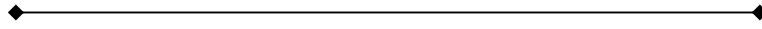


**Model Special Education**  
*Policies and Procedures*  
**Manual**



*Vernon Public Schools*

2007

Bureau of Special Education

Division of Teaching and Learning Programs and Services

Connecticut State Department of Education

Updated by VPS OPPS 8/2008

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## Chapter 1 — Child Identification (Child Find)

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In accordance with federal regulations, the District assumes responsibility for the location, identification and evaluation of all children from birth through age 21 who require special education and related services. All children who are suspected of having a disability and who are in need of special education are part of the child find process in our District.

This includes students who are:

- advancing from grade to grade;
- enrolled by their parents in private elementary or private secondary schools, including religious schools located in our District (regardless of the severity of their disability) (See Chapter 8); and
- wards of the state and children who are highly mobile, such as migrant and homeless children.

In addition, our District identifies students (Kindergarten through Grade 12) who may be gifted or talented (see page 4).

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### ❖ Role of the Planning and Placement Team

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The Planning and Placement Teams (PPT) in each of our schools ensure that the student meets the eligibility requirements of the Individuals with Disabilities Education Act as amended in 2004 (“IDEA”) and state regulations.

In all cases, the Planning and Placement Team will not determine that a student has a disability if the suspected disability is because of a lack of instruction in reading or math. If the student is not proficient in English, our Planning and Placement team will not identify the student as disabled if the limited English proficiency is the cause for the suspected disability.

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### ❖ Child Identification Process

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The District has a child identification process that includes the location, identification and evaluation of a child suspected of having a disability or suspected of being gifted and talented. Our Special Education Department coordinates the child identification process. The department and its staff use a variety of community resources and conduct many systematic activities in our efforts to identify children requiring special services. Our District staff members consult with appropriate representatives of private school students attending private schools located in our District such as the student’s parents, teachers and administrators of those private schools located in our District in carrying out this process. The District assures that this process for students attending private or religious schools located in our District is comparable to activities undertaken for students with disabilities in our public schools.

### Identification of Children Between the Ages of Birth to Age Three

The State’s early intervention system, the Connecticut Birth to Three System under the IDEA, Part C, (the Individuals with Disabilities Education Act, the federal special education law) is responsible for identifying and providing services to children between the ages of birth and age three who are eligible to receive such services due to developmental delays or documented physical or mental conditions that have a high probability of resulting in developmental delay. Because of their overlapping responsibilities, the State

Department of Education and the Connecticut Birth to Three System have an interagency agreement intended to ensure that children with disabilities are provided needed services in a timely manner. The State Department of Education asks Districts to ensure that children between the ages of birth to three are referred to the Connecticut Birth to Three System for an evaluation. Therefore, when our District becomes informed of a child between the ages of birth to three who has or may have a disability, we will either (a) make a child referral directly to the Connecticut Birth to Three System via the statewide toll-free number and/or (b) provide the parent with the information so that they can make the referral themselves.

Parents may opt out of and/or opt not to be referred to the Connecticut Birth to Three System. They may request an evaluation from the District to determine if their child has a disability that may require special education. These parents are entitled to an evaluation from our District, even if the child is between the ages of birth to age 3. Our District is responsible for providing an evaluation but is not responsible for the provision of a free appropriate public education (FAPE) for eligible children until the child is age 3. In such circumstances, no child or family should be instructed to wait for an evaluation until their child turns age 3.

### **Transition to Special Education from the Connecticut Birth to Three System**

The purpose of transition planning for children in the Connecticut Birth to Three System is to ensure that eligible children and their families experience a smooth and effective transition from the Connecticut Birth to Three System to our District.

- The District receives child specific information from the Connecticut Birth to Three System on those children who have been determined eligible and are receiving early intervention services. The District has a system of collecting and maintaining this data and other child specific information in order to track children receiving early intervention services over time to ensure that they are timely evaluated and provided a FAPE by age 3.
- The District has an assigned transition contact that is the primary person responsible for working with the Connecticut Birth to Three System and their programs on transition as well as one or more individuals who will attend all 90-day transition conferences convened by the Connecticut Birth to Three System. The District has the capacity to ensure the availability of school personnel to attend 90-day transition conferences throughout the calendar year – including during the summer months.
- The District will schedule a Planning and Placement Team (PPT) meeting to discuss the referral of a child to the District. The District will schedule the PPT meeting sufficiently early (preferably soon after the 90-day transition conference) to ensure that an eligible child will receive a FAPE no later than their third birthday. Identification of PPT meeting dates can be a part of the discussion at the 90-day transition planning conference and a component of the child’s written transition plan developed at the transition planning conference with the birth to three program, the family and the District.
- The District ensures that the child’s birth to three providers are part of the PPT decision-making process and that the child’s birth to three information, including the child’s Individualized Family Service Plan (“IFSP”) is used in the decision-making process.
- If the child is scheduled to transition from the Birth to Three program to the District, and that child turns three years of age during the summer months, the District will determine if the child is eligible for a FAPE and whether the child requires extended school year services (ESY). If the child is eligible for the provision of FAPE and requires ESY services, the District will ensure the implementation of the IEP no later than the child’s third birthday, regardless of the fact that this occurs during the summer months. If it is determined that the child is eligible for FAPE and does not require ESY services, then the IEP will be implemented on the first day of school.
- The Department of Education and the Connecticut Birth to Three System agree that late referrals to the Birth to Three System (33 months and older) should be made simultaneously to

- our District and the Connecticut Birth to Three System with the ultimate goal of ensuring that these children, if eligible, are provided with FAPE by their third birthday.
- In cases of children who are referred to the District at 34 or 35 months of age, the ultimate goal is to ensure that all eligible children are provided with a FAPE no later than their third birthday. In situations where that may not be possible, a “reasonable standard” would be the 45 school day rule – so that no more than 45 school days should pass from the date of referral to the implementation of the child’s IEP, if that child is eligible for FAPE. Thus, a referral for a child who is close to age three may result in IEP services initiated after the child’s third birthday.

## **Identification of Children Below School-Age**

For children who are not involved in the Connecticut Birth to Three System even under the age of 3, our District conducts on-going child find activities which include community screenings as well as individual child specific screenings to determine if a child requires further evaluation (and, to determine the eligibility of children age 3 and above for special education and related services.)

Through this process, children who may require special education services are referred to the Planning and Placement Team for consideration for further evaluation. Parents and other referring parties may also contact the special education department to refer a child to a PPT.

## **Identification of School Age Students (5-21 Years of Age)**

- **Transfer Students**

The principal or designee in each of our schools reviews the records of any new student transferring from another school system whether transferring from a District within Connecticut or from out of state. If the records indicate that the student has been identified as a student with disabilities and that the student requires special education and related services, the student is immediately enrolled in school and, in consultation with parents, given an appropriate program including services comparable to those described on the student’s IEP. If the Individualized Education Program from the sending school requires revision, a Planning and Placement Team meeting is held at the earliest possible opportunity to develop, adopt and implement a new IEP. For students transferring from another state, our District may also conduct an evaluation if determined to be necessary and develop a new IEP, if appropriate.

- **Currently Enrolled Students**

Students attending our District schools receive the ongoing attention of professional personnel to help support their successful learning. Students whose behavior, attendance, or progress in school is considered unsatisfactory, at a marginal level of acceptance (i.e., potential drop-outs), or are suspended repeatedly, are promptly referred to a PPT by completing the District’s standard referral form (*See Chapter 1 Appendix*) and notifying the parents within 5 school days of the referral by completing the Notice of Referral to PPT (*See Chapter 1 Appendix*). A PPT is scheduled to discuss the referral concerns and to decide how the PPT will proceed (*See Chapter 4 Evaluation*). Such students are identified through anecdotal records, conversations with parents, individual performance records and standardized test results (including, but not limited to, the Connecticut Mastery Tests or Connecticut Academic Performance Tests).

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## ❖ **Alternative Procedures and Programs Prior to PPT Referral**

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Before our District personnel refer a student to a Planning and Placement Team, alternative procedures and programs in regular education are explored and implemented where appropriate. Each school in our District has a team that provides a variety of alternative strategies to the teacher. This team is called **Response to Intervention (RtI) Team**. Parents are encouraged to collaborate with the teacher and other involved staff during this time.

Parents or school personnel may request assistance from the school's RtI Team. The team works collaboratively with the classroom teacher and parents to develop and document strategies to assist the student within the regular education program. If the student's problems or difficulties persist, a prompt referral to a PPT is made.

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## ❖ **Referral Form**

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A standard referral form is used to document all referrals to the Planning and Placement Team. This form is available at the Special Education Department or in each of our District's schools. Concerned parents and/or staff may complete the form. Once the form is completed, it is given to the school administrator or his/her designee. The completion of this referral form initiates the Planning and Placement Team process (*See Chapter 1 Appendix*).

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## ❖ **Gifted and Talented Students**

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Students in our District in grades Kindergarten-12 who may be gifted and talented are identified, referred and evaluated using a process. While identification is mandated under state law, programming is permissive.

### **Procedures for Identification**

The parents must be notified in writing that a referral to the Planning and Placement Team (PPT) has been made to determine a child's identification as either gifted or talented. A PPT is a group of certified and/or licensed professionals, who represent each of the teaching, administrative and pupil personnel staffs and who participate equally in the decision making process; the PPT includes the parents. These shall be persons knowledgeable in the areas necessary.

The PPT must process the referral for an evaluation. The PPT must review existing data to determine if the child may be eligible as gifted and talented. If the PPT determines that sufficient information exists to determine eligibility, further evaluation is not necessary. The parents may challenge the refusal of the PPT to find a child gifted and talented by requesting due process, discussed further below.

## Steps in the Process of the Identification of Gifted and Talented Students

1. Parents must be notified in writing when the student is referred to the PPT for a consideration of identification of gifted and talented and, after the PPT has reviewed the assessment information, notified in writing if the student has met the criteria for eligibility as gifted or talented.
2. If the District recommends further evaluations and use an individual assessment procedure (e.g., an individual intelligence test), certain procedural safeguards must be followed. Individual assessment requires proper notice and informed consent. Parents are notified that their child has been referred for evaluation and written consent for the evaluation must be obtained. Parents are informed of the results of the evaluation and informed whether or not the child has been identified as gifted and talented.
3. If group assessment procedures are used to identify gifted and talented students, consent to perform such assessments may not be required. Group assessments (e.g. achievement tests) given to all students within a District are nonspecific and, therefore consent is not required. If a group of students are to be evaluated specifically to determine identification as gifted and talented, notice and consent are required.
4. If a school district uses individualized assessment procedures, an individual PPT may be held with the parents to discuss eligibility. However, districts are not required to hold individual PPTs with parents, since an IEP will not be developed. For purposes of determining eligibility where either individual and/or group assessments are used, it is acceptable for the PPT to review student assessment data and to identify a group of gifted and talented students during a single meeting.
5. Parents have the right to review and inspect any educational records related to their child. This includes records related to the determination of a child's identification as gifted and talented.
6. If at any time in the evaluation process the parents disagree with the decisions of the PPT, the parents have the right to challenge those decisions. For example, if the parents disagree with the District's refusal to evaluate the child, the parents may request either a mediation or due process hearing to challenge this refusal. If the PPT determines that the child is neither gifted nor talented, the parents may challenge this determination by requesting either mediation or a hearing. Parents may request an independent educational evaluation to challenge the evaluations conducted by the District.
7. Parents have the right to obtain an independent evaluation of their child, conducted by a certified person not employed by the District.
8. Parents have the right to an independent evaluation at public expense if they disagree with an evaluation obtained by the District. "Public expense" means at no cost to parents. However, the District may initiate a due process hearing to show that the evaluation is appropriate.
9. The District is not required to provide programming for children identified as gifted and talented. Instead, programming is permissive. Parents, then, can ask for educational services that accommodate the educational needs of their children, but the District is not required to provide such special education services.

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## **Child Identification Appendix**

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- District Referral Form

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## Chapter 2 — Confidentiality

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The District maintains records of students requiring special education and related services. The District maintains strict confidentiality of these student records and other personally identifiable information at collection, storage, disclosure, and destruction stages of handling. Parents and other appropriate persons are given proper and needed access to records. Our District establishes and implements policy and procedures which ensure that records are classified, filed, protected, kept confidential, reviewed, and when appropriate, destroyed according to the Individuals with Disabilities Education Act (IDEA), and the Family Educational Rights and Privacy Act (FERPA) and the state's Records Retention Schedule (*See Chapter 2 Appendix*). Parents of students receiving special education and related services are notified annually of the availability of these policies and procedures. The written policies and procedures concerning education records are available to the public in the Superintendent's office.

