team will determine:

1. If the student has a category of disability, or in the case of re-evaluation, if the student continues to have a disability;
2. If the student needs special education and related services, or in the case of reevaluation, if the student continues to need special education and related services;
3. The present levels of performance and other educational needs of the student;
4. If any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals established in the IEP and to participate in the general curriculum, as appropriate.

Eligibility decisions will be made by consensus, supported by the comprehensive evaluation report that outlines how the student meets the criteria for any specific category of disability. The decision does not require unanimous agreement but does require that everyone’s opinion is considered in a fair and open process. A consensus is reached when each team member either agrees with the team or can support the decision even though he or she may not completely agree with it. If a team member cannot agree with the team’s decision, that team member will mark accordingly on the eligibility determination. The disagreement will be documented on the prior written notice under the section "Other Factors Considered" and parents will be provided with Procedural Safeguards, which includes information regarding the request for an Independent Educational Evaluation (IEE).

Consideration of other factors:

The evaluation results establish that the student’s current functional or educational difficulties are not primarily the result of any of the following factors:

- Environmental or economic disadvantage — Ongoing abuse, neglect, family instability, social isolation, malnutrition, lack of normal childhood opportunities, frequent substance abuse, student employment, family income at or below the poverty level, at a level distinctly different from those of the majority culture.
- Cultural factors — Migrant farming, recent immigration from another country, cultural practices that are distinctly different from those of the majority culture, reservation life.
- Personal adjustment problems — Situational stress correlated with a drop in achievement, difficulty adjusting to school expectations, attitudinal and motivational factors, delinquency.

Special considerations for Specific Learning Disability eligibility

To be eligible in the SLD category, Fowler Elementary School District guidelines require, for an initial evaluation, that there is a significant severity/ discrepancy between the best estimate of the student’s ability using a comprehensive test of intelligence and at least one area of achievement as identified below using a comprehensive achievement test. The evaluation team must conclude that the following conditions are present:

- There is a significant discrepancy between the student's ability and achievement in one or more of the following areas: oral expression, listening comprehension, basic reading, reading comprehension, math calculation, math reasoning, written expression.
- There is evidence that the student, after receiving supportive and remedial general education assistance, still exhibits significant learning problems that require special education services.
- The team may not identify a child as having a Specific Learning Disability if the severe discrepancy between ability and achievement is primarily the result of visual, hearing, or motor impairment, intellectual impairment, emotional disturbance or environmental, cultural or economic disadvantage.

Reminder: A statement is required for all students with suspected SLD in parent friendly language reasoning how the determination was made.

Example Statement: Based on the Arizona Department of Education guidelines for the identification of students with a Specific Learning Disability, XYZ was administered a cognitive and achievement test. His/her cognitive score was compared to his/her achievement score to determine if there is a difference or discrepancy between the scores. The Discrepancy was calculated using the Specific Learning Disability Severe Discrepancy Regression Table. Using a correlation of .7, a standard score of XX or less would be considered a significant discrepancy between XYZ's cognitive ability (WISC-V FSIQ = 116) and his achievement scores. XYZ did not have any academic scores that met the eligibility criteria. Eligibility is determined by the MET using IDEA guidelines and is a team decision. The team is encouraged to consider all pertinent data when making eligibility decisions.

Speech Language Impairment as a Primary Category or Related Service

The following is very important as a billing and compliance issue:

If Speech Language Impairment is the primary category (not SLD, MOID, etc.), then SLI is listed as the primary eligibility category. If Speech Language Impairment is not the primary eligibility, then a student is receiving speech as a related service, (similar to OT, PT, etc.). This should be indicated in the clarifications box on the Eligibility Determination page.

Eligibility procedures

1. If the parent requests the evaluation the PEA must, within a reasonable amount of time not to exceed 15 school days from the date it receives a parent's written request for an evaluation, either begin the evaluation by reviewing existing data, or provide prior written notice refusing to conduct the requested evaluation. The 60-day evaluation period shall commence upon the PEA's receipt of the parent's informed written consent.
2. The team will send the parents an eligibility meeting notice at least 10 days, or sooner if agreed upon by parent and district staff, prior to the proposed meeting. The team will inform all MET members of the meeting.
3. The team will review the evaluation results and any other relevant information at the meeting and will document the eligibility decision in the MET Report.
4. If the student is eligible, the team may proceed with IEP development.
5. The team will provide the parents a copy of the procedural safeguards, prior written notice of the team's decision, a copy of the eligibility report, and a copy of the evaluation report if it was not previously given to the parents.

