

# KPBSD Special Education Manual

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*For Internal Use Only*



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## **Introduction**

KPBSD provides special education and related services to eligible children with disabilities beginning at age 3 and continuing through the school year when the child turns 22 (turns 22 on or before July 1). This manual is to serve as a companion to (not a replacement of) the Alaska State Special Education Handbook <http://www.eed.state.ak.us/tls/sped/pdf/FY13%20Handbook/AK%20SPED%20Handbook%20130208.pdf> in defining processes unique to our district. The processes described are designed as a reference and supplement to the State of Alaska Special Education Handbook and to the Individuals with Disabilities Education Improvement Act 2004. This manual will be updated in conjunction with revisions to the above mentioned references and may be supplemented with memos from the Director of Pupil Services.

## **Confidentiality of Information**

All staff must prevent the unauthorized disclosure of personally identifiable information (including name, address, parents, student number, and other information that would make it possible to identify the child) pertaining to children with disabilities. Written permission to disclose information to anyone who is not working in the district is required. Use the Authorization to Release Information form. This consent must be kept in the student's district office file as well as your school's file and is valid for one calendar year. Information regarding students with disabilities is restricted within the district to employees with a need to know the information.

Special education records must be kept in a locked location on school grounds with access logs posted.

## **Terminology**

*Assistive Technology (AT):* Assistive Technology includes low-tech items, as well as those more advanced. Some examples of AT devices include: alternate keyboards, anti-slide mat, highlighted bar magnifier, correction tape, reading text guides, graphic organizer, grid paper, handheld audio reader, highlighter tape, interactive white boards, jumbo rulers, magnetic sheets, on screen keyboards, pencil grips, raised line paper, rubber stamps, screen magnification, screen reader software, speech recognition software, switches (access, voice output, etc.), tactile rulers, templates, timer, touch screens, Velcro, white board / chalk board, word prediction software, word rings, and many, many more. Contact the district's Assistive Technology Specialist with questions.

*Behavior Intervention Plan (BIP):* Consult your school psychologist for assistance with students who require behavior modifications due to persistent and pervasive behaviors that interfere with their own learning or the learning of others. Behavior Intervention Plans result from a completed Functional Behavior Assessment. All Behavior Intervention Plans are educational records and MUST be sent to District Office for inclusion in the student's file.

*Case Manager:* This person is the manager of all the paperwork and is responsible for meeting all timelines in special education for their caseload of students. Case managers have sped database access to the students for whom they are designated the case manager. Case managers must coordinate with related service providers, maintain accurate records and keep parents informed of student progress. This list is not exhaustive of the critical duties of a case manager.

*Checklists:* Our checklists are invaluable and should be included with each packet of paperwork submitted to district office. They will assist you in knowing that all the components of your paperwork are complete. Checklists are available in the Print Menu of the sped database.

*Classroom Observation:* The classroom observation form is part of the referral packet. This observation is required for all students being evaluated for eligibility under the category of Specific Learning Disability, but should be considered as part of any evaluation. The classroom observation date should be filled out after the parent signs the consent to evaluate form. A certified staff member who is not the student's general education teacher must complete the classroom observation. The observation should be conducted in a class and during a content area that is designated as an area of challenge for the student.

*Compliance / Sped Secretary:* This person works at District Office in the Pupil Services Department. This person is assigned to your school and is there to make sure all of the paperwork is completed correctly. Your compliance secretary is the person to whom you ask questions related to paperwork. He or she has access to the students' permanent files. Your compliance secretary is the person to whom you send all of your **original** paperwork. Keep a **copy** of the paperwork in students' school files and send a **copy** home to parents. Compliance secretaries are listed by school at the Pupil Services Resource page. <http://pupilservices.blogs.kpbsd.k12.ak.us/wpmu/>

*District Wide Programs:* KPBSD has several programs that students may be placed in even though they are outside of their home area attendance school's boundaries. These include: behavior programs, pre-school programs, and Project SEARCH. In addition, some students may attend another school because their home area attendance school does not have a particular program / class to meet their needs. For instance, not all of our schools have an intensive needs classroom / self-contained classroom. These would all be considered district wide programs.

*Eligibility Categories:* There are 14 defined eligibility categories of disability. The categories and their requirements are specified in the state's special education handbook. <http://www.kpbsd.k12.ak.us/WorkArea/DownloadAsset.aspx?id=27352>

The following KPBSD resources were developed to assist teams in making eligibility decisions:

- Learning disability: See KPBSD Learning Disabilities Manual <http://www.kpbsd.k12.ak.us/departments.aspx?id=42>
- Speech or language impairment: See KPBSD Speech Handbook which will be available on the Pupil Services Resource page.

*Eligibility Timeline:* Once the consent to evaluate form is signed by the parent and received by the district, the team has 75 calendar days to complete the evaluation and to develop the IEP (state regulation says 90 days and IDEA says 60 days. KPBSD requires the evaluation process to be completed within 75 calendar days). This timeline includes both school days and non-student days. The date the district receives the consent is "day 1" of the 75 days. The compliance date is the date when the 75 calendar day deadline ends. Eligibility determination and IEP must be completed within the 75 calendar day window.

*Evaluation Summary and Eligibility Report (ESER):* A reevaluation occurs at least every three (3) years. A reevaluation is summarized in the Evaluation Summary and Eligibility Report. Its pages are found in the sped

database under Evaluation Summary and Eligibility Report. The Present Levels of Academic and Functional Performance (PLAAFP) and IEP goals must be generated from the content of this report. The Educational Needs and Recommendations section of the ESER will drive the IEP content.

*FAPE:* Free and Appropriate Public Education includes special education and related services provided at public expense, under public supervision and direction and without charge to the parent or guardian.

*Functional Behavior Assessment (FBA):* Students whose behavior persistently and pervasively interferes with their own or others' learning may require a FBA to determine the function of that behavior. A FBA is an assessment that requires parental consent. For students who are not already eligible for special education services, consent is obtained through the KPBSD Tier III intervention permission form. For students who are already eligible for special education, the consent to evaluate form is used. Consult your school psychologist when behaviors are at this level.