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### ❖ Generation and Maintenance of Records

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Student records are defined as any records, files, documents, and other materials which are maintained in writing, found in computer memory banks, video, or audio tape, film, microfilm, and microfiche by the school system or persons acting for the school system. These records are collected, maintained, or used by the District in order to meet the requirements of IDEA. This includes records that are used for identification, evaluation and educational placement of a student for the provision of free appropriate public education.

#### **Custodian of Records**

The District has designated one official, Director, Pupil Personnel Services, who is responsible for ensuring the confidentiality of any personally identifiable information. This person is considered the custodian of records. The custodian of records ensures that all individuals who collect or use personally identifiable information receive training regarding the policies and procedures outlined in IDEA and the Family Educational Rights and Privacy Act, as well as in the District procedures.

#### **Access to Confidential Student Information**

Access to student records is only given to parents, a representative of the parents and parties who have been determined by our District to have a legitimate educational need.

#### **Record of Access**

Our District maintains a record of the parties that have accessed a student's education record. With the exception of parents and authorized employees of our District, everyone who reviews a student's educational record is documented in the record of access. The record of access includes the name of the party having access, the date access was given, and the purpose for which the party was authorized to use the records (*See Chapter 2 Appendix*).

## **Disciplinary Information**

The District includes in the records of a student with a disability a statement of any current or previous disciplinary action that was taken against the student. Our District includes this statement to the same extent that this information is included in nondisabled student's records. The statement may include a description of the disciplinary action taken and any other information that is relevant to the safety of the student and other individuals involved with the student. If the student transfers from one school to another, the transmission of any of the student's records must include the student's current and previous disciplinary action that has been taken against the student.

When the District initiates disciplinary procedures applicable to all students, the District ensures that the special education and disciplinary records of the student with a disability are transmitted for consideration to the person or persons making the final determination regarding the disciplinary action.

## **Referral to and Action by Law Enforcement and Judicial Authorities**

The District reports criminal acts committed by a student with a disability as the District does crimes committed by students without disabilities. The District ensures that when the District reports a crime committed by a student with a disability that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to which the District reports the crimes. The District transmits copies of the student's special education records only to the extent that the Family Educational Rights and Privacy Act permit the transmission.

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## **❖ Parental Rights**

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### **Parental Inspection and Review of Educational Records**

When reference is made to parent, this also includes eligible students and surrogate parents. Parents have the right to inspect and review all education records pertaining to their child that are collected, maintained or used by the District to meet the requirements of special education law. Our District presumes that the parent has the authority to inspect and review records relating to their child unless the District has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation and divorce.

A request to review and inspect records must be in writing. The District makes records available to parents within ten school days of the request. Records are made available within three school days of the request if information is needed to plan for any due process proceeding or a PPT meeting. A representative of the parent may inspect and review the records.

Our District will provide to parents an explanation and an interpretation of their child's records upon parental request. The District provides to parents, upon request, a list of the types and locations of education records collected, maintained or used by our District.

### **Cost for Records or Search and Retrieval**

In Connecticut, the right to review and inspect the records includes the right to one free copy of the records. Parents are required to submit a written request for the records; the District must comply within five school days of the request. Our District may charge for additional copies if the fee does not effectively prevent parents from exercising their right to inspect and review the records. Our District does not charge parents a fee to *search for* or to *retrieve* the educational records of a special education student.

**NOTE:** While test instruments are considered education records, any test instrument or portion of a test instrument for which the test manufacturer asserts an ownership or copyright interest may not be copied although they may be reviewed and inspected by parents. Our district retains test protocols for 6 years after student leaves school system and notifies parents before they are destroyed.

## **Limitations of Parents' Rights of Inspection and Review**

Review and inspection of student records is restricted to information concerning the parent's own child. If our District maintains education records that include the names of more than one student, the parents of that student have the right to view information pertinent only to their child, or to be informed of that specific information.

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## **❖ Rights of Eligible Students**

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A student who has attained 18 years of age, an emancipated minor, or a student who is attending a post-secondary education institution has the right of access to his/her educational records and is afforded the right to privacy.

The rights of parents regarding educational records under the Family Educational Rights and Privacy Act of 2003 are transferred to the student at age 18 or when she or he is attending postsecondary education. Because the rights given to parents under IDEA Part B are transferred to a student who reaches age 18, the rights regarding educational records are also transferred to the student.

When a student with a disability reaches age 18 (this includes those students incarcerated in an adult or juvenile, state or local correctional institution, but excludes those who have been determined to be incompetent under State law) our District does the following:

- Provides all required notices to both the student and the parents;
- Transfers to the student all other rights accorded to the parents under IDEA (as revised in 2004) Part B;
- Notifies the student and the parents of the transfer of rights; and
- Transfers the rights regarding education records to the student.

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## **❖ Surrogate Parent**

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The rights of a student are protected by the appointment of a surrogate parent in the following circumstances:

- When the student requires or may require special education **and**
- When the parent cannot be identified after our District has made reasonable efforts to discover their whereabouts **or**
- When the student is under the guardianship of the Commissioner of the Department of Children and Families **or**
- When the Commissioner of the Department of Children and Families is the student's statutory parent, **or**
- When the student is an unaccompanied homeless youth as defined by the McKinney Vento Homeless Assistance Act.

The surrogate parent has legal rights afforded to parents or guardians with respect to special education and related services. The surrogate parent represents the student in all matters relating to the identification, evaluation, and educational placement and the provision of a free appropriate public education to the student. In the above instances, notice to our District is issued from the Department of Children and Families if they have been involved in the student's placement. The District will request from the State Department of Education the assignment of a surrogate parent.

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## ❖ Amendment of Student Records

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### Request for Amendment

Parents or eligible students may request that the custodian of records amend their child's or their own confidential record (if the student is over 18 years of age) if they believe that information in the education record is inaccurate, misleading, or violates the privacy rights of the student. Within a reasonable period of time, the custodian of records will decide whether to amend the information in accordance with the parent's request.

### Hearing to Amend Student Records

If the custodian of records refuses to amend the records, parents are informed of the refusal. They are advised of their right to a hearing with the District to challenge the information in the record on the grounds that it is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. Hearings as a result of a parent request for amendment of a student's special education record are conducted in accordance with the procedures of the Family Educational Rights and Privacy Act.

These procedures are as follows:

- The hearing is held within a reasonable time after the District has received the request for a hearing from the parent or eligible student.
- The District provides the parent or eligible student notice of the date, time and place of the hearing reasonably in advance of the hearing.
- An individual (including an official of the District), who does not have a direct interest in the outcome of the hearing, conducts the hearing.
- The District provides the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised.
- The parent or eligible student may, at his/her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- The District provides to the parents within a reasonable period of time after the hearing a written decision of the hearing.
- The hearing decision will be based solely on the evidence presented at the hearing and will include a summary of the evidence and the reasons for the decisions.

### Hearing Decision to Amend the Records

If the decision of the hearing is that the data are inaccurate, misleading or otherwise in violation of the privacy rights of the student, our District will inform the parent or eligible student of this in writing. The record will be revised accordingly.

## **Hearing Decision to Not Amend the Records**

If the hearing finds that the information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, our District informs the parent or eligible student of the decision. The District also notifies them of their right to place, in the District-maintained student's record, a statement commenting on the contested information or setting forth any reason for disagreeing with the District's decision or both. Any explanation placed in the record of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system. If the District discloses education records to any party, any explanation having been placed in the record will also be disclosed.

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## **❖ Release of Confidential Information**

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### **Parent Consent and Record Protection**

Our District protects the confidentiality of personally identifiable information at all stages of handling; this includes collection, storage, disclosure and destruction of information. In all cases except where consent is not required under the Family Education Rights and Privacy Act (FERPA), the District obtains parental consent before personally identifiable information is disclosed to anyone other than officials of the District (who our District has determined to have a legitimate educational interest). This is also true when it is used for any purpose other than meeting a requirement of the IDEA. The District does not release information from education records to other providers of special education and related services (IDEA) without parental consent unless authorized to do so under FERPA and Connecticut State Statute.

### **Conditions when Prior Consent is not required to Disclose Information**

In accordance with the Family Educational Rights and Privacy Act and Section 10-220h of Connecticut Education Law, the District may disclose personally identifiable information from a student's education record without parent/student consent if the disclosure is:

1. To other school officials, including teachers within the educational agency and consultants with whom the District contracts who have been determined by such agency/institution to have legitimate educational interests;
2. To officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer at the same time that the District transfers the records, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. When the new school district informs us in writing that the student is enrolled, the District will transfer the record no later than ten days after receipt of the written notification;
3. To authorized representatives of the Comptroller General of the United States; the Secretary of Education; the U.S. Commissioner of Education; the Director of the National Institute of Education, or the Assistant Secretary of Education; or State Educational Authorities, under certain conditions as described below. The District will provide such authorized representatives access to student or other records, which may be necessary in connection with the audit, evaluation or enforcement of state and federally supported education programs. The District will not permit such representatives to collect personally identifiable data unless specifically authorized to do so by state and federal law;
4. In connection with a student's application for, or receipt of, financial aid;
5. To state and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974;

6. To accrediting organizations in order to carry out accrediting functions;
7. To parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986;
8. In connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. Factors to be taken into account in determining whether personally identifiable information from the education records of a student may be disclosed include:
  - The seriousness of the threat to the health or safety of the student or other individuals;
  - The need for the information to meet the emergency;
  - Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and
  - The extent to which time is of the essence in dealing with the emergency;
9. To comply with a judicial order or lawfully issued subpoena provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance;
10. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests or student aid programs, and improving instruction; and
11. Between two or more schools in which the student is enrolled or receiving services.

When the District reports the commission of a crime committed by a student with a disability to the appropriate authorities, the District sends copies of the special education and disciplinary records of the student to the appropriate authorities to which the District reports the crime. The District also sends copies of the student's special education and disciplinary records to the extent permitted by the Family Educational Rights and Privacy Act (*See Chapter 2 Appendix*).

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## ❖ Duration and Destruction of Records

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Our District's special education department informs parents when personally identifiable information, which was collected, maintained or used under IDEA is no longer relevant to the provision of educational services to a student and the District plans to destroy the information. (Also see note on page 3 of this chapter.) The District reminds parents that they or their child may need the information for Social Security benefits or other purposes in the future. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Parents may also request that the records be destroyed and if the District is no longer using it to provide education services to the student, the District destroys it. If there is an outstanding request to inspect the records, they will not be destroyed until that request is satisfied. Records of students placed by our District in regional education service centers and approved private special education programs are education records, therefore retention and destruction of this information is our obligation. The District notifies parents/guardians of the location of records that are maintained by these agencies and parents has access to the copy. The District considers records to be no longer needed to provide educational services to a student when the minimum retention period as recommended by the State of Connecticut is achieved (*See Chapter 2 Appendix*).

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## Confidentiality Appendix

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- Family Education Rights and Privacy Act (FERPA)-located at <http://www.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf> in the Family Policy Compliance Office of this website
- Municipal Records Retention Schedule for Educational Records (Schedule M8)- located at <http://www.cslib.org/retschedules.htm>
- Access Record form

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## Chapter 3 — Prior Written Notice and Consent

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### ❖ Written Notice

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Parents and eligible students are provided written notices at specific points throughout the special education process. These situations are identified in IDEA and Connecticut regulations. The State Department of Education’s procedural safeguards document is provided to parents and eligible students at many of these times as well (*See Chapter 3 Appendix*).

### Age of Majority

The District sends all required notices to both the student and the parent when a student reaches age eighteen. The only exception to this is for a student who has been determined to be incompetent under state law. Throughout this section, students age eighteen or older who have not been determined to be incompetent under state law are referred to as (an) “eligible student(s)”.

### Description of Prior Written Notice

Prior written notice is a document that our District provides to parents and eligible students. This document serves to notify parents and eligible students, in writing, five school days before the District proposes to or refuses to initiate or change the student’s identification, evaluation or educational placement or the provision of a free appropriate public education (“FAPE”) to the student. This includes graduation from high school with a regular diploma or whenever a decision will effect the provision of a free appropriate public education. The term “regular high school diploma” does not include alternative degrees such as certificates of attendance or completion of a general educational development credential (“GED”).