Non-district evaluations

The evaluation team may determine a student's eligibility for special education using a non-district evaluation. This most commonly occurs when a special education transfer student has been evaluated by the previous school district or when parents obtain an independent evaluation.

The appropriate primary evaluator will review the evaluation report to determine its adequacy in relation to state and federal evaluation requirements. The evaluator must presume eligibility for in-state evaluations but should review the report to ensure all required components are present. If any written evaluation components are missing from the non-district evaluation, the primary evaluator will initiate a review of existing data.

As other states have different criteria for meeting federal eligibility regulations, the evaluator cannot presume eligibility for out-of-state evaluations. The primary evaluator will initiate a review of existing data for all out of state evaluations. If the primary evaluator concludes that the evaluation is adequate, the evaluation team will conduct an eligibility meeting. If further evaluation is needed, the evaluator will notify the parents and obtain permission to test. If the student has a current IEP, the student's special education services will not be interrupted during the evaluation process.

Initial Placement into Special Education

The Fowler Elementary School District will provide services to disabled students in the most appropriate educational setting, where each student can make satisfactory progress. The district offers a continuum of services and programs from the least restrictive to the most restrictive. Initial placement in special education is based on the consensus recommendation of the IEP team and is followed by the development of the IEP. Initial placement into Special Education requires informed, written consent from the parents. The Fowler Elementary School District will provide services to disabled students without delay from the date of consent.

If a parent refuses consent for the initial provision of special education and related services, the school district may not use due process hearing procedures to obtain consent. The school district will not be considered in violation of FAPE and is not required to develop an IEP for the child or convene an IEP meeting.

Individual Education Plan (IEP)

An Individualized Educational Program (IEP) will be developed and implemented for each eligible child. Each IEP will include the child's present level of academic achievement and functional performance, measurable annual goals, progress and participation in the regular class, accommodations/adaptations, and alternate assessment needs.

For students 16 years or older the IEP will include a transition plan including postsecondary goals, related training, education, employment, and where appropriate, independent living skills.

An IEP team will be identified for each child with a disability. The team will take into account the child's strengths, concerns, evaluation information, academic, developmental and functional needs. The team will include parents/guardians of the child, regular education teachers, special education teachers, an administrative representative and an individual who can interpret the instructional implications of evaluation results, the student, if appropriate, and may include other service providers.

At the beginning of the school year, the district must have an IEP in effect for each child within its jurisdiction. The IEP must be developed within 30 days of eligibility determination for special education and related services. Each regular education teacher, special education teacher, and related service provider must have access to the necessary portions of the child's IEP.

The school district will take steps to ensure parents of a child with a disability are present at each IEP meeting. Parents must be notified early enough to ensure that they will have an opportunity to attend. A meeting notice will indicate the purpose, time, location and who will be in attendance. If parents cannot attend, the school district will use other methods to ensure parent participation, such as conference calls or home visits. Parents must be part of decisions made by the IEP team. The school district will take necessary steps to ensure that the parents understand the proceedings at the IEP meeting, including providing an interpreter. A draft copy of the IEP will be given to the parents prior to the meeting and records will be provided at no additional cost. When the student involved turns 16, the notice must invite the student and any other agency representative.

Measurable Annual Goals Guidance

Measurable annual goals provide the basis for instruction and describing what a child needs related to his/her disability. There must be a direct relationship between the needs identified in the PLAAFP and the annual and postsecondary goals. Best practice is for goals to be written as SMART goals (specific, measurable, attainable, relevant, and time bound). Goals must be meaningful and measurable in order to be used for decision making.

- An annual goal is meaningful when the expectation is reasonable, the skill or knowledge the goal represents is necessary for success in school and post-school activities, and the family believes the accomplishment of the goal is important. Be specific.
- A goal is measurable when it reflects a skill or behavior that can be observed and counted in some manner. A goal should describe what a student can be reasonably expected to accomplish within a year.
- The measurable annual goals must align with on-grade-level Arizona State Standards but may be modified to meet the specific needs of the student.
- Each goal must be written so that it can be monitored frequently, and the method of measuring progress must be described. The same method of measurement should be used for the PLAAFP, the goal statement, and when monitoring progress in order to facilitate an understanding of progress and the effectiveness of services.