*Infant Learning Program (ILP) or Sprout Transition:* ILP / Sprout schedules a transition meeting with the district liaison 90 days before the child's third birthday. At the transition meeting, the evaluation for preschool eligibility is planned. Following the completion of this evaluation, an eligibility team meeting is convened. If eligible, the IEP must be in place by the child's 3<sup>rd</sup> birthday, and the child may enroll in the preschool program.

*Intensive Funding:* Determinations of submission of students eligible for intensive funding will be made by the Director of Pupil Services. Program Coordinators will work with special education teachers to ensure that appropriate IEPs meet all criteria. \*\*Note: Not all students in an Intensive Needs / Self – Contained Program qualify for the state's intensive needs funding.

*Intensive Needs (IN) Programs / Self - Contained Programs:* These programs serve students with multiple disabilities and typically students are educated through a collaborative team approach with therapy goals and activities becoming part of their daily schedule. IEPs generally focus on behavioral / social goals, daily living skills, and / or adaptive skills. Staffing in programs with intensive needs typically approaches a 3:1 (student to staff) ratio. Self – contained / IN is a placement that shows the student is in general education for less than 40% of the day.

*Program Coordinators:* Administrative program coordinators work from the Pupil Services Department at district office. These coordinators are available to answer questions related to placement options / changes, program consultation, clarification of sped legal issues, clarifications of procedures, dispute resolutions, etc. The program coordinator can answer questions about the paperwork, or provide guidance concerning difficult situations. In cases where a child requires several services and / or an intensive placement, it is advisable to request your program coordinator's attendance at the meeting.

*Progress Monitoring:* Students learn best when instruction is designed based on continuous assessment of their progress. Consistent, regular progress monitoring is required for all students receiving instruction in math and reading. Weekly progress monitoring using AIMSweb is most often appropriate for students receiving instruction in reading and math between grades K - 8. Behavior must be progress monitored as well and is generally done through daily data collection and consistent review of the student's Behavior Intervention Plan.

*Pupil Services:* Department includes special education, 504, intervention, nursing, gifted/talented, related services, Positive Behavioral Interventions and Supports (PBIS), and child find. We are located at the borough building in Soldotna at 148 N. Binkley St.

*Resource Programs:* These programs are non-categorical, and provide IEP services to students who have minimal to moderate needs. IEPs may include goals addressing academics, attention and behavior. Students do not qualify for these programs; placement decisions are made based on the amount and type of services deemed necessary by the IEP team.

*Secondary Transition:* Beginning at the meeting before the student turns 16, the IEP team must view transition planning as the focus of the IEP. Transition planning is an integral component of the IEP, rather than a single or separate event in the IEP process which is why the IEP forms require IEP teams to identify the student's desired post-school outcomes before proceeding to the other IEP components. The transition statements, LRE sections, related services, participation in general education curriculum, annual goals, objectives, etc. must all be integrated. Written permission must be obtained to invite outside agencies that may provide transition services.

*Special Education or Related Service:*

- Special education services: These are described on the summary of services page of the IEP. Academic, social and behavioral support and adapted PE are always special education services. Special education services must be necessary for the student to benefit from his or her general education program.
- Related services: When services such as Speech or Language, Occupational Therapy, Physical Therapy, Counseling, etc. are provided in addition to the special education service, they are related services. Related services must be necessary for the student to benefit from his or her special education program.
- Speech-language is the only service that can be either a special education or a related service.

*Student Restraint:* Restraint is defined by the Office of Civil Rights as personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. Refer to memo from Pupil Services Director at the beginning of each school year for guidelines and expectations regarding appropriate use and documentation of restraint (see appendix). District policy may be forthcoming. A link to the policy will be added when that occurs.

*Student Seclusion:* Seclusion means the involuntary confinement of a student alone in a room or area in a manner that prevents the student from leaving. The use of seclusion or "time out rooms" must be outlined by the student's team in his or her Behavior Intervention Plan. Refer to memo from Pupil Services Director at the beginning of each school year for guidelines and expectations regarding appropriate use of restraint (see appendix). District policy may be forthcoming. A link to the policy will be added when that occurs.

*Surrogate Parent:* Students in Alaska ages 3 – 17 (or 18 – 21 when "adjudicated incompetent by a court") are entitled to a surrogate parent under Alaska regulation 4AAC52.590 if

1. The district cannot identify a parent of the child;
2. The district, exercising reasonable diligence cannot locate at least one person acting as a parent of the child;

3. The district located one or more persons acting as a parent of the child, but each person affirmatively disclaims responsibility for the child's educational program and relinquishes it in writing to a surrogate parent; or
4. The child is committed to the custody of the Department of Health and Social Services under AS47.10.080 or AS47.12.120\*.

If you think a surrogate parent is needed you must contact your school's program coordinator as soon as possible. If a surrogate is needed, the surrogate must be involved with the special education process from the very beginning and the first time that any consent is signed for the student regarding the sped process.

\*Case workers or other employees from the Office of Children's Services or the Department of Health and Human Services cannot act as a surrogate or sign special education paperwork for students under their custody.

#### *Videotaping Students:*

- Parent / Guardian permission should be acquired before recording; explanation of purpose should be shared with parents.
- No emailing of videos – use thumb drive or disc to share with team members (limit number of copies) or view as a group.
- Video copies are considered part of a working file and should be destroyed after use or the current academic year.
- No other students may be included in the video

Notify your program coordinator if you have a need to video tape a student in your class.

*Vision/ Hearing Screening:* Results of these screenings are to be documented on the referral form and on the ESER. These are performed by the school nurse and do not require parental consent.

*Written Notice (formerly Prior Written Notice):* IDEA requires that the district provide the parent with Written Notice any time the district proposes or refuses to initiate or change the identification, evaluation, placement or IEP of a student. See Written Notice section

## Special Education Records

*School Files:* School files must be kept and maintained by building staff. Transfer of school files between teachers for relocation purposes or otherwise is the responsibility of each individual teacher and therapist. Files should be purged to the minimum requirements before transferring to another teacher / therapist unless communication with receiving teacher / therapist indicates otherwise. School files must be kept confidential and locked with access lists and logs posted.