The written prior notice will have the following information: [Page 3 of ED 620]

- Description of the action proposed or refused by the PPT;
- Explanation of why the PPT proposes or refuses to take the action;
- Description of any options the PPT considered and the reasons why those options were rejected;
- Description of each evaluation procedure, test, record, or report the District used as a basis for the proposal or refusal;
- Description of any other factors that are relevant to the PPT’s proposal or refusal; and
- Statement that a parent or eligible student has the right to protection under procedural safeguards. If this notice is not an initial referral, prior written notice will include a description of how the procedural safeguards can be obtained. Prior written notice will include sources to contact to obtain assistance in understanding the provisions of IDEA.

### Additional Situations Requiring Notice

In addition to the above information, IDEA requires notice to be given to the parents and eligible students for a disciplinary situation that results in placement in an interim alternative educational setting. The Connecticut regulations also require that notice be given to parents and eligible students in other situations in the special education process as described below. These are not prior written notice as described above, but each has its own set of required components.

## **Referral [ED 622]**

Our District notifies parents and eligible students in writing within five school days after the date of a referral to special education (*See Chapter 3 Appendix*). The notice contains the following elements:

- Reason for notice;
- Source of the referral;
- Date of the referral; and
- Statement of parental rights or eligible student's rights to review and obtain copies of all records used as a basis for referral.

A full explanation of all procedural safeguards available to the parent or eligible student is sent with the referral notice.

## **Indication of the Convening of a Planning and Placement Team Meeting [ED 623]**

At least five school days prior to a meeting to develop, review or revise a student's Individualized Education Program (IEP), the parent or eligible student is advised in writing, in her or his native language, of the right to participate as a member of the Planning and Placement Team.

The elements of the notice include:

- The purpose for the PPT meeting;
- A time and location of the meeting with a statement that the meeting can be rescheduled at a mutually agreed upon time and place;
- Who will be in attendance and who will be invited to the meeting; and
- An indication that parents or eligible students can bring anyone of their choosing to the meeting.

If the PPT's purpose is to develop transition goals and objectives as part of the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the PPT team, the notice of the PPT indicates:

- This purpose of the meeting;
- That the student is invited;
- Identification of any other agency that will be invited to send a representative with the written consent of the parent (also see chapter 5, page 2); and
- All other PPT meeting notice elements listed above.

## **Initial Evaluation [ED 625]**

The notice to secure original consent for an initial evaluation includes the elements of prior written notice and the following elements:

- The reason for notice;
- A description of each evaluation procedure, test, record or report to be given or created;
- A statement that parents or eligible students have the right to obtain an independent evaluation as part of the evaluation process;
- A statement that parents or eligible students have the right to refuse consent and that, if given, it may be revoked at any time;

- A statement that if parents or eligible students contest the evaluation through due process procedures, the student’s current educational placement will not change until due process procedures have been completed;
- A statement that failure to respond within ten school days from the date of the notice, shall be construed as refusal of consent;
- An indication that a copy of the procedural safeguards document is included with the notice; and
- An indication that parents or eligible students will receive a copy of the evaluation report and documentation of determination of eligibility.

## **Reevaluation [ED 627]**

In addition to the elements of prior written notice, the reevaluation notice must include:

- The reason for notice;
- A description of each evaluation procedure, test, record or report to be given or created;
- A statement that parents or eligible students have the right to obtain an independent evaluation as part of the evaluation process;
- A statement that parents or eligible students have the right to refuse consent and that, if given, it may be revoked at any time;
- A statement that if parents or eligible students contest the reevaluation through due process procedures, the student’s current educational placement will not change until due process procedures have been completed;
- An indication that parents or eligible students will receive a copy of the evaluation report and documentation of determination of eligibility.

Parents and eligible students are notified when no additional data is needed for reevaluation and they are informed of that decision, the reasons for it, and their rights to request an assessment to determine whether the student continues to be a student eligible for special education.

## **Disciplinary Situations That Result in Interim Alternative Educational Settings**

In disciplinary situations, parents and eligible students are notified no later than the date on which a decision is made to take an action that may or will result in one or more of the following:

- The student will be placed in an appropriate interim alternative educational setting for reasons of weapons, drugs, or serious bodily injury (see chapter 10).
- A hearing officer will order a change in the placement of a student to an appropriate interim alternative setting.
- The student will be removed from school for a period of time that would be considered a change in placement.

Parents or eligible students are provided a copy of procedural safeguards.

## **Communication of Written Notice**

The District communicates prior written notice in a language understandable to the general public. It is in the native language of the parent and eligible students or other mode of communication used by the parent and eligible students unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the District will take steps to ensure that there is written evidence that the notice is translated orally or by other means to the parent and eligible student and that the parent and eligible student understands the content of the notice.

## Timelines for Prior Written Notice

The District provides parents and eligible students with written notice five school days before the Planning and Placement Team proposes to, or refuses to, initiate or change the identification, evaluation or educational placement of the student. This includes graduation from high school with a regular diploma or issues regarding the provision of a free appropriate education to the student.

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## ❖ Parental Consent

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In accordance with Federal regulations, the District requires informed parental (or eligible student) consent prior to an initial evaluation, reevaluation, and an initial provision of special education services and release of confidential educational records under specific conditions (see chapter 2). Also in accordance with Connecticut regulations, our District requires consent prior to a private placement.

Consent means that the parent (or eligible student):

- has been fully informed of all information relevant to the activity for which consent is sought. This information is given to the parent or eligible student in his or her native language, or other mode of communication unless it is clearly not feasible to do so;
- understands and agrees in writing to the carrying out of the activity for which her or his consent is sought. The consent describes that activity and lists the records (if any) that will be released and to whom they will be released; and
- understands that the granting of consent is voluntary and may be revoked at any time.

## Obtaining Parental Consent

In our District, parental (or eligible student) consent is obtained prior to an initial evaluation and reevaluation (with the exception noted below), an initial provision of special education services, and a private placement. Consent for initial evaluation is not construed as consent for initial provision of special education services.

Parents (or eligible students) may not object to the inclusion in an initial evaluation or reevaluation of the following:

- review of existing data, or
- testing or other evaluation that is administered to all students, unless, before administering that test or evaluation, consent is required of parents of all students.

Parental (or eligible student) consent for reevaluation need not be obtained if the District can document that the District has taken reasonable measures to obtain the consent and the parent (or eligible student) has failed to respond. In these situations the District would have some documentation indicating the following activities:

- detailed records of telephone calls made or attempted and the results of these calls;
- copies of correspondence sent to the parents (or eligible student) and any responses received; and
- detailed records of visits made to the parent's (or eligible student's) home or place of employment and the results of those visits.

## Parental Refusal for Consent or Withdrawal of Consent

If a parent (or eligible student) revokes consent, that revocation is not retroactive. Therefore, it does not negate an action that has occurred after consent was given and before consent was revoked.

Our District does not use a parent's (or eligible student's) refusal to consent to one service or activity to deny the parent or student any other service, benefit or activity in our District.

If a parent (or eligible student) refuses or withdraws consent in the case of an initial evaluation or reevaluation, our District may continue to pursue these PPT decisions by using due process, including mediation. If a hearing officer upholds our District decisions, the District may evaluate or reevaluate.

If a parent (or eligible student) refuses consent or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the District will not pursue the provision of special education and related services by using due process, including mediation.

If parental (or eligible student) consent is not given or is revoked for private placement, the District will request a hearing provided the private placement is not the initial placement for the child.

## Consent Forms

All consent forms in our District include:

- A statement of parents' (or eligible student's) right to refuse consent and that, if given, it may be revoked at any time;
- A statement that parental (or eligible student's) failure to respond within ten school days from the date of the notice shall be construed as refusal of consent (not applicable to reevaluation); and
- A statement that, if contested, a student's current educational placement will not change until due process procedures have been completed.

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## ❖ Procedural Safeguards

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Our District considers provision of procedural safeguards an essential part of prior written notice. Procedural safeguards are given to parents (or eligible students) as part of the prior written notice (*See Chapter 3 Appendix*). A copy of the procedural safeguards are given to the parents (or eligible students), at least one time a year and upon the following occurrences:

- initial referral or parent request for evaluation;
- upon receipt of the first complaint made under the State's Complaint Resolution Process or the first due process complaint filed in a school year;
- on the date on which the decision is made to remove a child from his or her educational placement because he or she has violated a code of student conduct and the removal constitutes a change in placement [see Chapter 10, Discipline]; or
- upon request by a parent.

The State Department of Education's procedural safeguard document provided to parents (or eligible students) includes the following:

- Evaluation of a child by a person who does not work for the school district. This is called an independent educational evaluation;
- Giving the parent a copy in writing of what the school is proposing or refusing to do about a child's program (prior written notice);
- Getting parent permission before the school administers evaluations or provides special education services to a child;
- Inspecting, reviewing and obtaining a copy of a child's educational record;
- Due process hearings;
- Advisory opinions;
- A child's program during the pendency of a due process hearing;
- Procedures when disciplining a child with a disability;
- Steps a parent must follow if a parent places a child in a private school and expects the school to pay;
- Mediations;
- Expedited due process hearings;
- Bringing a case to court;
- Attorneys' fees;
- State complaints;
- The difference between due process hearings and state complaints; and
- Electronic Mail.

## **Communication of Procedural Safeguards**

The description of the procedural safeguards available to parents (or eligible students) is provided in the native language of the parent (or eligible student) or other mode of communication used by the parent (or eligible student) unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent (or eligible student) is not a written language, the District takes steps to ensure that the procedural safeguards is translated orally or by other means to the parent (or eligible student) in his or her native language or other mode of communication that the parent (or eligible student) understands. The District ensures that the parent (or eligible student) understands the content of the procedural safeguards and that there is written evidence that these requirements have been met.

## **Hearing Officers**

The District maintains a list of the persons who serve as hearing officers. This list, provided to us by the State Department of Education, includes a statement of the qualifications of each person on the list (*See Chapter 3 Appendix*)

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## **Prior Written Notice and Consent Appendix**

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- Prior Written Notice form
- Notice of Referral
- Notice of Planning and Placement Team Meeting
- Notice and Consent for an Initial Evaluation
- Consent for Special Education Placement
- Notice and Consent for a Reevaluation
- Procedural Safeguards
- List of Hearing Officers

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## Chapter 4 — Evaluation

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The District uses procedures to ensure that proper identification of students with disabilities occurs through the implementation of sound evaluative practices. Evaluation in this context means the procedures that the District uses to determine whether a student has a disability and the nature and extent of the special education services that the student needs. A full and individual initial evaluation is conducted to determine if the student is a student with a disability and to determine the student's educational needs before any action is taken with respect to the initial placement of a student with disabilities in a special education program. A reevaluation is conducted if conditions warrant it, or if a student's parent or teacher requests a reevaluation, but at least once every 3 years unless the parent and our District agree that it is unnecessary. In addition, a reevaluation will not be conducted more frequently than once a year unless the parent and our District agree otherwise.

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### ❖ Process

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#### 1. Early Intervention Strategies

Before school personnel refer a student to a Planning and Placement Team, alternative strategies and programs in regular education are explored and, where appropriate, implemented. See Chapter 1, Student Identification, for more detailed information on locating students who may have a disability and need special education.

#### 2. Referral to Determine Eligibility for Special Education and Related Services [ED 621]

If these strategies are not successful or if the parents make a written request for an evaluation, a student is referred to determine eligibility for special education and related services. A District standard referral form [ED 621] (*see Chapter 1 Appendix*) is used to document the referral. This form is available to parents and school personnel in each of the schools and at the Special Education Department Office. Parents receive notice of the referral within five school days of the date of the referral, regardless of who makes the referral.

#### 3. Initial Evaluation

A Planning and Placement Team meeting is scheduled to discuss the referral. Parents receive written notification of the PPT five school days prior to the meeting. The PPT may decide an evaluation is not needed and the regular education program and services are appropriate. If the PPT decides to conduct an evaluation, the PPT, which includes the parent, designs the evaluation (*See Evaluation Study for Determination of Eligibility and Placement*). Before our District provides initial special education and related services, a full and individual initial evaluation is conducted to determine if the student is a student with a disability and to determine the education needs of the student. Parents must sign a written consent for the evaluation. See Chapter 3 for evaluation notice and consent requirements.