To meet best practice requirements towards writing measurable annual goals, the IEP team reviews the student's closed-out progress, analyzes the present levels of academic and functional performance, and then writes applicable annual goals for the areas of need identified in alignment with the district's essential standards.

The IEP team writes annual goals that:

- Show a direct relationship to the present levels of academic achievement and functional performance;
- Enable the child to be involved in and make progress in the general curriculum;
- Are aligned to grade level state standards;
- Describe only what the student can reasonably be expected to accomplish within one school year or the 12-month term of the IEP;
- Are written in measurable terms. Do not mix measures (e.g., 20% and 2/10). Include a baseline of skills; and
- As appropriate, are aligned with the student's measurable postsecondary goals and transition services including the student's course of study.

Benchmarks or Short-Term Objectives:

A benchmark or short-term objective is a logical intermediate step between the present levels of academic achievement and functional performance and the annual goal. IDEA 2004 eliminated the requirement of benchmarks or short-term objectives for children with disabilities except for those children who take alternate assessments aligned to alternate achievement standards. Benchmarks or short-term objectives may be used with other students but are not required by statute.

From <http://www.ade.az.gov/ess/publications/IEPAzTAS.pdf>, PP10-11 (For similar resources on a variety of topics, visit website: <http://www.ade.az.gov/ess/resources/>)

Accommodations:

<http://www.azed.gov/standards-development-assessment/files/2013/06/testingaccommodations-2013-2014.pdf>

Reminder: The school district will ensure that the hearing aids worn in school by students with hearing impairments are functioning properly, including the external components of surgically implanted medical devices (e.g. cochlear implants). The school district, however, will NOT be responsible for any post-surgical maintenance, programming, or replacement of any component, external or internal, of the medical device.

Prior Written Notices

Prior written notices are used in the following Special Education events:

- Referral for initial evaluation
- Collection of new data for initial evaluation or reevaluation
- Eligibility Determination
- Development or review/revision of the IEP (FAPE)
- Initial educational placement into special education, change in educational placement or termination of special education or related services
- Disciplinary removal for more than 10 consecutive school days
- Deletion or addition of related services
- Change in annual goals on an existing IEP
- Increase or decrease in special education services
- Increase or decrease in supplementary aides and services or supports to school personnel
- Refusal to increase or decrease related services
- Consideration of ESY (if done at a separate meeting)
- Proposal or refusal to initiate or change the identification, evaluation, or educational placement of a student.

For further information, please see the Arizona AzTAS Document on the ESS Website.

Progress Reports

Progress reports must be submitted to the parent/guardian during general education grading periods for all students, regardless of proximity to an IEP meeting. A final progress report must

accompany the closing IEP (for annual review, exits). During general education grading periods, case managers will print all progress reports for their students (including Specialists like OT/PT/Speech/Teacher of HI or VI/Psychologist, etc.) and send them home to parents/guardians. Progress reports are due at the same time as report cards and with the closing IEP.

For report cards, the scale/grade a student who receives special services will be given, is determined by that grade level criterion as well as the criteria in their IEP. The Special Education teacher's role in this process is to provide feedback to the regular education teacher on the report card grade/scale. The special education teacher does not give the grade on the report card unless they also serve as the highly qualified regular education teacher. The Special Education teacher's role also includes writing the progress note based on the students IEP. The exception to this is a structured teaching classroom.

In the Fowler Elementary School District, we do not indicate that a student receives special education on their report card.

Alternate Assessments

Qualifying for MSAA is an IEP team decision based upon meeting the criteria from ADE.

The criteria is: The student has an IEP with goals based on Alternate Academic Content Standards or the student is exposed to high-quality instruction focusing on Alternate Academic Content Standards.

In addition, there must be evidence of a significant cognitive disability under one of these categories:

- MIID
- MD with ID
- Autism with ID
- MOID
- MDSSI with ID
- SID
- TBI with ID

Due to Arizona's participation in the Multi-State Alternate Assessment (MSAA) Consortia, IEP teams must remember to address assessment eligibility and accommodations for both alternate assessments, MSAA (Math and ELA). MSAA (Math and ELA) assesses eligible students grades 3–8 and grade 11. AIMS A (Science) assesses eligible students grades 4, 8, and 10 or second year of high school. Specific accommodations for both instruction and the assessments also should be considered in the student's annual IEP.