Required Minimum Contents:

1. Copy of current IEP
2. Copy of most recent ESER
3. Copies of most recent Individual Evaluation reports



4. Copies of invitation(s) for most recent IEP
5. Copies of Written Notices since last IEP meeting
6. Copy of consent for Initial Placement
7. Copies of progress reports since last IEP

*Record Requests:* When a request for special education records comes directly to the school, the school should send that request to the Pupil Services department at District Office. The compliance secretaries will forward records to the appropriate people.

If a new student enrolls at a school from out of district, the school's secretary should always request a special education file along with the cumulative file, even if the parent does not indicate that a student has a special education record. If the school is unable to get records from a district, the compliance secretaries at Pupil Services can be contacted for assistance.

## Educational Records vs. Personal Notes

*Educational Records:* Student records which contain information directly related to a student and are maintained by an agency or institution (34 CFR 99.3). Educational records may be requested by and provided to parents.

*Personal Notes:* Documents created and kept by a district employee for the employee's sole use. (34 CFR 99.3). These personal notes or other memory aides are not shared or referenced in conversation. Personal notes or other memory aides should not be maintained for a length of time longer than the current school year. Notes that are intended to be referenced or shared at a meeting orally and / or copied to any other document (IEP, ESER, etc.) could become a matter of an educational record. Any record passed between staff could also become an educational record and can be subject to discovery in a due process hearing or other litigation.

## Paperwork Timeline

All **original** paperwork must be received by Pupil Services within three (3) weeks of the meeting date. Compliance secretaries will review the paperwork and contact you about any necessary corrections, omissions or questions. If corrections are necessary, they should be completed and paperwork resubmitted to the compliance secretaries within five (5) working days of notice of corrections. The appropriate building administrator will receive notifications regarding paperwork that is long overdue or chronically late.

## Notice of Procedural Safeguards

IDEA requires that parents receive a copy of procedural safeguards:

- Once each year (usually at an annual review), AND
- Upon initial referral or parent request for evaluation,
- Upon receipt of the first state complaint and upon receipt of the first due process complaint,
- In accordance with discipline procedures (i.e. manifestation determination),
- Upon request of parent

Procedural Safeguards are located on the KPBSD website  
<http://www.kpbsd.k12.ak.us/WorkArea/DownloadAsset.aspx?id=9350>

They can be printed from the print tab of the sped database. Always ensure that you provide the most recent version. The current version is dated August 2012.

See appendix for a matrix of when the Notice of Procedural Safeguards must be provided.

## Identification – Child Find

- ❖ Preschool-aged children: Parents contact Pupil Services to schedule a screening appointment with the child find coordinator. Following the screening, evaluators meet with parents to plan evaluation which begins following parental consent.
- ❖ School-aged children enrolled in public school:
  - Intervention: The purpose of intervention is problem solving to address a student’s learning and behavioral challenges. Refer to the KPBSD Intervention Manual <http://www.kpbsd.k12.ak.us/WorkArea/DownloadAsset.aspx?id=19889>
  - Evaluation request / referral: Parents or others may submit a letter requesting that their child be evaluated for special education services. It is the district’s responsibility to respond by holding a meeting to discuss the request. The team will then determine if the student should be evaluated for special education or if there is another way to address the student’s needs, such as through intervention, classroom accommodations, etc.
- ❖ School-aged children not enrolled in public school: Children not enrolled in district schools have a right to an evaluation, if necessary, to determine the need for special education services. To initiate a referral, contact must be made with the child’s home attendance area public school or district office.

## Written Meeting Invitation

Try to plan meetings in advance with members of the team.

Remember the I...I...I... rule: Inform. Involve. Invite!

It will keep you from I...I...I... I forgot. I didn’t know. I am sorry!

And the other team members from saying I...I...I... I didn’t know about this meeting!

I don’t know what to do!!

I can’t deal with this!!!

When setting up the meeting, parents must be informed of the date, time, place, purpose of the meeting and who has been invited. It is imperative that at the time of scheduling the IEP, you email the district and school team members with the same information. Itinerant staff are assigned to many buildings; a written invitation may not reach them in a timely manner.

Document in the invitees section the position of the people who the school is inviting to the meeting. Because the invitation’s salutation is to the parents, you do not need to include the parents on the list of invitees. As a reminder for parents, though, please list the student if he or she has been invited to the meeting. If you are

inviting a representative from any outside agency for the purposes of secondary transition, "Transition Agency" must be listed in this section. You are to list only those members of the student's team who have been invited to the meeting by KPBSD. You are not responsible for listing those who are invited by the parent.

IEP Required Participation:

- Parents; It is expected that we will encourage, even convince parents to attend meetings. If parents are not able or refuse to attend, efforts to involve parents must be documented.
- Child when appropriate; Beginning at age 16, must be invited when transition will be discussed (use the separate Student Meeting Invitation form)
- District representative, other than the sped teacher (see below)
- Not less than one special education teacher or provider
- Not less than one regular education teacher
- Related services personnel – either in attendance, or if excused, provides written input regarding the service being provided (if applicable to student)
- District staff to interpret evaluations (if applicable to meeting)

Others:

- Representative from private school if student is enrolled at one
- Secondary transition agency representatives, if consent is given by parent
- Infant Learning Program teacher, if requested by parent, at initial transition IEP meeting
- Other individuals at the discretion of the parent

All IEP members in attendance must document their attendance by signing the IEP cover page at the meeting. If a team member participates by phone, write on their signature line, "\_\_\_\_participated by phone." Do not sign for the person.

District Representatives: All IEP meetings must be attended by a representative of the district other than the child's teacher. District reps must:

- Be qualified to provide or supervise special education services
- Be knowledgeable about general education curriculum
- Be knowledgeable about the availability of resources in the district

Principals can designate individuals from their building who meet the above criteria to represent them at meetings. A district rep may not, at the same meeting, fulfill any other role.

When you prepare an invitation, be sure to check all boxes related to the purpose of the meeting. Planning ahead for the meeting is crucial for this section. The parent must be notified of what will be discussed at the meeting. Be certain to mark what the meeting will be regarding. If a topic isn't marked, the topic shouldn't be discussed.