After the evaluation is completed, the Planning and Placement Team of qualified professionals and the parent of the student make the determination of whether the student is a student with a disability. See Chapter 1 for further details of student identification. A copy of the evaluation report and documentation of eligibility is given to the parent. Development of the IEP for a student is based upon

the diagnostic findings of the evaluation study. Implementation of an IEP based upon an initial referral is not to exceed 45 school days from the date of referral or 60 school days for students placed in a private school, exclusive of the time necessary to get parent consent. (*See Chapter 6 for further details regarding Individualized Education Programs.*)

#### **4. Interpretation of Evaluative Data in Making Educational Decisions**

In interpreting evaluation data for the purpose of determining if a student has a disability and what the educational needs of the student are, the District uses information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The District ensures that information obtained from all of these sources is documented and carefully considered. An IEP is developed if a determination is made after reviewing the information that a student has a disability and he/she requires special education and related services. A student is not determined to be a student with a disability if the determining factor for such decision is limited English proficiency or lack of instruction in reading or math.

#### **5. Reevaluation**

The IEP of each student with a disability is reviewed in our District periodically, but at least annually. A reevaluation of each student with a disability is conducted at least once every three years (unless the parent and our District agree that it is unnecessary), or if a student's parent or teacher requests a reevaluation (although a reevaluation will not be conducted more frequently than once a year unless the parent and our District agree otherwise). Parents must sign consent for reevaluation unless our District can document that we have taken reasonable measures to obtain parental consent and the parent (or eligible student) has failed to respond (see Chapter 3, page 4). See Chapter 3 for reevaluation notice requirements and the appendix for the consent form.

#### **6. Evaluation Prior to Termination of Special Education Eligibility**

The District evaluates a student with a disability before determining that the student is no longer a student with a disability. An evaluation before the termination of a student's eligibility for special education and related services is not required if the student graduates with a regular high school diploma or exceeds the age of eligibility for FAPE under state law.

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### **❖ Summary of Performance**

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For a student whose eligibility for special education and related services terminates due to graduation with a regular diploma or due to exceeding the age eligibility for FAPE under state law, our District will provide the student with a summary of the student's academic achievement and functional performance [ED 635], which shall include recommendations on how to assist the student in meeting his or her postsecondary goals.

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### **❖ Evaluation Study for Determination of Eligibility and Placement**

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An evaluation study on a student in our District includes reports concerning educational progress, structured observation, and such psychological, medical, developmental and social evaluations as may be appropriate to determine the nature and scope of the student's exceptionality.

The evaluation study may include information concerning the student's physical condition, socio-cultural background and adaptive behavior in home and school. The evaluation report documents the sources of all information. If an assessment is not conducted under standard conditions, a description of the extent to which it varies from standard conditions is included in the evaluation report.

In evaluating each student with a disability, our District's evaluation is sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the student's disability category. A student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

No single procedure is used as the sole criterion to determine whether a student has a disability and to design an appropriate educational program for the student. Results of standardized or local tests of ability, aptitude, affect, achievement and aspiration are not exclusively used as the basis for determining whether a student is a student with a disability within our District. An evaluation study shall document and carefully consider the sources of all information.

### **Evaluative Data for Initial Evaluation or Reevaluation**

As part of an initial evaluation and as part of any reevaluation, the PPT (which develops, reviews or revises the student's IEP) and other qualified professionals, as appropriate, review existing evaluation data, including:

- Information, and evaluations conducted by the district and/or provided by the parents of the student;
- current classroom-based, local, or State assessments, and classroom-based observations; and
- observations by teacher and related services providers.

If the team is unable to make a determination using existing information, the team may identify any additional data that maybe needed including tests and other evaluation materials to determine the following:

- Whether the student has a particular category of disability and the educational needs of the child;
- In the case of reevaluation, whether the student continues to have such a disability and such educational needs;
- The present levels of academic achievement and related developmental needs of the student;
- Whether the student needs special education and related services;
- In the case of a reevaluation of a student, whether the student continues to need special education and related services; and
- Whether any additions or modifications to the special education and related services are needed to enable the student to:
  - Meet the measurable annual goals set out in the IEP; and
  - Participate, as appropriate, in the general education curriculum.

Notice and consent for initial evaluation and reevaluation will be completed.

When conducting a reevaluation, if no additional data is needed to determine whether the student continues to be a student with a disability, the District notifies the student's parents of this determination and the reasons for it. The District also notifies the parents of their right to request an assessment to determine whether the student continues to be a student with a disability and to determine the child's educational needs. The District is not required to conduct an assessment unless requested by the student's parents.

Evaluations of students with disabilities who transfer from one school district to another school district in the same academic year are coordinated with such student's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

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## ❖ Evaluation Tools and Measurements

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Tests, evaluation materials, procedures and techniques used for the purpose of evaluation are chosen carefully to ensure accurate results. They are selected and administered so as not to discriminate on a racial or cultural basis. They are used to gather relevant functional, developmental and academic information including: information provided by the parent, and information related to enabling the student to be involved in and progress in the general curriculum. For a preschool student, the District looks at information that will enable the student to participate in appropriate activities. This information will help the PPT determine whether a student has a disability as well as the content of the student's IEP.

The evaluation tools the District uses are administered according to instructions provided by the producers/publishers and have been validated for the specific purpose for which they are used. They are administered by trained and knowledgeable personnel who are appropriately certified and or licensed. The District ensures that they are technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The evaluation tools and measurements that the District uses include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. These assessment measures provide relevant information that directly assists persons in determining the educational needs of the student. Tests and measurements that the District uses are selected and administered to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever factors the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

### Language Issues In Evaluation

Assessments, evaluation material, procedures and techniques used for evaluation are selected and administered so as not to be discriminatory on a racial or cultural basis. They are provided and administered in the student's native language and form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally unless it is not feasible to do so. If a student is dominant in a language other than English, the evaluation study also includes systematic teacher observation of the specific areas of concern. Detailed information about the student's performance at home and in the community and any prescriptive or diagnostic teaching that have taken place is included.

The District uses a language dominance proficiency assessment prior to an evaluation when appropriate. Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs special education rather than measuring the student's English language skills.

### Evaluation for Learning Disabilities

The determination of whether a student suspected of having a specific learning disability is a student with a disability must be made by a PPT which includes the student's parents and qualified professionals including, but not limited to:

- the student’s regular teacher [or if the student does not have a regular teacher, a regular classroom teacher, a regular classroom teacher qualified to teach a student of her or his age, or for a student of younger than school age, an individual qualified by the state educational agency to teach a student of her or his age]; and
- at least one person qualified to conduct an individual diagnostic examination such as a school psychologist, speech-language pathologist or remedial reading teacher.

## Determination of a Learning Disability

Specific Learning Disability (“SLD”) means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written.

A PPT may determine that a student has a specific learning disability *if*:

1. The student does not achieve adequately for his or her age, or to meet grade level standards in one or more of the following areas (when provided with learning experiences and instruction appropriate for the child’s age or grade level standards):
  - oral expression
  - listening comprehension
  - written expression
  - basic reading skills
  - reading fluency skills
  - reading comprehension
  - mathematics calculation
  - mathematics problem solving

and,

2. The student does not make sufficient progress to meet age or grade level standards in one or more of the areas identified in number 1, above, when using a process based on the child’s response to scientific, research-based intervention; or
3. The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade level standards, or intellectual development, that is determined by the team to be relevant to the identification of a specific learning disability, using appropriate assessments.

In addition, the PPT may not identify a student as having a specific learning disability if the suspected disability is primarily the result of:

- a visual, hearing or motor disability;
- intellectual disability;
- emotional disturbance;
- environmental, cultural or economic disadvantage;
- limited English proficiency; and
- lack of appropriate instruction in reading or math.

To ensure that underachievement in a child suspected of having a SLD is not due to a lack of appropriate instruction in reading or math, the team must also consider, as part of the evaluation:

- Data that demonstrates that prior to, or as a part of the referral process, the student was provided appropriate, research-based instruction in regular education settings, including that the instruction was delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student’s parents.

In determining whether a child has an SLD, our district may use a discrepancy model (i.e., discrepancy between intellectual ability and achievement) or a Response to Intervention model which determines the existence of a learning disability based upon the progress a student makes over an appropriate period of time when provided with high-quality instruction/intervention and frequent monitoring of progress. Either model is permissible.

No matter which method our district uses to identify a child with SLD (response to scientific, research based instruction, or discrepancy model of patterns of strengths and weaknesses) we will conduct a comprehensive evaluation of the student that will also include an observation of the student's academic performance in the regular classroom setting by at least one team member other than the student's regular education teacher. In the case of a student of less than school age or out of school, a team member will observe the student in an environment appropriate for a student of that age.

[Insert District procedures for determining the existence of an SLD]

### **Multidisciplinary Evaluation Report [ED 629]**

For a student suspected of having a specific learning disability, the documentation of the PPT's determination of eligibility (*See Chapter 4 Appendix*) must include a statement of:

- whether the student has a specific learning disability;
- the basis for making the determination;
- the relevant behavior noted during the observation of the student;
- the relationship of that behavior to the student's academic functioning;
- whether the student does not achieve adequately or make sufficient progress to meet age or grade level standards;
- whether there are patterns of strengths and weaknesses in performance, achievement or both, relative to age, grade-level standards, or intellectual development in one or more of the areas listed under "*Determination of a Learning Disability*);
- the instructional strategies used and the student-centered data collected if a response to scientific, research-based intervention process was implemented;
- the determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and
- educationally relevant medical findings, if any;
- If the child has participated in a process that assesses the child's response to scientific, research-based intervention:
  - o The instructional strategies used and the student-centered data collected; and
  - o The documentation that the child's parents were notified about: (1) the State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; (2) strategies for increasing the child's rate of learning; and (3) the parents' right to request an evaluation.

Each team member participating in the determination of eligibility of a student suspected of having a learning disability certifies in writing whether the report reflects her or his conclusion. If it does not, the team member will submit a separate statement presenting his or her conclusions.

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## ❖ Independent Educational Evaluation

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The District provides to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained and our District's criteria applicable for independent educational evaluations.

Parents may request an independent educational evaluation at district expense if the parent disagrees with an evaluation that was completed or obtained by our District. The parent is entitled to request only one IEE at district expense each time the District conducts an evaluation with which the parent disagrees.

If a parent requests an independent educational evaluation at District expense, our District will, without unnecessary delay, either --

- File a due process complaint to request a hearing to show that the District's evaluation is appropriate; or
- Ensure that an independent educational evaluation is provided at District expense, unless the agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.

When an independent education evaluation is at District expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner must be the same as the criteria that our District uses when the District initiates an evaluation. This is done to the extent that the criteria is consistent with the parent's right to an independent educational evaluation and that the District may not impose additional conditions or timelines to those that the District uses.

If the parent obtains an independent educational evaluation at private expense, our District in any decision made with respect to the provision of FAPE to the student will consider the results of the evaluation. The results of an independent educational evaluation obtained by the parent at private expense may be presented as evidence at a hearing under the provisions of IDEA.

### **Trial Placement for Diagnostic Purposes**

The purpose of such placements is to assess the needs of a student for whom special education and related services may be necessary, but for whom the evaluation study is either inconclusive or the data insufficient to determine the student's IEP. A diagnostic placement is a structured program of not more than eight weeks duration.

The following steps are implemented in our District when the District has a student in a diagnostic placement:

1. The PPT specifies, in writing, the diagnostic goals and objectives, as well as the types and amounts of services needed to conduct the program to determine more conclusively the student's needs.
2. The PPT meets at least once every two weeks with personnel working with the student to discuss the student's progress and to revise, where necessary, the services being provided.
3. The PPT decides whether the student's time is divided between the diagnostic program and another program, or the student may be placed in the diagnostic program full time.
4. A diagnostic program shall be terminated as soon as the student's needs have been determined, but in any event within eight weeks.

5. Five school days before the end of the diagnostic program, the PPT will re-convene and, if required, write the student's IEP based on the findings made during the diagnostic placement as well as other evaluative information regarding the student.

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## Evaluation Appendix

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- Multidisciplinary Evaluation Report for Learning Disabilities
- Reading Worksheet
- Math Worksheet
- Worksheet to determine eligibility for Serious Emotional Disturbance
- Summary of Performance (ED 635)
- [Other worksheets used by the District (If District inserts other documents, the Table of Contents should be appropriately amended)]

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## Chapter 5 — Planning and Placement Team (PPT)

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The Planning and Placement Team (PPT) is the decision-making body central to the process of ensuring that the student meets the eligibility requirements of the IDEA. It is through this process that the District ensures that students with disabilities receive a free and appropriate public education.