Information regarding MSAA, including Examiner Training, Testing dates, the Testing System Operational Checklist, Score reports, and Contact details for Help and Support, can be accessed in the following links:

<http://www.azed.gov/assessment/msaa/> <https://www.msaaassessment.org/specifications>

<http://doe.sd.gov/assessment/documents/17-MSAA-Guide.pdf>

Change in setting to another school within district

Special education services will be provided at the home school unless the IEP services required are not available. If considering a more restrictive setting the IEP team is required to exhaust least restrictive environment (LRE) options on the home school campus. A student whose needs cannot be met at the home school site may require a change in setting for special education services.

1. Prior to the IEP review meeting at which a change of setting will be considered, the case manager at the service school will contact the Exceptional Student Services department for review of the data supporting the change. ESS will contact the case manager and/or program representative of the potential receiving school and share a copy of the student's records (IEP, evaluation report, and other pertinent information) with the receiving school.
2. An informal staff discussion meeting (DIAR) may be held between the two schools to exchange information about the student and to explore other options to meet the student's needs. The meeting is not for the purpose of making a placement or any other IEP decisions.
3. After the discussion meeting, the special education service provider will schedule an IEP review meeting and provide the parents with a meeting notice stating the purpose of the review. The meeting will take place at the current service school or a mutually agreed upon site. The representatives from the proposed receiving program will be invited to the IEP review meeting.
4. Following the IEP meeting, the Case Manager at the receiving school will be responsible for all paperwork, including the transfer of records.
5. Upon completion of the IEP, the parent may request an opportunity to visit the identified program. The site administrator will facilitate the visit.

A request must be made to the Director of Exceptional Student Services, if the team is unsure of the next steps for meeting a student's needs, or your team is at an impasse/seeking assistance in choosing the appropriate program for consideration at an IEP review.

Appropriate Options Committee Procedures:

1. The sending team contacts the Director of Exceptional Student Services for a pre-referral view of paperwork and data collected. Please provide copies of interventions tried and other tracking reports to the District Office.
2. After reviewing paperwork, the Director of Exceptional Student Services will guide the team by suggesting appropriate next steps and/or appropriate programs to consider in an IEP review. The sending school will schedule a meeting with the Director of Exceptional Student Services for further dialogue prior to an IEP meeting (DIAR meeting).
3. The Director of Exceptional Student Services will notify the principal/psychologist/case manager of any appropriate options considered at another school site.
4. The sending team will review and develop an IEP using input from the committee on all appropriate options for the student. All suitable options, which are discussed by the Director of Exceptional Student Services, should be presented and discussed in the IEP forum. If a structured teaching program is considered, a representative from that campus should be invited.
5. If the IEP team has determined a structured teaching placement, the program site will determine the classroom in which the student will be placed.

Transfer students from other school district placements

1. The office staff at the elementary school, or guidance staff at the high school, will notify the school psychologist when a new student enrolls who previously was receiving special education services. The office staff or guidance staff will have the parent sign a request for records form at the time of enrollment.
2. The school psychologist, or guidance staff, will contact the parent for more information, obtain any records that the parent may have, and call the previous school district to request current records.
3. The district is responsible for FAPE upon enrollment. Special education students must receive comparable services to those services described in the IEP upon entry into school. Credible knowledge of an IEP obtained from the previous district or school personnel would require the initiation of comparable services while records are being obtained.
4. If the IEP indicates the student was served in a structured teaching or district placed private school program, the following steps are taken to ensure FAPE upon enrollment:
 - The school psychologist will review records and determine the setting that best aligns to the setting in the current IEP. If the student is privately placed or the primary evaluator is unsure of the appropriate setting, contact the Exceptional Student Services Director. The ESS Director and school psychologist will review records and determine the setting that best aligns to the setting in the current IEP.
 - The child will attend the home school while determining the most appropriate setting to meet the student's IEP needs. The home school team will meet the child's IEP to the best of their ability, which may include full day services within the resource setting.
 - For students with an IEP indicating private placement or specialty services in order to attend school, and the home school is unable to meet the IEP needs, the school psychologist will expedite the initiation of services in the appropriate setting.
 - Students attending local private placements will continue in that setting while the IEP is reviewed by the district.