\*\*For all annual reviews from the one right before the student's 16th birthday until they graduate or age out, "transition planning" must be checked as a purpose of the meeting.

At the bottom of the meeting invitation, you must document all contacts with the parent / guardian in setting up the meeting. If there was no answer the first time, you should document additional attempts. Parents must be invited to the meeting at least 10 school days in advance unless all agree to an earlier date. If this occurs, document this agreement on the "Other" line.

The state handbook states an IEP team member may be excused from an IEP meeting if the parent and the district agree that the member is not necessary because his / her area of the curriculum or related service will not be modified or discussed. If a member is excused, the parent and district must consent in writing, and the excused team member must submit, in writing, to the parent and the IEP team, input into the development of the IEP PRIOR to the meeting.

KPBSD has determined that an administrator and at least one general education and one special education teacher must participate in the meeting. **No special education teacher, no general education teacher, no district representative = no legal meeting.** Excusals of other members must be planned, as the excused member must submit written input to the team prior to the meeting. This should not be used for those members who didn't show up or who had a conflicting appointment unless those members submitted input to the team in writing for the meeting. Effort must be made for an appropriate replacement of that member if that is the case. KPBSD has an obligation to ensure that members of the team whose service or curriculum will be discussed are at the meeting.

### Written Notice – (formerly Prior Written Notice or PWN)

IDEA requires that the district provide the parent with Written Notice any time the district proposes or refuses to initiate or change the identification, evaluation, placement or IEP.

- Any change proposed to an IEP or any proposal of evaluation or eligibility requires a Written Notice
  - **\*\*Note:** When in doubt, ask your Program Coordinator
- Written Notice reflects the action that will occur following the meeting, not what will occur at the meeting
- Date of the meeting should be the same as the Written Notice

Sections of the Written Notice:

1. Description and explanation of proposed / refused action
  - Future oriented.
  - Answers the question, what will happen tomorrow and beyond?

Examples:

- IEP will be implemented as written
- Assessments will be conducted (then list the assessments)
- Behavior plan will be implemented as written and data collected

Non-examples:

- Team met to discuss IEP
- Annual IEP due

- Review 3 year reevaluation and annual IEP

2. Reason for proposed or refused action

- Must explain why we (KPBSD) are moving forward with or are refusing the proposed changes:

Examples:

- As written, the IEP dated \_\_\_\_\_ will provide the student with a free and appropriate education in the least restrictive environment.
- IEP team held pre-evaluation meeting and determined assessments listed will be necessary to determine eligibility and program.

Non-examples:

- Annual IEP review is due
- Annual review of IEP as required by law
- 3 year reevaluation due

3. Description of evaluation procedure, test, record or report used in deciding to propose or refuse action:

- List specifics where possible:
  - Recent / current evaluation procedures used/conducted
  - Recent / current IEP documents
  - Recent progress notes
  - Reports cards
  - Service provider reports
  - Classroom based assessments
  - Parent input
  - Team member input, etc.

4. Description of other options considered, if any, and the reason for rejecting them:

- This is a VERY important section of the Written Notice, especially when a team member disagrees with something and the team works out an alternative. ANYthing that is discussed, but rejected needs to be documented. For example, a parent wants the student to have a 1:1 aide, but the team discusses and determines that an aide in the general ed classroom who may be working with up to 4 students is more appropriate to continue to support the student's independence. This section might state "1:1 aide was considered and rejected at this time due to..."

5. Other factors which are relevant to the proposal or refusal:

This section can document that the parent was mailed a copy of the Notice of Procedural Safeguards if the parent was unable to attend the meeting. It is where the really important information related to the proposal or refusal goes that doesn't fit in one of the other sections.

6. Don't forget to pull the drop down menu and choose what the "Parent and team agree to."

See appendix for matrix of when the Written Notice needs to be provided to parents.

## Referrals and Evaluations

All referrals & evaluations:

- Check only those areas to assess that the team agrees on during the pre-evaluation meeting.
  - Boxes on the referral form should match the consent to evaluate form unless otherwise documented in a Written Notice.
- Vision and hearing boxes are for evaluations to be conducted by specialists in this area and are not for the screenings completed by the school nurse.
- Once consent to evaluate is obtained from the parent, the district has 75 calendar days to complete the evaluation and have an IEP in place if the student is eligible for special education.
- Parents are provided with a Written Notice regarding the evaluation to be conducted.

*Consent to Evaluate:* Pre-evaluation meetings are the preferred method for obtaining parental consent for evaluation. Sending home consent with students or via mail is not best practice.

If you are having difficulties getting consent from the parents, contact your Pupil Services Program Coordinator for guidance.

*Initial Referral:* Once a referral is made, a case manager is designated at the school site. The case manager enters the student into the database and completes the referral section (refer to database manual for how to enter information into the database).

*Initial AND Reevaluation (a.k.a. 3-year reevaluation):*

- Hold a pre-evaluation meeting for the purpose of evaluation planning. Determine with the team what areas need to be assessed to determine eligibility, placement and program (i.e. the IEP).
- A parent signs consent for evaluation. Once the signature is obtained, the district has 75 calendar days to complete the evaluation and have an IEP in place. "Day 1" is the day the school receives the signed consent form. When received, district personnel writes the date received at the bottom of the form as documentation.
- Always consult with the school psychologist and any relevant related service providers before proposing assessments for an evaluation. If they are not present at the meeting, document on the Written Notice and the pre-evaluation planning sheet who was consulted.
- A Written Notice must be given to the parent stating that the evaluation will be conducted and what areas will be assessed.
- If the student fails a hearing or vision screening, contact your school psychologist.

### **Evaluation Summary and Eligibility Report (ESER)**

The eligibility meeting date is the date that the team meets to determine if a student is eligible for special education services. An IEP must be developed and implemented within 30 days of this date, but still within the 75 calendar day timeline.