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### ❖ Purpose of the PPT

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The PPT meeting is initiated and conducted for the purpose of determining eligibility, developing, reviewing and revising the IEP, and designing and reviewing evaluations and reevaluations. The purpose of the PPT meeting includes, where appropriate, developing and reviewing functional behavior assessments, developing, reviewing and/or modifying behavioral intervention plans, conducting manifestation determinations, and making interim alternative educational placement decisions. Additionally, the PPT meets to consider transition service needs and/or transition services that might be necessary.

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### ❖ Prior to a PPT

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Prior to a PPT our District personnel may engage in informal or unscheduled conversations on issues such as teaching methodology, lesson plans, or coordination of services if those issues are not addressed in the student's IEP. They may engage in activities to prepare for the PPT such as developing a proposal or response to a parent proposal.

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### ❖ PPT Timelines

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The Planning and Placement Team reviews the student's IEP periodically, at least annually, to determine whether the goals for the student are being achieved. The PPT revises the IEP, as appropriate, to address:

- any lack of progress toward the annual goals and in the general curriculum;
- the results of any reevaluation;
- information about the student provided to, or by, the parents;
- the student's anticipated needs; and
- other matters.

Parents must receive notice of PPT meetings at least five school days prior to the meeting.

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## ❖ PPT Membership

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The Planning and Placement Team in our District is composed of a group of certified and/or licensed professionals from teaching, administrative and pupil personnel staffs, the parent(s) of the student, the student when appropriate, and other individuals having knowledge or special expertise regarding the student. Administration is represented by someone qualified to provide or supervise the provision of special education. This person need not be the principal, but is not the student's teacher. In our District, school personnel that are knowledgeable in the areas necessary to determine an appropriate educational program for a student with a disability attend PPTs.

Each PPT that (1) develops, reviews and revises an IEP; (2) designs and conducts an initial evaluation or reevaluation; (3) determines eligibility; (4) conducts a manifestation determination; (5) develops a functional behavioral assessment; or (6) develops, reviews or modifies a behavioral intervention plan, includes:

- The parents of the student with a disability;
- At least one regular education teacher of the student (if the student is, or may be participating in the regular education environment);
- At least one special education teacher of the student, or if appropriate, at least one special education provider of the student;
- A representative of the District who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum and about the availability of resources within the District;
- A representative of the pupil personnel staff;
- An individual who can interpret the instructional implications of evaluation results (who may be one of the previously listed team members other than the parent);
- If appropriate, the student; and
- At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel.

### **PPT Membership for Out-of-District Placements**

PPT meetings, conducted to review or revise the program for a student in an out-of-district placement, include a representative from that facility (in addition to the membership identified above) who contributes to the development of short-term instructional objectives.

### **PPT Memberships for Secondary Transition Considerations**

If the purpose of the meeting is consideration of secondary transition services, the student (regardless of age) and a representative of any agency that is likely to be responsible for providing or paying for transition services are also invited. Representatives of outside agencies may only be invited with the consent of the parent or eligible student.

If the student does not attend the PPT, the District takes steps to ensure that the student's preferences and interests are considered.

### **PPT Attendance [ED 633]**

In some instances, a PPT member may be excused from attending a PPT meeting or, their attendance may not be necessary.

- A member of the PPT shall not be required to attend a PPT meeting, in whole or in part, at which a student's IEP is to be developed, reviewed, or revised, if the student's parent and our District agree

that the member's attendance is not necessary because that member's area of the curriculum or related services is not being modified or discussed in the meeting.

- A team member's attendance at a PPT meeting, in whole or in part, at which a student's IEP is to be developed, reviewed, or revised, may be excused from attending the meeting even though it involves a modification to or discussion of that team member's area of the curriculum or related services, if the parent and our District consent to the excusal and the team member submits written input to the parent and PPT prior to the meeting.
- A parent's consent to a team member's absence from a PPT meeting, whether because their attendance is not necessary or they have been excused and have submitted written input to the parent and PPT, must be given in writing and on a form our District provides [ED 633].

## **Role of the Regular Education Teacher in the PPT**

The regular education teacher of the student (as a member of the PPT) will, to the extent appropriate, participate in the development, review and revision of the student's IEP, including the determination of:

- appropriate positive behavioral interventions and strategies;
- supplementary aids and services, program modifications or supports for school personnel that will be provided for the student consistent with the IEP; and
- participation in the general education curriculum.

## **Parental Involvement in the PPT**

Our District takes whatever action is necessary to ensure that parents understand the proceedings at the PPT meeting. This includes, but is not limited to, arranging for an interpreter for parents with deafness or whose native language is other than English.

Meetings are scheduled at a mutually agreed upon time and place. If neither parent can attend the PPT, the District makes reasonable efforts using other methods to ensure parent participation, including individual or conference telephone calls or home visits. If the parent(s) cannot be convinced that they should attend a meeting our District documents the attempts to arrange a mutually agreed on time and place (*see Chapter 5 Appendix*). This documentation may include a record of phone calls made or attempted and results of those calls; copies of correspondence sent to parents and any responses received; and records of visits to parent's home or place of employment and results of those visits.

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## **❖ PPT Responsibilities in the Development of the Individualized Education Program (IEP)**

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In developing, reviewing and revising a student's IEP, our District's PPTs consider the following:

- The student's strengths and the parent's concern for enhancing their student's education;
- The results of the initial evaluation and most recent evaluation, or the results of any reevaluations;
- The results of the student's performance on any general state or Districtwide assessment programs, as appropriate;
- The communication needs of the student;
- The academic, developmental and functional needs of the student;
- Positive behavioral interventions, strategies and supports to address behavior that impedes a student's learning or that of others;
- The language needs of the student, in the case of a student with limited English proficiency;

- Instruction in Braille and the use of Braille, if a student is blind or visually impaired. The use of Braille and instruction in Braille is provided *unless* the PPT determines that either or these are not appropriate. The determination not to use Braille or not to provide instruction in Braille is made only after an evaluation of the student’s reading and writing skills, needs, and appropriate reading and writing media has been conducted. This evaluation must also include an assessment of the student’s future needs for instruction in Braille;
- The student’s language and communication needs and opportunities for direct communications with peers and professional personnel, if the student is deaf or hard of hearing. In addition, the PPT will consider this student’s academic level, and full range of needs, including opportunities for direct instruction in the student’s language and communication mode; and
- Whether the student requires assistive technology devices and services.

If, in considering these factors, the PPT determines that a student needs a particular device or service (including an intervention, accommodation or other program modification) in order to receive FAPE, the team will include a statement to that effect in the student’s IEP.

Beginning not later than the first IEP to be in effect when a student turns 16, or younger if determined appropriate by the PPT, a student’s IEP must include appropriate measurable postsecondary goals based upon age appropriate assessments related to training, education, employment, and where appropriate, independent living skills, and the transition services needed to assist the student in reaching those goals.

If a participating agency, other than the LEA, fails to provide the transition services described in the IEP, the District reconvenes the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

## **Disciplinary Action**

When a student’s behavior is in violation of a code of student conduct and the District has made the decision to change the placement, the PPT is responsible for conducting a review of the relationship between the student’s disability and the student’s behavior to determine if the behavior is a manifestation of the student’s disability or if the behavior was the direct result of the district’s failure to implement the IEP. Please see chapter 10, *Discipline*, for further explanations.

## **Interim Alternative Educational Setting [“IAES”]**

District personnel may remove a student to an interim alternative educational setting (“IAES”) for not more than 45 school days if a student:

- Carries a weapon to or possesses a weapon at school, on school premises or to or at a school function under our jurisdiction;
- 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 our jurisdiction; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under our jurisdiction. (See chapter 10, page 3 for definition of serious bodily injury.)

In such circumstances, the PPT determines the IAES to which the student is removed. Please see Chapter 10, *Discipline*, for further explanation.

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## Planning and Placement Team Appendix

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- Documentation of Attempts to Seek Parent/Guardian Participation
- Manifestation Determination Form (District Supplied Form) (I attached jb)
- Functional Behavior Assessment Form (District Supplied Form) (I attached jb)
- ED 633 Planning and Placement Team Attendance

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## **Chapter 6 — Individualized Education Programs (IEPs)**

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The District develops a written plan for each student requiring special education and related services. This plan is called an Individualized Education Program (IEP). Our PPT develops, reviews, and or revises the IEP to meet the needs of each student who requires special education and related services.

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### **❖ District Responsibilities Regarding IEPs**

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Our District provides a free, appropriate public education for all students with disabilities aged 3 through 21 who require special education and related services, who have not graduated with a regular high school diploma or exceeded the age of eligibility including:

- students with disabilities who have been suspended or expelled from school for more than 10 school days in a school year;
- students suspended for less than 10 school days in a school year if services are provided to students without disabilities who have been similarly removed; and
- students who are advancing from grade to grade.

The District provides educational opportunity to all students with disabilities. An IEP is developed, implemented, maintained, reviewed, revised and evaluated for all special education students served by our District. This includes students placed in or referred to a private school or facility by our District. Special education and related services are provided in accordance with the student's IEP.

### **3-Year-Olds from Birth To Three System**

An IEP is developed and implemented by the third birthday for each student eligible for special education and related services who is transitioning from the Birth to Three System. A free appropriate public education is available to each eligible student no later than the student's third birthday and an IEP is in effect by that date. If a child is scheduled to transition from Birth to Three programs to the LEA and the child turns three years of age during the summer months, the District will determine if the child is eligible for a free appropriate public education (FAPE) and whether the child requires extended school year services (ESY) prior to the student's third birthday. If the student is eligible for FAPE and requires ESY services, the District will implement the IEP by the student's third birthday, regardless of the fact that this occurs during the summer months. If the student is eligible for FAPE and does not require ESY services, the IEP will be implemented on the first day of school.

### **Private School**

Before our District places a student with a disability in, or refers a student to, a private school or facility the District initiates and conducts a meeting to develop an IEP for the student.

A representative of the private school or facility attends the IEP meeting. If the representative cannot attend, the District uses other methods to ensure participation by the private school or facility, including individual or conference telephone calls. Compliance with IDEA Part-B and CGS Section 10-76 remains the responsibility of the District even in those instances where the District has a private facility implementing a student's IEP. This responsibility includes conducting PPT meetings to develop, review and revise the student's IEP and determine eligibility for special education services.

No placement is made unless it is in accordance with a student’s IEP as developed by our District PPT. Placement in a private facility after a three-year period requires the annual approval of the State Department of Education, or annually, after two years if the placement is in an out of state facility.

## **Charter School, InterDistrict Magnet School, and Regional Vocational Agricultural Centers**

Students with disabilities, who attend charter schools, interdistrict magnet schools and regional vocational agricultural centers retain all rights under IDEA. For students with disabilities who are enrolled in any of these public choice programs, the LEA of residence (our District) will convene the planning and placement team (PPT) meeting for such student and invite representatives of the choice program to attend the PPT.

The responsibility for ensuring the provision of services to students in any of these choice programs belongs to the school in which the student is enrolled. If a student is attending a charter school, the District will discuss with representatives of the charter school how the services will be provided (by charter school staff or District staff). The District will pay the charter school, on a quarterly basis, an amount equal to the difference between the reasonable costs of special education and related services and the sum of the amount received by the charter school from federal, state, local and private sources calculated on a per pupil basis.

In the case of a student attending an interdistrict magnet school, the District shall pay the interdistrict magnet school an amount equal to the difference between the reasonable cost of special education and related services and the sum of the amount received from federal, state, and local and private sources calculated on a per pupil basis.

In the case of a student attending a vocational agricultural center who resides in our District, our District is responsible for the costs of special education and related services.

## **Open Choice and Connecticut Technical High Schools**

Students with disabilities, who attend Open Choice schools and the CT Technical High Schools, retain all rights under IDEA. Students who attend Open Choice schools and the CT Technical High Schools “belong” to the receiving District. The receiving District convenes the Planning and Placement Team (PPT) meeting and develops the IEP for the student. For students in open choice schools, the LEA of residence is invited to attend the PPT/IEP meetings. It is the responsibility of the District of residence to pay the receiving District an amount equal to the difference between special education and related service costs and the sum of the amount received by the receiving District for the state open choice program.

The CT Technical High Schools are responsible for the provision of services for students with disabilities. Pursuant to Section 10-76q(c) of the Connecticut General Statutes, if the Planning and Placement Team of one of the CT Technical High Schools determines that a student requires special education and related services which precludes such student’s participation in the program offered by a technical high school, the student shall be referred to the board of education in the town in which the student resides for the development of an IEP and such board of education shall be responsible for the implementation and financing of such program.