In-state transfers

For special education in-state transfers, the following items must be addressed upon enrollment:

- With credible knowledge of special education services, the case manager will send prior written notice to the parents indicating that services will be initiated.
- The IEP team will implement the existing IEP to the extent possible by providing comparable services.
- If the IEP is not adopted in its entirety, the IEP team will develop an IEP within 30 days of enrollment.
- The IEP team must presume eligibility, and the case manager will review the current evaluation, MET, placement statement, and the IEP to ensure they conform to state evaluation and eligibility criteria.
- IEP services cannot be delayed because of incomplete records. Special education services must be initiated once an IEP has been received or credible confirmation of the presence of an IEP is obtained. Comparable services will be provided while the case manager obtains all other needed records.
- If previous IEP includes transportation services, the school psychologist will complete and forward the transportation services form.

REMINDER: If the IEP is not adopted in its entirety, the IEP must be rewritten within 30 days of enrollment for all in-state transfer students.

If available records are insufficient:

- The primary evaluator will convene a MET meeting to review existing data if:
 - o The evaluation is incomplete.
 - o The current MET report is unavailable or over three years old.
 - o The MET/evaluation does not meet state evaluation or eligibility criteria.
- An IEP meeting must be convened within 10 days of enrollment if:
 - o The current IEP is unavailable; or
 - o The parent or IEP team believes that the IEP is inappropriate; or
 - o The current IEP is inappropriate according to state special education criteria.

Out-of-state transfers

For special education out-of-state transfers, the following items must be addressed upon enrollment:

- With credible knowledge of special education services, the case manager will send prior written notice to the parents indicating that comparable services will be initiated.
- Do not presume eligibility as state requirements for eligibility differ. The case manager will review the current evaluation, MET, and IEP to ensure they conform to Arizona state evaluation and eligibility criteria.
- IEP services cannot be delayed because of incomplete records. Comparable special education services must be initiated once credible confirmation of the presence of an IEP is obtained. Comparable services will be provided while the case manager obtains all other needed records.
- The case manager will convene to review existing data and complete a MET to determine Arizona eligibility. Additionally, a new IEP must be developed to document student's needs and services within 30 days according to Arizona state special education standards.

REMINDER: The IEP must be rewritten within 30 days of enrollment for all out- of state transfer students.

Transfer students within the Fowler Elementary School District When a special education student transfers to another district school, the case manager at the receiving school will contact the previous primary evaluator to request all working files. The primary service provider will inform the parents that comparable services will be provided using the current IEP.

Clarification on Move on When Reading for Students with Disabilities

The Arizona Revised Statute (A.R.S.) 15-701 pertaining to Move on When Reading (MOWR) set forth the requirements for determining which students with a disability can be exempt from the statute.

[A.R.S §15-701](#) requires that an Arizona student not be promoted from the third grade if the student scores far below the third-grade level on the AzMERIT statewide assessment. A third grader who does not demonstrate sufficient reading skills may be promoted to fourth grade if the student:

1. Is an English Language Learner (ELL) who has received less than three years of English instruction.

2. Has a disability and the IEP team agrees promotion is appropriate or the student is in the process of being evaluated for an IEP.
3. Has been diagnosed with a significant reading impairment (including dyslexia).
4. Demonstrates sufficient reading skills or adequate progress toward sufficient reading skills through a collection of assessments approved by the State Board of Education.
5. Receives intervention and remedial services during the summer or a subsequent school year and demonstrates sufficient progress based on statutory guidelines.

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The second and third exemptions protect children with disabilities that affect their ability to learn reading or writing at grade level. If an IEP team determines the child's disability affects his/her reading or writing ability, the IEP team, which includes the child's parent or guardian, will make a promotion/retention decision that is based on the best interests of the child. Remember to include the Third Grade Promotion Form with your IEPs documents for third graders, and for any second graders for whom you may write post-AzM2 testing IEPs. It will allow them to "move on when reading" - at their level.

Exit from Special Services

Unless the student is exiting from special services because they are graduation with a regular high school diploma, the school district must first evaluate the student in all areas of suspected disability and determine that they are no longer eligible for services before exiting them from special services.