Eligibility criteria are strictly established under federal and state statute. All components of the evaluation are documented in the ESER. A meeting is held with the team, including the parents, to determine eligibility, educational needs and recommendations. Any member of the team who does not agree may indicate disagreement on the signature page and submit an explanation of their position (document a team member disagreed in the "Other Factors" section of the Written Notice). Copies of the ESER are to be given to the parent along with any other reports generated by the evaluation. Originals are submitted to district office.

DNQ: Does Not Qualify means that the student is not eligible for services. This is only on an initial referral. When a student is evaluated and "does not qualify" the ESER must still be filled out, meeting held, and signatures obtained. A Written Notice is required. The parents must be invited with at least 10 days prior notice or another date can be established by mutual consent (e.g. parent agrees to waive 10 day notice). The parents can choose to participate via phone. A copy of paperwork must be provided to parents with the originals sent to district office.

Parent Disagrees with Evaluation Results: Discuss the parent's concerns and problem-solve as a team to see how the concerns can be addressed at the school level. Document any solutions in the Written Notice and follow through with the established plan in a timely manner.

If the parent continues to have concerns, notify the appropriate Program Coordinator or Pupil Services Director immediately with the concerns and what solutions have been explored with the parent. At this time, you should refer the parent to the Notice of Procedural Safeguards. If the parents wish to pursue an independent educational evaluation (IEE), they will need to make their request in writing to the Pupil Services Director.

#### Determining Educational Needs and Recommendations:

*Needs* on the ESER must be listed in priority order. *Needs* must be specific enough for the IEP to be developed from them. For instance, if there are specific content area needs, such as reading, writing, math, these should be listed separately so that recommendations can be made for each. Listing "academic skills" does not provide enough information to the development of the PLAAFP, goals and objectives, and other areas of the IEP.

*Recommendations* must be aligned to the specific need and may be a little more general than the needs statements. For example, for a need of "Reading fluency" a recommendation may be, "Small group or individual instruction including use of research - based reading program". This recommendation does not tie any teacher to one particular type of instruction or program, but allows the current case manager to create appropriate goals to match the needs. For a need of "Focus in the classroom," the recommendation may be "Classroom accommodations to reduce distractions\*\*". This leads one to refer to the accommodations section of the IEP.

\*\*Be cautious that most of the needs and recommendations reflect the need for specialized instruction. That is, if all needs have recommendations for only accommodations, then there is no need for special education.

### **Initial Consent for Placement:**

Initial consent for placement must be obtained before special education services are provided. If the parent does not sign consent, FAPE is not guaranteed for the child. No student receives special education services until the parent has signed a Parent Consent for Initial Placement form.

## Parent Declines Consent for Placement in Special Education

When parents decline to give consent for initial special education placement, the child remains in general education without special education and related services, discussion regarding an IEP does not occur, and an IEP is not written. If parents, at a later date, decide they would like special education services, a new evaluation must be started. Information from the recent evaluation may be used as part of the new evaluation.

## Amending the ESER

If a student is currently receiving special education services, and the team agrees there needs to be further evaluation to determine need for additional services, the ESER may be amended. These amendments are initiated by the case manager. Follow the flowchart for amending an ESER found on the Pupil Services Resource page: <http://pupilservices.blogs.kpbsd.k12.ak.us/wpmu/amending-an-eser-to-add-a-service/> ESERs are NOT amended to change or delete needs. An ESER is only amended when a previously unidentified area of need is identified through data collection and evaluation and is added to the ESER form.

## Individualized Education Program (IEP)

There is no legal reason or allowance for an IEP to lapse for a student who is eligible and currently receiving services. All annuals must be held prior to the annual due date.

### IEP Meeting Considerations / Best Practice

- IEPs should be clearly marked DRAFT upon entering a meeting. Parents should understand the draft is a working document and that changes can and should occur during the meeting. The draft may be the expiring IEP or a working document with new information.
- Follow an agenda (sample agendas included in the appendix). If an IEP draft is used as the agenda, review sections in this order:
  - Signatures of Participation
  - PLAAFP
    - Student Strengths
    - Parent Concerns
    - Other Agency Involvement
  - Review Progress toward Previous IEP
  - Special Factors the IEP Team Must Consider
  - Discuss New Goals and Objectives
  - Accommodations and Modifications
  - Assessment Participation
  - Summary of Services
  - Placement (LRE)
- Present Notice of Procedural Safeguards to parents at the beginning of the meeting. Ask if they have any questions regarding the notice. Parents are not required to take a copy of the notice unless it is an initial IEP or the notice has been updated. The latest version is dated August 2012. Never give out an outdated version. <http://www.kpbsd.k12.ak.us/WorkArea/DownloadAsset.aspx?id=9350>
- Collect signatures of participants at the start of the meeting.



- Avoid fly-by participation if possible. All persons should attend the entire meeting.
- KPBSD does not audio or video tape IEP meetings. If a parent wishes to record a meeting, contact Pupil Services.

### **Present Levels of Academic Achievement and Functional Performance (PLAAFP):**

The Present Levels of Academic Achievement and Functional Performance (PLAAFP) must tell the current story of the student. This must pass the Stranger Test (see goals and objectives section) so that all understand where that student is currently performing both academically and functionally. These are some important items to include in a well-written PLAAFP; however this is NOT an all-inclusive list:

- *Student Strengths*: Includes strengths regarding academic, behavioral, social, communication, fine motor, gross motor, life skills, etc. as appropriate to the student. As kind as it is, strengths are not that a child is pretty or has a charming smile. You can certainly include these statements, but they are not strengths of the student.
- *How Disability Affects GenEd Involvement*: Includes statement of HOW disability affects involvement and progress in general education, not just a statement of what the disability is. This should be clearly written. If a general education teacher understands how the student's disability would affect the student's involvement in his or her classroom from this statement, then it is clearly written.
- *Student's Current Functioning*: This section needs to be very clear. This is not a section to talk about a student's weaknesses, but rather a prescription of his or her needs. This section should include functioning regarding **academic, behavioral, social, communication, fine motor, gross motor, life skills, mobility**, etc. as appropriate to the student. This section should also include the most recent State Standard's Based Assessment (SBA) or High School Graduation Qualifying Exam (HSGQE) scores (several years may be appropriate to include if there is a need to compare years). This section must also include relevant current educational evaluation information from the most recent 3-year reevaluation.
  - The PLAAFP allows automatic pasting of the data for LD students from the eligibility and summary report. The pasting will be appended to the end of any existing data and will not override what is already there. It is extremely important that you take the time to review that data and the way that it is written to ensure a smooth flow to your PLAAFP that assures understanding for all.
- *Other Agency Comments*: Agency comments are required whenever an outside agency is involved in the student's program or has relevant information to their educational experience.
- *Parent Comments, Needs, Concerns*: Parent / Adult student comments need to be documented clearly and updated each year. A statement that the parent did not attend the meeting is not acceptable for this section. The case manager is still responsible to speak to the parents about their concerns and needs and to obtain any other information relevant to the IEP.