## **IEP Development and Timelines**

The services and placement needed by each student with a disability to receive FAPE are based on the student’s unique needs and not on the student’s disability.

An IEP is in effect before special education and related services are provided to an eligible student. The District implements each IEP within 45 school days of the initial referral, exclusive of time required to

obtain parental consent, for in-district placements and 60 school days, exclusive of time required to obtain parental consent, for out-of-district placements.

At the beginning of each school year, an IEP is in effect for each student with a disability and who requires special education and related services for whom the District is educationally responsible. Throughout the school year, changes to the IEP will be implemented as agreed upon following a PPT in which the IEP is reviewed or revised.

## **IEP Access**

The student's IEP is accessible to each regular education teacher, special education teacher, related services provider and other service provider who is responsible for its implementation. Each regular education teacher, special education teacher, related services provider and other service provider is informed of her/his responsibilities related to implementing the IEP and specific accommodations, modifications and supports that must be provided in accordance with the IEP.

A full copy of the IEP is given to parents at no cost within five school days after the PPT meeting.

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## **❖ IEP Components**

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Our District uses a standard IEP form. This form has numerous legally required components that help guide the team in the development, review, revision and implementation of the student's program. These various components are listed and described in this section of the procedures.

### **Present Levels of Academic and Functional Performance**

Present Levels of Academic and Functional Performance include a description of how a student is currently performing in many important academic, behavioral, vocational and adaptive areas. In addition, Present Levels of Academic and Functional Performance include a description of strengths, concerns and needs that require specialized instruction and a description of how the student's disability impacts their involvement and progress in the general education curriculum (the same curriculum as for nondisabled children) or appropriate preschool activities. The Present Levels of Academic and Functional Performance directly ask for parent and student input and concerns as part of the planning process.

### **Services Provided to the Student**

The IEP will include a statement of the special education and related services and supplementary aids and services based upon peer reviewed research to the extent practicable to be provided to the student or on behalf of the student and a statement of the program accommodations and modifications and supports for school personnel that will be provided so that the student will:

- advance appropriately toward attaining the annual goals;
- be involved and progress in the general curriculum;
- participate in extracurricular activities and other nonacademic activities; and
- be educated and participate with students with and without disabilities.

The IEP will specify supplementary aids and services provided to or on behalf of the student, program accommodations and modifications and supports for school personnel, as appropriate:

- The specific required accommodations and modifications including assistive technology devices and services as appropriate,
- The location and duration of the accommodations and modifications that will be included, and,

- The frequency and duration of supports for school personnel to implement the IEP.

The IEP will include a description of the extent to which the student will participate in general education. For special education and related services related to specific annual goals and objectives, the IEP will specify:

- The frequency of the service;
- The responsible staff and service implementer;
- The start and end date of the services provided;
- The location of these services; and
- If needed, a description of the instructional service delivery.

## **Nonacademic and Extracurricular Activities/Services**

Our District takes steps to provide nonacademic and extracurricular services and activities to students with disabilities. These may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the District and assistance in making outside employment available, in such manner as is necessary to afford students with disabilities an equal opportunity for participation in those services and activities.

## **Justification for Removal from Regular Education**

For each student who is removed from regular education for any portion of her/his school day, a justification for that removal is indicated on the IEP. Additionally, an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities, will be included in the IEP.

## **Length of School Day and Year**

The IEP will specify the length of the school day and school year. The length of the school day and year for students requiring special education and related services is the same as for students in the regular education program, unless otherwise specified in the IEP.

Extended school year services (ESY) are available as necessary to provide a free appropriate public education. Our District provides extended school year services only if the PPT that develops the student's IEP determines, on an individual basis, that the services are necessary for the provision of FAPE. The District does not limit extended school year services to particular categories of disabilities and does not unilaterally limit the type, amount, or duration of those services.

## **Transportation**

The District provides, as a related service, safe and appropriate transportation as needed to implement the IEP for each student requiring special education and related services. Total travel time does not exceed one hour each way to and from a special education facility and all decisions relating to travel time shall take into account the nature and severity of the student's exceptionality and the student's age. If an appropriate placement cannot be made without exceeding the one-hour travel time limit, written parental consent is obtained prior to implementing the transportation service. Transportation services are specified on the IEP.

## **Physical Education**

The IEP will specify the physical education services for the student. Physical education services, specially designed if necessary, are made available to every student with a disability receiving a free, appropriate

public education in our District. Each student with a disability has the opportunity to participate in the regular physical education program available to nondisabled students. This is the case unless the student is enrolled in a separate facility or the student needs specially designed physical education as prescribed in the student's IEP. Students enrolled in a separate facility receive appropriate physical education services, including specially designed services, if necessary.

## **Assistive Technology**

Assistive technology (AT) devices or services or both are made available to a student with a disability as required to assist the student to benefit from special education. In such cases, assistive technology may be a part of one or more of the following: special education, related services, and/or supplementary aids and services. The District provides the AT devices in all settings specified in the student's IEP, including school, home and community work sites.

The District makes efforts to ensure that hearing aids worn in school by students with hearing impairments, including deafness, are functioning properly. In addition, the District will ensure that the external components of surgically implanted medical devices are functioning properly.

The IDEA, adopted the National Instructional Materials Accessibility Standard (NIMAS) for the purpose of increasing the availability and timely delivery of textbooks and other core instructional materials in accessible formats to blind or other persons with print disabilities in elementary and secondary schools.

### **District chooses one of the statements below (*District must choose one of the statements below*):**

1. Our District will coordinate with the National Instructional Material Access Center (NIMAC) to assure the timely provision of instructional material for blind or other persons with print disabilities. Our District requires the publisher to submit a NIMAS file sent to the NIMAC, or we may purchase instructional materials from the publisher that are produced in, or may be rendered in specialized formats. However, our District remains responsible for ensuring that accessible specialized formats are provided to students with print disabilities in a timely manner.
2. Our District has chosen not to coordinate with NIMAC. However, our District:
  - Purchases source files when and if they are available directly from publishers, establishes a secure access, distribution and tracking system and arranges to use such files to produce student-ready specialized formats, and/or
  - Purchases student-ready versions when and if they are available directly from publishers, and/or
  - Establishes a workflow for scanning print materials and producing or otherwise obtaining audio books, Braille, large print, and other appropriate specialized formats in a timely manner and
  - Remains responsible for ensuring that accessible specialized formats are provided to students with print disabilities in a timely manner.

## **Vocational Education**

All students requiring special education and related services have access to all career and vocational education services available to students in general education. Vocational services are provided for each student whose IEP requires such services; and such vocational services shall contain an academic component. Vocational education services are specified in the IEP.

## Secondary Transition

Beginning not later than the first IEP to be in effect when a child is 16 or younger, if deemed appropriate by the PPT, and updated annually thereafter, the IEP must include appropriate measurable postsecondary goals. These goals must be based upon age-appropriate transition assessments related to training, education, employment and where appropriate, independent living skills and the identification of the transition services (including courses of study) needed to assist the child in reaching those goals.

Transition services are a coordinated set of activities for a student with a disability that is designed to be a results-oriented process, focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including:

- Postsecondary education;
- Vocational education;
- Integrated employment (including supported employment);
- Continuing and adult education;
- Adult services [e.g., Bureau of Rehabilitation Services (BRS), Department of Mental Retardation (DMR), Board of Education and Services for the Blind (BESB), Department of Mental Health and Addiction Services (DMHAS)];
- Independent living; and/or
- Community participation.

Transition services, written as goals and objectives in the IEP, are based on the individual needs of each child, taking into account the child's strengths, preferences and interests and include activities in the areas of:

- Instruction and related services;
- Community experiences;
- The development of employment and other post-school adult living objectives; and
- If appropriate, the acquisition of daily living skills and provision of a functional vocational evaluation.

For children with disabilities, who are convicted as adults under state law and incarcerated in adult prisons, transition planning and services do not apply if their eligibility under Part B will end (due to age) before they are released from prison (based on their sentence and eligibility for early release).

When a child's eligibility for special education and related services is ending due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility the District will provide the student with a summary of his or her academic achievement and functional performance, which will include recommendations on how to assist the student in meeting their postsecondary goals. This information is included in the Summary of Performance (ED 635) and is not a formal part of the IEP but is required under IDEA.

When appropriate, and with the consent of the parent or eligible student, the District will invite to the PPT meeting a representative of any participating agency that is likely to be responsible for providing or paying for transition services. If the participating agency fails to provide the transition services described in the IEP, the District will reconvene the PPT to identify alternate strategies to meet the transition objectives in the IEP.

## Measurable Annual Goals and Short-Term Objectives

Measurable annual goals and short-term objectives are in the IEP and relate to meeting:

- the needs that result from the student’s disability to enable the student to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled students) or for preschool students, as appropriate, to participate in appropriate activities; and
- the other educational needs that result from the student’s disability.

In order to determine on a regular basis whether the student’s short-term objectives are achieved, the District includes additional information in the IEP: performance criteria; evaluation procedures; evaluation schedule; and a statement of how the student’s progress toward the annual goals will be measured.

## Progress Reporting

The IEP includes information on when parents will be periodically informed of the student’s progress toward meeting the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the school year.

## Exit Criteria

A statement of the criteria that would be necessary to consider a student no longer eligible for special education and related services is included in the IEP.

## Assessment

Students with disabilities must be included in state and district-wide assessment programs, with appropriate accommodations, where necessary. The PPT determines for each individual special education student the need for accommodations to the Connecticut Mastery Test (CMT) and the Connecticut Academic Performance Test (CAPT). District staff and families should reference the *Assessment Guidelines* ([www.csde.state.ct.us/public/cedar/assessment/agl/index.htm](http://www.csde.state.ct.us/public/cedar/assessment/agl/index.htm)) to determine what accommodations are allowable and the conditions under which they may be used.

It is also the PPT’s responsibility to determine if a student will be assessed with an alternate assessment. Every state must have an alternate assessment available for those students with disabilities who are unable to participate in the standard grade level assessment, even with accommodations. Only students with significant cognitive impairments may participate in an alternate assessment. In Connecticut, the alternate assessment is the CMT/CAPT Skills Checklist. There are seven Checklists, one for each grade 3-8 and 10 and students must be assessed with the Checklist that corresponds to their enrolled grade.

If the PPT determines that a student will not participate, even with accommodations, in the standard administration of a district-wide assessment of achievement, or will not participate in any part of a district-wide assessment, the IEP must include a statement explaining why that assessment is not appropriate for the student and how the student will be assessed. In this case only, the PPT will determine the procedure for the alternate assessment.

## Age of Majority

Beginning at least one year before the student reaches age 18, a statement is set forth in the IEP that the student has been informed of her/his rights under IDEA Part B (i.e., those included in the procedural safeguards document) and that rights will transfer to the student upon reaching age 18.

## **Agreement to Change an IEP Without Convening a PPT Meeting [ED 634]**

In making changes to a child's IEP after the annual PPT meeting for a school year, our District and the parent of a child with a disability may agree not to convene a PPT meeting to make those changes through the use of Form ED 634 (see appendix to this chapter). In that situation, the IEP may be amended (without redrafting the entire IEP) by attaching to Form ED 634 pages 1 and 2 of the IEP, as revised, the Prior Written Notice page and those pages of the IEP that will be different as a result of the changes made, and attaching these pages to the *front* of the original IEP. Other members of the PPT shall be informed of the changes made to the IEP. Upon request, the parent will be provided with a revised copy of the IEP with the amendments incorporated.

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## Individualized Education Programs Appendix

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- Individualized Education Program Form (ED 620, January 2006)
- Agreement to change an IEP Without Convening a Planning and Placement Team Meeting (ED 634)

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## Chapter 7 — Least Restrictive Environment

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The District ensures that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled. Placement of students in special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when 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.

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### ❖ Continuum of Alternative Placements

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The District provides a continuum of alternative placements to meet the needs of students with disabilities who require special education and related services. These alternative placements are available to the extent necessary in order to implement the IEP. This continuum of placements includes instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions. In addition, supplementary services (such as a resource room or itinerant instruction) are provided in conjunction with regular class placement.

#### Determining Placement

In determining the educational placement of a student with a disability, including a preschool student with a disability, the District ensures that the placement decision is made in conformity with the LRE provisions of IDEA. The placement decision is made by the PPT.