If the MET team determines the student is no longer eligible for services or if student is graduating with a regular high school diploma, The case manager should provide an Eligibility Determination Page stating that the student no longer meets the criteria for special education and the following;

- State Reporting Exit Report under Miscellaneous Forms;
- Student Exit Form (SEF) *for Graduating High School Students* under Miscellaneous Forms;
- Summary of Performance (V8) Form *for Graduating High School Students* under Miscellaneous Forms;
- Prior Written Notice;
- Complete a final progress report

If a student is being exited from OT/PT/Speech or another related service, they must first be reevaluated or assessed in the area of services provided. The case manager/provider should provide:

- Standard or Addendum IEP;
- Conference summary;
- State Reporting Exit Report with service specification;
- Prior Written Notice; and completed final progress report.

Revocation of Special Education Services

The Individuals with Disabilities Education Act (IDEA) regulations allow a parent/legal guardian to revoke consent to continued special education services. The parent's decision to stop special education services is not an IEP team decision and must be honored. If rights have transferred to a student 18 years of age, the adult student may revoke consent to continued special education

services. However, in order to be legal, the consent must be in writing. The 'Revocation of Consent for Special Education and Related Services' form is found under Miscellaneous Forms.

This is submitted with a Prior Written Notice (PWN) that will explain that the Parent or adult student had requested the student's special education services to stop, and that all services and accommodations in the student's Individualized Educational Program (IEP) will stop. In cases of special education services being revoked, the PEA will not be in violation of the requirement to provide a free appropriate public education (FAPE).

Confidentiality

The Fowler Elementary School District must ensure that protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the agency will be in accordance with the law. The school district must comply with a request without unnecessary delay and in no case more than 45 days after the request has been made. Parents must be permitted to inspect and review any education records relating to their children that are collected, maintained or used by the agency under the Individual with Disabilities Education Act (IDEA).

Parents have the right to review all information before any IEP meeting, upon filing a due process complaint, or prior to a disciplinary hearing or resolution session. Parents may request amendment of records if they believe that inaccurate or misleading information is present.

There must be a record of all parties obtaining access to special education records including: the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. Parental consent must be obtained before personally identifiable information is disclosed to parties other than school district personnel.

The school district must protect the confidentiality of personally identifiable information at the stages of collection, storage, disclosure, and destruction. All persons collecting or using personally identifiable information must receive training regarding state and national law including FERPA. The Exceptional Student Services department will provide this training.

The rights of the parents regarding educational records are transferred to the student at age 18 under FERPA. If the rights of the parents regarding educational records are transferred to the student at age 18 under IDEA, the school district must provide any notice required under the procedural safeguard's provisions.

Records

The Fowler Elementary School District uses special education records to help in the instruction, guidance, and educational progress of students; to provide information to parents and staff; to comply with federal and state regulatory requirements; to provide a basis for the evaluation and improvement of school programs; and to conduct educational research. The Fowler Elementary School District complies with all federal laws and regulations pertaining to the privacy and confidentiality of special education records.

Parent rights regarding special education records

Parents, or their authorized representatives, have the right to review and inspect any Fowler Elementary School District educational records directly related to their child. Such records may be inspected and reviewed within 45 days of the date the district receives a request for access.

All parent requests to review or inspect special education records should be directed to the Department of Special Education. If any educational record includes information on more than one student, the parents may inspect and review only the information relating to their child. School personnel will be available to explain and interpret the content of the records to the parents or their authorized representative. Parents have the right to request that the school district provides copies of the records if parents cannot effectively inspect and review the records unless copies are received. The school district may charge a fee for copies of student records. Parents who believe that information in their child's educational records is inaccurate, misleading, or violating the privacy rights of the child, may request, in writing to the Director of Exceptional Student Services, that the district amends the record. The Director will decide whether to comply with the request and will inform the parents within a reasonable time. If the Director decides to refuse to amend the record, the parents will be advised of their right to a due process hearing.

Parents may restrict access to their child's records by withholding consent to disclose records, except that the Department of Exceptional Student Services will permit disclosure without consent to school officials with legitimate educational interests and to law enforcement agencies that request the records. When records are requested by a law enforcement agency, the school will send the parent or guardian prior written notice indicating that the records were sent as requested. If requested, the Department of Exceptional Student Services will provide parents with a list of the types and locations of educational records collected, maintained, or used by the district.

Parents have the right to be informed before their child's records are destroyed.

Parents also may file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.

Storage of special education records

Special education records will be maintained by the Department of Exceptional Student Services at the Fowler Elementary School District office under the supervision of the Director of Exceptional Students Services. No special education documents should be kept in students' permanent record files, except for the 45-Day Screening form.