**The PLAAFP is not about quantity or length; it is about quality and clarity.**

### **Program Modifications / Accommodations & Supports for School Personnel**

- Modifications are the changing, lowering or reducing of learning or assessment expectations. This includes allowing a student to learn less material than is expected of other students (reducing the number of items

on an assignment or the common “shortened assignments”) or revising assignments or tests to make them easier (reminding students of their reading strategies right before testing reading). Modifications may be appropriate during instruction; however if they are necessary during large-scale assessments, such as the HSGQE, pre-approval must be obtained from the state.

- Accommodations are practices and procedures in the areas of presentation, response, setting, or timing/scheduling that provide equitable instructional and assessment access for students with disabilities.

Modifications	Accommodations
Purpose: Changes the expectation of what a student is expected to do or know	Purpose: Removes barriers to learning
What changed	How did it change
Intended for improvement to specific area	Intended for general improvement
Typically instructional : lowered academic expectations: CONTENT	Typically environmental: PROCESS OR PRODUCT
Examples: reducing the number of choices on a multiple choice test, lowering the passing score of a test, use of grammar check on computer, allowing proctor to provide synonyms for words during test.	Examples: auditory cues/ prompts, chunking information, extended time, frequent breaks, preferential seating, use of a calculator.

Program Modifications/ Accommodations for Student to:	Supports for School Personnel
<p><b>Advance toward annual goals</b> Intended to provide student with ability to meet their IEP goals and objectives within the year. For instance, if goal and objectives are for math calculation, what does the student need as an accommodation or modification to meet that goal?</p>	<p><b>What supports/ training do school personnel need?</b> Supports to school personnel could be any of the following and more dependent on the student’s needs:</p> <p><b>Consultations:</b> Providing and explaining instructional materials, suggesting instructional strategies to ensure that the teacher provides opportunities for the student to develop and master skills in the IEP and other instructional needs, explaining the responsibilities for implementing the IEP, being available to answer questions and to provide assistance and support to the teacher</p> <p><b>Training activities:</b> Behavior management, how to provide accommodations and modifications, characteristics associated with a disability, effective use of a paraprofessional, use and availability of assistive technology.</p> <p><b>Other:</b> Co-teaching support, peer tutoring, buddy system, paraprofessional assistance</p>
<p><b>Be involved in and progress in the general curriculum</b> Intended to provide student with equal access to the general education setting. For instance, if the student attends general education classes for most of the day, what accommodations or modifications would allow the student to be successful in the general education classroom/ curriculum?</p>	
<p><b>Participate in extracurricular and other nonacademic activities</b> Intended to provide student with equal access to nonacademic activities. Because this section will include extracurricular, which could be activities outside of the school day, this section should be clear as to whether the accommodations and modifications are for nonacademic or extracurricular. For instance, the student requires assistance from an adult during PE class (refuses to participate in some activities), but could participate on their own in an afterschool basketball class (loves basketball); these accommodations should be clearly delineated here.</p>	

Best practice is to be specific when outlining these supports and modifications. Simply stating “collaboration” as a support for school personnel does not describe what the communication looks like or between whom. A more

specific description would be “collaboration between special and general education teachers regarding grading and homework requirements.”

## **Special Factors**

Several student challenges create additional requirements for IEP teams developing IEPs: behavior, limited English Proficiency, blind or visually impaired, communication needs, and assistive technology. These items must be reviewed and addressed at each IEP team meeting.

## **Extended School Year / ESY**

When discussing ESY services, keep these things in mind:

- ESY determination is not based on whether a student would “benefit” from summer instruction. It must be determined as a necessary service based on data.
- ESY is not summer school. ESY services are not offered simply because parents want it – parents cannot “sign their kids up for it”. The team determines ESY is necessary for the provision of FAPE, just as any special education service, related service, accommodation or modification.
- If a student is determined eligible for ESY one year it does not automatically make them eligible year after year. Eligibility is determined annually and parents MUST be informed thusly.
- Even if you are certain that a student will not attend ESY, you must still address ESY in the IEP and complete the amendment as appropriate. Parents can opt not to attend, but the IEP must address eligibility. Criteria – Current federal and state law does not have set criteria for determining eligibility for ESY. Past criteria and good guidelines require evidence in at least one of the following areas: Emerging Skill, Regression / Recoupment, or Self - Sufficiency.
  - **Emerging Skill**  
When few, if any, gains are made during the regular school year and a critical skill is in the process of emerging, and it is believed that with ESY services the child could make reasonable gains, then ESY services must be considered. Collect documentation to assist the IEP team in determining the following:
    - A. Does progress toward the goals and objectives or benchmarks over an extended period show few, if any, gains?
    - B. Is a skill emerging?
    - C. Does documentation support that ESY services are needed to avoid irreparable loss of the learning opportunity?
  - **Regression / Recoupment**  
When the child would regress to such an extent and the amount of time required to relearn skills or behaviors becomes so significant that he or she would be unable to benefit from his or her special education program, then ESY services must be considered. Collect documentation to assist the IEP team in determining the following:
    - A. Do progress reports and data show that the child demonstrates periodic regression, which is related to breaks in instruction throughout the school year?

B. Do progress reports and data show that the child regresses and cannot relearn the skills in a reasonable amount of time following the breaks?

C. Does documentation support that without ESY services the child would regress to such an extent and have such limited recoupment ability that he or she would be unable to benefit from his / her special education program?