The placement of each student with a disability is determined, at least annually, based upon his/her IEP. Unless the IEP requires some other arrangement, students are educated in the school they would attend if they did not have a disability. Students are educated as close to their home as possible.

In selecting the least restrictive environment, consideration is given to any potential harmful effect on the student or on the quality of services the student needs. Each IEP includes an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities, and a justification for removal from regular education. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Each student requiring special education and related services is educated in the school that he or she would attend if he or she did not require special education and related services, unless the IEP requires another placement.

#### Parental Involvement

The District must take steps to ensure that one or both of the parents are present at each PPT meeting or are afforded the opportunity to participate at each PPT meeting with respect to decisions related to identification, evaluation, educational placement and the provision of FAPE. If neither parent can participate in a meeting at which a decision is made related to changing the IEP of their student, the District will use other methods to ensure parent participation (including individual or conference telephone calls or video conferencing).

If the District is unable to obtain parent participation in a placement decision, the District may make a placement decision. In this situation, the District would attempt to ensure parent involvement by arranging a meeting at a mutually agreed upon time and place. Records of phone calls made, or attempted, and results of those calls, copies of correspondence sent to parents and any responses received, and documentation of visits to parents' homes or places of employment and results of those visits are examples of methods that could be used by our District staff.

The District presumes that divorced parents have equal rights under state and federal law to participate in all aspects of their child's education, unless either or both parents do not have authority under applicable state law governing matters such as guardianship, separation or divorce.

The District makes reasonable efforts to ensure that parents understand, and are able to participate in any group discussions relating to the educational placement of their student. Such efforts would include arranging for an interpreter for parents with deafness or whose native language is other than English.

### **Nonacademic and Extracurricular Activities**

Our District ensures that in providing for nonacademic and extracurricular activities and services, each student with a disability participates with nondisabled students to the maximum extent appropriate to the needs of the student. The provision of these activities and services includes meals and recess periods. Other activities and services that are available to students with disabilities are counseling, athletics, transportation, health services, recreational activities, and special-interest groups or clubs sponsored by the District. The District also makes referrals to agencies that provide assistance to individuals with disabilities and employment of students, including employment by the District and assistance in making outside employment available.

Students with disabilities have available to them the variety of educational programs and services that are available to nondisabled students in our District. These programs and services include but are not limited to art, music, industrial arts, consumer education and vocational education.

### **Private Special Education Programs**

A student with a disability who is placed in a private school or facility or other private special education program by our District is provided special education and related services in conformity with the student's IEP. This is done at no cost to the parents. The placement is at a school or facility that meets the standards that apply to state and local districts. Prior to the student's placement, our District convenes a PPT meeting to develop the IEP. A representative of the private program must attend the meeting or participate via telephone. The student has all of the rights of a student with disabilities who is served within our District schools. The student's IEP will be fully implemented in the private facility and, if necessary, by other providers authorized by our District. All out-of-state facilities will meet the educational standards for private special education facilities of the receiving state. If no such standards exist, the District will provide the Connecticut State Board of Education with documentation that the private placement is appropriate to the student's needs as set forth in the student's IEP.

### **Residential Placement**

If placement in a private residential program is necessary to provide special education and related services to a student with a disability, the program (including nonmedical care, room and board) is at no cost to the parents. In the case of a student placed in a residential facility because of the need for services other than educational, the financial responsibility of our District is limited to the reasonable costs of special education instruction unless the placement is acquired in order for the student to benefit from education.

## Homebound or Hospital Instruction

Placement involving homebound and hospital instruction is provided when recommended by the PPT. One or more of the following conditions must apply:

- A physician certifies in writing that the student is unable to attend school for medical reasons and states the expected date that the student will be able to return to the school program;
- The student has a handicap so severe that it prevents the student from learning in a school setting or the student's presence in school endangers the health, safety, or welfare of the student or others;
- A special education program recommendation is pending and the student was at home at the time of referral; or
- The student is pregnant, or has given birth, and a physician certifies in writing that homebound instruction is in the student's best interests and should continue for a specified period of time.

Homebound and hospital instruction is provided when a student's condition causes an absence of at least three weeks duration. The instruction (as specified in the student's IEP) is subject to the following:

- If a student was not previously receiving special education and related services the requirements of evaluation and an IEP apply if there is reason for the PPT to believe that the student will require special education and related services; and
- If a student has been receiving special education and related services the PPT modifies, if necessary, the short-term instructional objectives in the student's IEP. When recommended by a PPT, a student receives related services while instructed at home or in the hospital

The instruction begins no later than two weeks from the first day of absence, provided nothing in the student's condition precludes it. Instruction is provided for *at least* one hour per day or five hours per week for students in kindergarten through grade 6, and two hours per day or ten hours per week for students in grades 7 through 12. The PPT may, when appropriate, increase or decrease instruction time if the student's mental or physical condition warrants. Instruction is provided in the home or hospital setting to which the student is confined.

When a student is not otherwise in need of special education and related services, homebound and hospital instruction shall maintain the continuity of the student's regular program and an IEP is not required. For purely medical reasons, a PPT meeting need not be held and an IEP need not be written.

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## **Least Restrictive Environment Appendix**

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- Least Restrictive Environment Checklist (ED 632)

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## Chapter 8 — Students Participating in Private/Religiously Affiliated Schools

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**Note:** In this chapter, the terms “private schools,” “students attending private schools,” “students with disabilities in private schools” or “private school students with disabilities” refer to parentally placed private school children with disabilities who attend those private schools that are located *within* our District.

The District has procedures for identifying all students with disabilities attending private schools located in our District who were not placed or referred by public agencies (See Chapter 1). No private school child with a disability has an individual right to receive some or all of the special education and related services (FAPE) that the child would receive if enrolled in a public school.

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### ❖ Comparability of Services

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Students with disabilities in private schools may receive a different amount of services than students with disabilities in public schools. Our District determines which services will be provided to private school students with disabilities. Parents seeking FAPE for their children must contact their school district of residence. However, parental consent must be obtained before personally identifiable information is released between the school district where the private school is located and the district of residence.

For each student designated to receive services, the District initiates and conducts meetings to develop, review and revise a Services Plan consistent with the requirements for the development, review, and revision of IEPs. For students with disabilities enrolled in private schools and determined by the District to receive services, our District will:

- ensure that a representative of the religious or other private school attends meetings to develop, review and revise a services plan; and
- use other methods to ensure participation by the private school, including individual or conference telephone call, if the representative cannot attend the meeting.

The District will develop and implement a services plan for each student designated to receive services, which describes the specific special education and related services that the District will provide in light of the services that the District has determined will be available to private school children with disabilities. To the extent appropriate, the services plan will meet the requirements of an IEP with respect to the services provided. The same standards apply to personnel providing services in private schools as those providing the same services in the District except that private elementary and secondary school teachers who provide equitable services to parentally placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements.

The District may provide on-site services to private school students with disabilities, including religious schools.

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## ❖ Consultation with Representatives of Private School Students

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To ensure timely and meaningful consultation, our District will consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for these children regarding the following:

- The child find process including how parentally placed private school children suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process;
- The determination of the proportionate share of the federal funds available to serve parentally placed private school children with disabilities including the determination of how the proportionate share of those funds was calculated;
- The consultation process among our District, private school officials, and representatives of parents of parentally placed private school children with disabilities including how the process will operate through the school year to ensure that parentally placed children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- How, where and by whom special education and related services will be provided for parentally placed private school children with disabilities including the types of services, how special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school children with disabilities and how and when those decisions will be made; and
- How, if our District disagrees with the views of the private school officials on the provision of services of the types of services, our District will provide to the private school officials a written explanation of the reasons why our District chose not to provide services directly or through a contract.

The District gives these representatives a genuine opportunity to express their views regarding the number of private school students with disabilities, the needs of these students and their location. Consultation occurs before the District decides which services will be provided to private school children with disabilities.

After consulting with appropriate representatives of eligible private school students, the District will make the final decision with respect to the services to be provided including:

- Which students will receive services;
- What services will be provided;
- How and where the services will be provided; and
- How the services provided will be evaluated.

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## ❖ Transportation

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The District provides transportation if it is necessary for the student to benefit from or participate in the services identified in the services plan. Transportation is provided:

- from the student's school or home to a site other than the private school; or

- from the service site to the private school, or to the student’s home, depending on the timing of the services.

If transportation is necessary for the private school student with a disability to benefit from or participate in the services provided by our District, transportation costs may be included in calculating the amount our District must spend on providing special education and related services.

The District is not required to provide transportation from the student’s home to the private school.

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## ❖ Use of Funding

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Our District spends the following to provide special education and related services to parentally placed private school children with disabilities: For children ages 3 thru 21, an amount that is the same proportion of our total sub-grant under section 611 (f) of the IDEA as the number of private school children with disabilities ages 3 through 21 who are enrolled by their parents in private schools located in our District, is to the total number of children with disabilities in our jurisdiction ages 3 through 21. For children ages 3 through 5, an amount that is the same proportion of our sub-grant under section 619 (g) of the IDEA as the number of parentally placed private school children with disabilities ages 3 through 5 who are enrolled by their parents in a private school located in our District, is to the total number of children with disabilities in our jurisdiction ages 3 through 5.

Our District may use funds, available under Sections 611 and 619 of IDEA to make public school personnel available in other than public facilities:

- to the extent necessary to provide services for private school students with disabilities designated to receive services; and
- if those services are not normally provided by the private school.

The District may use funds available under Sections 611 or 619 of IDEA to pay for the services of an employee of a private school to provide services if:

- the employee performs the services outside of his or her regular hours of duty; and
- the employee performs the services under public supervision and control; and
- the employee is appropriately qualified, licensed or certified.

The District will not use funds available under Sections 611 or 619 of IDEA for:

- the needs of the private school;
- the general needs of the students enrolled in the private school;
- financing the existing level of instruction in a private school;
- repairs, minor remodeling or construction of private school facilities; and
- to otherwise benefit the private school or meet the needs of a private school.

The District will not use funds available under Sections 611 or 619 of IDEA for classes that are organized separately, on the basis of school enrollment or religion, if the classes:

- are at the same site; and
- include students enrolled in public schools and students enrolled in private schools.

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## ❖ Equipment and Supplies

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The District keeps the title and exercises administrative control of all property, equipment and supplies that the District acquires with IDEA funds under Sections 611 or 619 for the benefit of private school students with disabilities.

The District may place equipment and supplies in a private school for the period of time needed for the program (provided that equipment and supplies are used only for IDEA Part B purposes). Equipment and supplies will only be provided if they can be removed from the private school without remodeling the facility. Equipment and supplies will be removed from a private school if:

- the equipment and supplies are no longer needed for IDEA Part B purposes; or
- removal is necessary to avoid unauthorized use for other than IDEA Part B purposes.

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## Students Participating in Private/Religiously Affiliated Schools Appendix

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- [School District may insert an appropriate document such as an example of how the proportionate share of federal funds is determined]

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## **Chapter 9 — Personnel**

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The District employs the number of certified and/or licensed personnel and support personnel, consistent with the highly qualified teacher standards under the No Child Left Behind Act, necessary to implement the special education and related services required in each child's IEP. The District ensures that all personnel necessary to carry out Part B of IDEA are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities.

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### **❖ Consultation Time**

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Time is scheduled during the school day for personnel who provide special education and related services or regular education to consult with each other, other personnel and parents.

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### **❖ Personnel Development**

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The District provides a system of personnel development to meet the requirements of special education regulations, including, but not limited to, in-service training on special education and related services, to regular and special education instructional, related services and support personnel.

Training is provided, as appropriate, to regular and special education staff, related services staff and transportation operators. This training addresses issues of confidentiality; the specific needs of special education students being transported, and implementation of the least restrictive environment.

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### **❖ Paraprofessionals/Instructional Assistants**

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In our District, each paraprofessional in special education is appropriately trained and a qualified person (certified and/or licensed in the area of specialization to which such paraprofessional is assigned) provides direct supervision.

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## **Personnel Appendix**

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[If District inserts any documents, the Table of Contents should be amended appropriately.]

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## Chapter 10 — Discipline

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### ❖ Overview

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For all students requiring special education, the school’s code of conduct applies. Students requiring special education may be suspended. A set of specific procedural requirements must be followed in the event a student requiring special education engages in a behavior that requires a disciplinary intervention.

If the District and parents of a child with a disability who has violated a school code of conduct are unable to agree on an appropriate placement, the limitations on the amount of time that child can be removed from his or her current placement will be determined as indicated in IDEA and state statutes (see Sections 10-233a to 10-233k, inclusive, of the Connecticut General Statutes).