Access to special education records

Access to special education records will be limited to parents or their authorized representative, and school employees who have a legitimate educational interest in the records. A legitimate educational interest is the employee's need to:

- Perform a task required as part of the employee's job description, as approved by the school board.
- Perform a supervisory or instructional task directly related to the student's education.
- Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.

The Department of Exceptional Student Services will maintain, for public inspection, a current list of the names and positions of school employees who may have access to student records. The Department also will keep a record of the name of each person obtaining access to records, and the date access took place and the purpose of the authorized use.

Disclosure of special education records

Only the Department of Exceptional Student Services may disclose personally identifiable information from special education records. Records will be released to other public schools where the student enrolls upon the school's official written request. The Department will not release records to any other person or agency without written parental approval unless the disclosure is consistent with federal and state statutes. FERPA provides that disclosure of records may take place without parental consent in the following situations:

- School officials are allowed access to student education records for legitimate educational purposes. School officials include teachers, substitute teachers, administrators, and other district employees who perform special tasks, such as a secretary, clerk, etc.
- State monitoring teams.
- State auditors.
- In health or safety emergencies.

When a student transfers to another school within the Fowler Elementary School District, the previous school case manager will send the school copy and any working files of the student's records/progress to the special education case manager of the receiving school.

Destruction of special education records

The Department of Exceptional Students Services will destroy special education records five years after the school year in which the student withdrew from school, transferred to another school district, or graduated from high school. The Department will maintain a permanent record of a student's name, address, and phone number without time limitation. Individual schools are responsible for destroying school copies and working files of special education student's information.

Extended School Year (ESY)

Extended school year is an individual determination made by the IEP team and is provided when the maintenance educational benefits gained during the school year are significantly jeopardized by a break in service, and appropriate documentation of need is presented. Extended School Year (ESY) is based upon goals that have been identified as critical skills or when a student demonstrates significant regression and recoupment by the IEP team. An ESY program is considered for all special education children and is provided beyond the normal school year at no cost to parents. The IEP team will consider every disabled child's need for ESY services at each annual IEP review meeting. Related services will be provided when required to maintain identified skills. ESY can be provided in a variety of environments such as the home with the parent teaching and staff consulting, at school, and in the community. ESY is not compulsory; parents may choose to decline ESY services.

Critical Skills for ESY

Critical skills are social, functional, behavioral, and academic skills that are related to IEP goals and are critical to the student's overall school and community functioning. ESY focuses on critical skills that impact the maintenance of educational benefit for FAPE. The IEP team will identify goals that are critical skills for Extended School Year consideration.

Regression and Recoupment for ESY

Regression and recoupment for ESY is determined on a specific, identified IEP goal for data collection. Normal regression and recoupment after a break should not exceed more than the

amount of time of the break (2 weeks during Winter Break, 1 week during Fall/Spring break, 6-8 weeks during summer break). A student may be found to qualify for ESY by the IEP team if data supports significant regression or recoupment issues on a skill that is identified and impacts the maintenance of educational benefits for FAPE.

Data Driven ESY Decision Making Documenting ESY Needs and Services

1. The teachers/service providers will collect data on all identified critical skills IEP goals and be prepared to determine the need for ESY services at the annual review IEP meeting (or an addendum).
2. At the annual review meeting, the teachers/service providers will present the ESY documentation to the IEP team. The team will determine the need for ESY services using the Review of ESY Data form to guide the decision.
3. The ESY determination and justification is documented in the Extended School Year section of the IEP.
4. If the student is not found in need of ESY services, no further documentation is needed.
5. For a student found in need of Extended School Year services, the team will determine which IEP goals and objectives will be targeted for ESY services and will determine the frequency, duration, and least restrictive environment for the delivery of service.
6. If there is insufficient data to determine the need for ESY, an IEP amendment must be completed to capture the ESY determination. Insufficient data would typically be used only for students new to special education, new to the district or when more data collection is necessary.
7. Any changes in a student's need for ESY services must also be documented using the IEP addendum.
8. ESY services will address the identified ESY needs but do not have to mirror the current IEP (e.g. a student may not require related services during ESY). Only targeted ESY goals/services will be provided.
9. A decision regarding the need for ESY must be completed a minimum of 45 days prior to the end of the school year.