- Data – In order to meet the criteria of regression / recoupment, you must have data to support it. When considering regression / recoupment, it is important to consider collecting evidence of regression that may occur during winter and spring breaks, and then determining the recoupment rate afterward.

- Self - Sufficiency

When the acquisition of critical life skills that aid in the child's ability to function as independently as possible, thereby reducing the child's reliance on caretakers or other institutionalized care, would be threatened by an interruption in services, ESY services must be considered. The IEP team should collect documentation to assist in determining the following:

- A. Does documentation identify critical life skills that are needed for independence?
- B. Will failure to maintain acquired critical life skills cause major or permanent loss of the skills and create a dependence on caregivers?
- C. Without ESY services, would the child fail to maintain these critical life skills?

*ESY Objectives* – Keep the eligibility in mind when selecting the ESY objectives. The objectives should match the student need as indicated in the criteria. Don't automatically check all the objectives. Keep in mind that ESY teachers can't work on all objectives for all their ESY students in the timeframe allotted in the summer.

Case managers must provide materials for students they send to ESY because ESY teachers must be able to work on the objectives as written.

IEP amendments for changes to ESY will be due at least 60 days prior to the end of the school year to determine students eligible for ESY for the upcoming summer. IEPs should be updated to reflect ESY, whether through an amendment or the annual IEP during the months of January, February and March. Specific due dates are sent out each year by the ESY Program Coordinator.

## **Assessment**

All students, including students with disabilities, by law, must be assessed. School districts can also mandate assessments of their own.

KPBSD's scheduled assessments can be viewed at

<http://www.kpbsd.k12.ak.us/WorkArea/DownloadAsset.aspx?id=28030>

Students with disabilities must participate in assessments as would their peers. Assessments must be given with the accommodations outlined in their IEP or 504 plan unless otherwise dictated by the individual assessment protocols.

Accommodations must be chosen with purpose by the IEP team and implemented throughout the school year during instruction. IEPs should not include all potential accommodations that might be used, but rather accommodations that the student needs. School staff should be able to provide data indicating the success or lack of success of each accommodation provided. The state of Alaska has published participation guidelines regarding state mandated assessments which can be found at <http://eed.state.ak.us/tls/assessment/>.

The alternate assessment is administered by qualified assessors to students with severe disabilities. Students must meet the eligibility criteria set by the state of Alaska. There is a checklist in the print section of the sped database that is required for documentation of eligibility.

Each school has an assessment coordinator who is trained and updated each year regarding testing procedures and protocols.

## **Summary of Services**

General description of types of services:

- **Direct Services:** Direct services are provided by “qualified personnel” directly to the student. Qualified personnel refer to those who have met state-approved certification with proper endorsements, such as special education teachers, occupational therapists, speech-language pathologists, etc.
- **Indirect services:** In contrast to direct services, indirect services are delivered directly to the student by another person (e.g. paraprofessional) under the direct supervision of a qualified professional. These services refer to an IEP goal and the person supervising the service is responsible for reporting progress to the goals. The IEP needs to specify who will provide the supervision and its frequency.
- **Consultation:** Consultation differs according to the needs of the student. Consultation refers to the planned communication of information or skills from one person to others. Among other things, it can include technical assistance, training or monitoring or service coordination. Consultation can be delivered in a variety of ways, such as in meetings with other team members or in natural settings (e.g. classrooms, community work sites, etc.) where the consultant works directly with a student to model an intervention or share information.
  - Consultation should not be confused with supervision. In contrast to other services, the consultant does not supervise the services provided to the child. There does not need to be an IEP goal for consultation as is required for other services. Consultation requires contact between student and consultant in order for the consultant to communicate information and skills effectively with others.

**Documenting services:** For all students, minutes of services will be whatever the student is receiving from whoever is providing that service. Services provided by a person other than a properly qualified special education teacher or related service provider (think indirect service) require the supervision line to be completed.

It is **IMPERATIVE** that the minutes are completely accurate, especially the minutes in and out of the general education classroom as this is how the LRE for a student is calculated.

The supervision must be provided by the qualified person (special ed. teacher or related service provider), and frequency reflected on the supervision line (i.e. daily, monthly, etc.). At minimum, supervision should be provided weekly.

## **Goals and Objectives**

Goals must address Alaska State Standards which are to be chosen from the database when writing the goal. An appropriate goal must be measurable, observable, and specific, describe what the child (not the adult) will do, and must be written to expect completion within an annual timeline for which the IEP is written. Goals should come directly from the PLAAFP, and address each area of deficit noted in the PLAAFP, unless otherwise documented. For instance, if a student has eight areas of identified need in the ESER and PLAAFP, but the team agrees to focus goals on the top three for this IEP, the PLAAFP should reflect an explanation of that decision. Baseline data is required for all goals.

Goals can be written as SMART goals as SMART goals are easier to report progress for, easier to determine mastery and are legally defensible. SMART goals are Specific, Measurable, Action words, Relevant, and Time bound.

Remember that any goals that you take into an IEP meeting are only drafts and should be discussed with the team and edited as needed. At the IEP meeting, last year's goals and objectives should be reviewed, and discussed regarding progress and whether to continue similar goals / objectives for the next year. Last year's goals might be deleted due to completion or because they are no longer appropriate. Entirely new goals may be written. Continuing goals with NO revision should rarely happen since it indicates that the student was not able to meet the goals, so the tasks should be rewritten, possibly broken into smaller steps. If while progress monitoring, you find that the student is not making progress, you may hold an IEP meeting sooner to revise the goals for student success.

The IEP team is not required to create annual IEP goals for general education curriculum that the child's disability does not significantly affect. Therefore if a child needs only modifications or accommodations in order to progress in certain areas, no IEP goal is required in that area. The needed modifications and / or accommodations are addressed in the Program Modifications / Support section of the IEP.