“Exclusion” in state statutes is defined as any denial of public school privileges to a student for disciplinary purposes. An exclusion from school privileges, or from transportation only, for less than 10 consecutive school days, is a suspension; any exclusion from school privileges for greater than 10 consecutive school days is an expulsion. The District will notify the parents using an effective means, of any exclusion from school privileges exceeding 90 minutes; such notification will occur within 24 hours of the time the student was excluded.

At the point in time when a student will be excluded from school for more than 10 (cumulative) school days in a school year, a change in placement may occur; where the student is excluded for more than 10 consecutive school days, a change in placement does occur. If a change in placement does occur, the District engages in several activities designed to address the behavior subject to the disciplinary action, whether it be assessment activities, reviewing the IEP or determining if the misconduct is related to the child’s disability. If a change in placement occurs, the child must:

1. Continue to receive educational services that enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP; and
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

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### ❖ Authority of School Personnel to Remove a Student from School

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#### Removal by School Personnel for up to 10 School Days During a School Year

District personnel may suspend a student with a disability from school for as many as 10 school days during a school year without providing educational services. Both in-school suspension and suspension from bus transportation count toward the total 10 days of suspension.

NOTE: All students who are suspended in Connecticut shall be given an opportunity to complete any class work including, but not limited to, examinations which the student missed during the period of suspension; this includes state assessments.

However, in-school suspensions will not count toward the 10-day total if the student is afforded the opportunity to continue to progress appropriately in the general curriculum, continue to receive the services specified in his or her IEP and continue to participate with non-disabled peers to the extent they would have in their current placement.

Portions of the day in which the student is excluded may also count toward the 10-day total if the student is not afforded these same opportunities to continue to progress appropriately in the general curriculum, continue to receive the services specified in his or her IEP and continue to participate with non-disabled peers to the extent they would have in their current placement.

Bus suspensions are counted toward the 10-day total if the transportation is a part of the child's IEP. The days do not count toward the 10-day total if during this period of bus suspension the District provides transportation to the student in some other manner.

A suspension occurs if a child is sent home from school; such partial day removals count toward the 10-day total.

Our District makes a prompt referral to a PPT of all children who have been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory or at a marginal level of acceptance.

### **Removal by School Personnel for More Than 10 Cumulative School Days during a School Year**

NOTE: In Connecticut, no student may be suspended more than 10 times or a total of 50 school days in one school year, whichever results in fewer days of exclusion.

#### *Removal for More than 10 Cumulative School Days in a School Year that is a Change in Placement*

If a student is to be removed from school where the removal is for more than 10 cumulative school days, school personnel must determine whether the removal is a change in placement. The criteria for a change in placement are as follows:

- Removal for more than 10 consecutive school days; **or**
- The student has been subjected to a series of removals that constitute a pattern because:
  - The series of removals total more than 10 school days in a school year; and
  - The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
  - Such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

If school personnel determine that the current removal is a change in placement, then the PPT must convene to determine whether the misconduct is a manifestation of the child's disability (please see "Manifestation Determination Review").

#### *Removal for More than 10 Cumulative School Days in a School Year that is not a Change in Placement*

If a student is to be removed from school where such removal has been determined not to be a change in placement, then a manifestation determination is not required and the student may be disciplined in the same manner as students without disabilities. If the current removal is not more than 10 school days, school personnel, in consultation with at least one of the child's teachers, must determine the extent to which educational services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student shall also receive, as appropriate, a Functional Behavior Assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

### **School District's Authority: Interim Alternative Educational Setting (IAES)**

School personnel may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate alternative educational setting for not more than 10 consecutive school days to the extent that those alternatives are also applied to children without disabilities.

School personnel may remove a student to an appropriate IAES not to exceed 45 school days, without regard to whether the behavior is a manifestation of the child’s disability, if the student: 1) carries or possesses a weapon at school, on school premises or at a school function, 2) knowingly possesses, uses, sells or solicits the sale of a controlled substance while at school or a school function, or 3) has inflicted serious bodily injury upon another person at school, on school premises or at a school function. Serious bodily injury is defined as an injury that results in: (1) a substantial risk of death; (2) extreme physical pain, (3) protracted and obvious disfigurement, or (4) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

School personnel cannot remove a student to an IAES for a student’s behavior in the community that involves either weapons or controlled substances. However, students may be suspended or expelled for behavior occurring in the community in accordance with the provisions of the general statutes. (Refer to Sections 10-233c(a) and Section 10-233d(a)(1) of The Connecticut General Statutes)

In our District, the authority to expel a student for behavior occurring in the community rests with [District must insert title of expulsion body which may be the Board of Education, Impartial Hearing Board or Impartial Hearing Officer.]

In order to suspend or expel a student for behavior occurring in the community, the District has to show that the conduct off school grounds is violative of a publicized policy of our District and is seriously disruptive of the educational process. To find that the behavior is seriously disruptive of the educational process, [District must insert title of expulsion body] will review factors related to the behavior, including whether:

- the behavior happened close to school;
- other students from school were involved, or whether there was any gang involvement;
- the conduct involved violence, threats of violence or the unlawful use of a weapon;
- any injuries occurred; and
- the conduct involved the use of alcohol.

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## ❖ Authority of Hearing Officers, Judges and Courts

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### Hearing Officer’s Authority to Order an IAES

The District may ask a special education hearing officer to order a change in placement of a student with a disability to an appropriate interim alternative educational setting (IAES) for not more than 45 school days.

The hearing officer may place a child in an interim alternative educational setting through an expedited due process hearing if the hearing officer determines that the District has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the student or to others.

### Judges and Courts Authority Re: Removal

A judge or the courts continue to have the authority to remove a student from educational settings and services in accordance with state and federal laws. The District may seek a temporary restraining order that orders the student to be placed in an IAES.

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## ❖ Determination of Interim Alternative Educational Settings

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The PPT selects the IAES in which a student is to be placed by the District for drugs/weapons/serious bodily injury violations, or by a hearing officer. The IAES must be selected so as to:

- Enable the student to continue to participate in the general curriculum, although in another setting;
- Allow for the continuation of those services and modifications, including those described in the student's current IEP, that will enable the student to progress towards meeting the goals in the student's IEP; and
- Include services and modifications to address the behavior that resulted in the removal to the IAES or that are designed to prevent the behavior from recurring.

These requirements also apply to students for whom there has been a change in placement that exceeds 10 consecutive school days.

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## ❖ Manifestation Determination Review

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### The Process

Whenever the District is considering an action for a removal of a student to an IAES by school personnel or by a hearing officer or other removal that constitutes a change in placement, the District must notify the parents not later than the date on which the decision to remove the student to an IAES or other change of placement is made and provide the parents with a copy of the procedural safeguards notice.

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the PPT must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- if the behavior in question was caused by, or had a direct and substantial relationship to the child's disability, or;
- if the behavior in question was the direct result of the District's failure to implement the IEP.

### Determination that the Behavior was a Manifestation of the Disability

If in conducting the manifestation determination, the team finds that either standard has been met, the behavior of the child **must be** considered a manifestation of the child's disability. In this case, the Team must either: 1) conduct a functional behavioral assessment unless the District conducted one before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP); or 2) if a BIP had been developed, review the plan and modify it as necessary. In this case the student may not be expelled but must be returned to the placement from which the child was removed unless the parent and our District agree to a change in placement. If in conducting the manifestation determination, the team identifies deficiencies in the IEP or in its implementation, the team must take immediate steps to remedy those deficiencies.

However, the student may still be placed by the District in the IAES for drugs, weapons or causing serious bodily injury, or by the hearing officer, even if the parents file for due process to challenge the manifestation determination.

## Determination that the Behavior was Not a Manifestation of the Disability

The team may find that the behavior was not a manifestation of the child's disability only if the team finds that:

- The student's conduct in question was not caused by, or did not have a direct and substantial relationship to, the child's disability; and
- The student's conduct in question was not the direct result of the District's failure to implement the IEP.

If the team concludes that the behavior subject to the discipline is not a manifestation of the student's disability, the student may be disciplined to the same extent that students without disabilities would be disciplined for the same behavior. However, students with disabilities must continue to receive educational services so as to enable the student to continue to participate in the general education curriculum although in another setting, and to progress towards meeting the goals set out in the student's IEP. The PPT determines the educational services to be received and the setting for those services. If disciplinary procedures are initiated, the special education and disciplinary records of the student are transmitted for consideration to the person or persons making the final determination regarding the disciplinary action.

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## ❖ Protection for Students Not Yet Eligible for Special Education

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A student who has not been determined eligible for special education and related services under the IDEA and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in IDEA if the District had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

The District would be deemed to have knowledge that a student is a student with a disability if before the behavior that precipitated the disciplinary action occurred:

- The parent of the student submitted to District supervisory or administrative personnel or a teacher of the child, a written statement of their concerns that the student is in need of special education and related services. This may be a parent referral for special education or any such written expression that the parent provides the District. This expression of concern can be provided orally if the parent does not know how to write or if they have a disability that prevents a written statement;
- The parent of the student requested an evaluation of the student to determine her/his eligibility for special education and related services under IDEA; or
- The teacher of the student, or other District personnel, expressed concern about the behavior or performance of the student to the director of special education of the District or to other supervisory personnel.

If the District does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student is subject to the same disciplinary measures as applied to students without disabilities who engage in comparable behavior.

The District will not be deemed to have knowledge that the student has a disability if the student's parents had not allowed an evaluation of the student, or has refused services under the IDEA, or the student has been evaluated and determined not to be a student with a disability under the IDEA.

If a request is made to evaluate the student to determine eligibility for services during the time period in which the student is subject to the disciplinary measures, the evaluation must be conducted in an expedited

manner. Pending the results of the evaluation, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion. Due to the specific requirements of the state expulsion statutes, educational services may or may not be required during the period of expulsion. The District's code of student conduct explains in detail the provision of services during periods of expulsion.

If the student is determined to be a student with a disability and in need of special education and related services, special education and related services must be provided according to the IDEA, including the disciplinary provisions of the Act, as outlined in this chapter of the District's Special Education Policy and Procedures Manual.

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## ❖ Expedited Due Process Hearings

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An expedited due process hearing will be scheduled when a hearing is requested:

- By the District to remove the student to an IAES because the District believes that keeping the student in the current school program is substantially likely to result in injury to the child or to others;
- By the District to maintain the student in an IAES or another appropriate placement after the expiration of the IAES where the parents disagree with the proposed change and the District believes that maintaining the student in the current school program is substantially likely to result in injury to the child or to others;
- By the parent where the parent believes that a change in placement has occurred because the student has been kept out of school for more than 10 consecutive days in a row without the school following proper steps;
- By the parent where the parent believes that a change in placement has occurred because the student has been kept out of school for more than 10 days in a school year without the school following the proper steps;
- By the parent where the parent does not agree with the IAES placement; or
- By the parent where the parent does not agree that the child's behavior was not a manifestation of the child's disability.

During the expedited hearing, the child must remain in the IAES or other disciplinary setting pending the decision of the hearing officer or until the expiration of the additional suspensions, expulsion or 45 school day IAES unless the parent and the LEA otherwise agree.

An expedited hearing must meet the general hearing requirements. The state due process regulations contain procedural requirements that are specific to expedited hearings. The hearing is limited to the above issues and the hearing officer has the authority to limit the introduction of exhibits and testimony as may be necessary to rule on the issue presented. In addition, a resolution meeting must occur within 7 days of receiving notice of the due process complaint. The hearing may proceed unless the matter is resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint. The hearing will be held within 20 school days of the date the hearing is requested and will result in a decision within 10 school days after the hearing.

Each party has the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least two business days prior to the commencement of the expedited hearing; and, each party must disclose to the other and to the hearing officer at least two business days prior to the commencement of the expedited hearing all completed evaluations and recommendations based on the offering party's evaluation that the party intends to offer or rely on at the expedited hearing.

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## ❖ Referral to and Action by Law Enforcement & Judicial Authorities

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The District may report criminal acts committed by a student with a disability to the appropriate authorities in the same manner as crimes committed by students without disabilities are reported by the District to the proper authorities.

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## Discipline Appendix

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- See Chapter 5 for Manifestation Determination Form
- Functional Behavior Analysis Form
- Family Educational Rights and Privacy Act (FERPA) located at <http://www.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf> in the Family Policy Compliance Office of this website.

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## General Appendix

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[If District inserts documents here, the Table of Contents should be amended appropriately.]