Discipline

A child with a disability may be disciplined for a violation of the student code of conduct, in accordance with IDEA regulations. School personnel may remove a child with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting or suspension for no more than 10 total days during each school year, and may include a recommendation for additional removal or expulsion.

Within 10 days of any change of placement based on a violation of code of student conduct the school, parent, and relevant members of the team must hold a manifestation determination review (MDR) to determine if the conduct was a manifestation of the child's disability or if the conduct in question was the direct result of the school's failure to implement the IEP. The MDR team must review all relevant information in the child's file, including their IEP, teacher observations, and any relevant information provided by the parents.

If the MDR team determines the behavior was a manifestation of the child's disability or if the conduct in question was the direct result of the school's failure to implement the IEP, the school district must conduct a functional behavioral assessment, or if one has already been conducted and a behavioral intervention plan had been implemented prior to the behavior, review and modify the behavior intervention plan. The school district must also return the student to their placement

unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

However, the student may be removed to an interim alternative educational setting for not more than 45 school days without regard as to whether the behavior is a manifestation of their disability if they:

- (1) Carry a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;
- (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the school district; or
- (3) Inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district.

If the MDR team determines the conduct was not a manifestation of the child's disability or if the conduct in question was not the direct result of the school's failure to implement the IEP, the student can be removed in accordance with the school district's suspension or expulsion policies.

After 10 days of removal, the district is responsible during any subsequent days to provide services that enable the child to continue to participate in the general education curriculum in another setting and to progress toward meeting his/her IEP goals. The school district is required to provide the appropriate functional behavioral assessment, behavioral intervention services and modifications designed to address behavior violations so that it does not recur. The child's IEP team determines the educational setting for services.

The parent of a child with a disability who disagrees with any decision regarding placement under the law or the manifestation determination may appeal the decision by requesting an expedited due process hearing. If the school believes that maintaining the current placement of the child is substantially likely to cause injury to the child or other may appeal the decision by requesting an expedited due process hearing.

Students will remain in their interim alternative educational setting pending the decision of the hearing officer or the expiration of the interim setting whichever comes first unless the IEP team agrees otherwise.

In certain cases, children not determined eligible for Special Education and related services may fall under the discipline policies and procedures for Special education. In this instance the school must have prior knowledge that the child was a child with a disability before the behavior precipitated. Protections may be asserted if the parent of the child expressed concern in writing to administrative personnel. The school district can report a crime committed by a child with a disability to appropriate authorities. Copies of all Special Education and disciplinary records of the child will be shared with appropriate authorities under FERPA.

Least Restrictive Environment (LRE)

Children with disabilities, including children in public or private institutions or other care facilities, will be educated to the maximum extent appropriate with children who are not disabled in accordance with IDEA regulations.

The school district will ensure that special classes, separate classes, separate schooling, or other removals of children with disabilities from the regular educational environment occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Procedural Safeguards

The school district will establish, maintain and implement procedural safeguards that meet the requirements of the law. Parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement and the provision of FAPE. Parents must have an opportunity to participate in a meeting in which a decision is to be made relating to the educational placement of the child. If parents cannot attend, other methods such as individual or conference telephone call or video conferencing must be utilized.

Parents of a child with a disability have the right to obtain an independent educational evaluation (IEE) of their child. Parents have the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district and the evaluation is less than 2 years old. The independent educational evaluation must be conducted by a non-school district employee, but from a district approved evaluator list, if at public expense.

Prior written notice must be given to the parents of a child with a disability before the school proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE. The notice must include: a description of action proposed or refused, an explanation of why the agency proposes or refuses to take the action, how procedural safeguards may be obtained, sources for parents to contact to obtain assistance, and a description of other options the IEP team considered and the reason those options were rejected. A copy of the procedural safeguards must be given to the parents of each student with a disability at the beginning of the school year and offered at every meeting with the parent. The procedural safeguards notice must include a full explanation of all the procedural safeguards available under the law.

The school district will establish procedures to allow parties to disputes, including those matters arising prior to a request for a due process hearing, to resolve disputes through mediation.

A parent or the school district may file a request for a due process hearing relating to the identification, evaluation or educational placement of a child with a disability.

Resources for Measurement Tools:

Resources for measurement tools include: any district approved assessment, district benchmarks, assessment measurements, teacher made assessment, or state assessments to include state sample assessments.