Developing appropriate goals:

1. Review the student's past achievements
2. Consider the student's present levels of academic and functional performance when estimating what can be expected in a year's time
3. Identify the category of instruction for each deficit area. These may include:
  - a. Social skills
  - b. Communication
  - c. Leisure / recreation skills
  - d. Vocational skills
  - e. Personal management
  - f. Academics
  - g. Perceptual skills

- h. Behavioral skills
  - i. Physical skills, etc.
4. Assess the practicality of the chosen goals in terms of final outcomes, age appropriateness, relevancy, etc.
  5. Consider listing goals in the IEP by their order of priority

Annual goal mini-checklist:

1. Is the goal clear and understandable?
  - a. Not vague?
  - b. No educational jargon?
  - c. Not too specific?
2. Is the goal positively stated?
3. Is there at least one goal for each area of need stated in the PLAAFP?
4. Can the goal be justified on the basis of the information in the PLAAFP?
5. Is the goal practical and relevant to the student's academic, social and vocational needs?
6. Is the goal practical and relevant to the student's age and remaining years in school?
7. Does the goal reflect appropriate growth within the instructional area?
8. Can the goal be accomplished in one year?
9. Is baseline data included for each goal?

Please use the following "tests" when writing goals:

1. The Stranger Test: The Stranger Test refers to goals and objectives for students being written in a fashion that a person unfamiliar with a student could read and understand them. For example, because various persons involved in the implementation of a student's educational program may interpret "hostility" differently, it is necessary to describe the student behavior in terms that it would pass the Stranger Test. If the goal was to decrease "hostility," a stranger might interpret it as decreasing hitting, kicking, biting, while the student's team may have meant decreasing verbal threats or profanity directed towards peers. The stranger might interpret "hostility" as ANY instance of hitting, whether or not provoked, while the team may have meant only unprovoked hits. If the IEP had defined "hostility" as "each instance of unprovoked hitting, where "unprovoked" means that it was not in retaliation for a physical or verbal attack from a peer," both the teacher and a stranger would be likely to obtain the same results as they would be looking for the same behavior.
2. The So-What Test: The task is an important skill to learn.
3. The Dead Man's Test: The question posed by the Dead Man's Test is "Can a dead man do it?" If the answer is "yes", then it does not pass the dead man's test and is not a fair goal for a student. If a dead man cannot do it, then it is a fair goal. For example, suppose that you wanted a fair target behavior for "swears at peers." You come up with "does not swear at peers" as the target behavior for the goal. This does not pass the Dead Man's test because a dead man could refrain from swearing at peers. "Speaks to peers without swearing" passes the dead man's test because a dead man cannot speak.

Objectives: Objectives are required for all students. Short term objectives or benchmarks are the steps it will take to reach the annual goal. There should be at least two objectives for each annual goal. If you are unable to

draft two objectives, the goal may need to be broadened. Objectives may differ in quantity expected, degree of accuracy, level of independence, specific skill expected, where the skills are demonstrated, etc. Objectives or benchmarks are usually found through a task analysis of the goal behavior.

## **Secondary Transition**

Secondary transition services are a coordinated set of activities, designed with an outcome-oriented process that promotes movement from school to post-school activities that must be updated each year. The secondary transition plan must be in effect when the child turns 16 (or younger when determined appropriate). The transition plan must include: appropriate measurable post-secondary goals based on age appropriate transition assessments related to training & education, employment and where appropriate, independent living skills. The needed transition services, including the course of study are activities completed during the student's high school years to meet the post-secondary goals.

See Appendix for Transition Plan Reference Sheet / Checklist

## **Progress reports**

Progress reports must be provided on each goal and objective at least as often as general education students receive progress notice (i.e. report cards). Most often, this is quarterly. These are recorded on goal pages of the IEP within the sped database.

Progress should be written so that the parent understands how the student is progressing towards completion of the goals and objectives. Progress should be written using the same quantifier as the goal or objective. If objective is a percent, the progress should be written using percentages. If the objective is written as words read per minute, the progress should be written that way as well. Data should be listed as evidence of progress towards the goal. Using the drop down menu alone is not sufficient; narrative comments are also required.

## **Least Restrictive Environment (LRE)**

LRE / Placement in special education is the last consideration of the IEP team. Placement is described as the amount of time spent in general education. This is described as a percentage. The placement page in IEPs will be generated by the services described in the services page. You must answer each question "yes" or provide a justification for the "no" response. There will likely be at least one "no" for each student.

The LRE will be automatically calculated from the minutes listed in the summary of services. It is IMPERATIVE that the minutes in and out of general education on the summary of services are accurate as this is how placement is calculated in the LRE section.

If the IEP team considers a placement outside of the student's home area school, contact a Program Coordinator.

## **IEP Amendments**

Amendments may be made to any current IEP, but may not be used to revise or extend an IEP at the time of an annual review. All requirements for annual review meetings are in place with the following exception:



An amendment without a meeting may be completed for minor changes to the IEP such as: adjusting minutes of service, location of service, accommodations to statewide assessments, etc.

The special education case manager is required to talk with parents about the amendment. The amendment form is completed and taken to the administrator for his / her signature showing agreement with the change. Written Notice as well as any pages of the IEP that were amended are to be sent to the parent with the originals sent to district office.

## Early Childhood Indicators

The Alaska Department of Education and Early Development requires that the district report on the progress of special education children, measured by three Early Childhood Indicators. This is reported on the Child Outcomes Summary Form (COSF). The following areas need to be reported: Positive Socio-Emotional Skills, Acquiring and Using Knowledge and Skills, (includes language and pre - literacy), Taking Appropriate Action to Meet Needs (e.g. Self - Help).

- a. Entrance performance is completed when any child, under 5½, first enters a special education program with an IEP
- b. Exit performance is reported when a child exits special education, or turns 6, whichever occurs first

It is the case manager's responsibility to administer formal assessments and complete this data entry. Formal assessments that can be used can be found on the Pupil Services Resource page <http://pupilservices.blogs.kpbsd.k12.ak.us/wpmu/child-outcome-summary-forms/>

When a child is entering preschool from an Infant Learning Program (ILP), the exit data reported by ILP can be used as the entrance data for preschool. If a child transfers into the district from another district in Alaska, you may use the entrance data from the sending district for your entrance data. If child enters our district from out of state, you may use entrance data received from the sending state if it aligns with our requirements. Otherwise, you may need to retest or review evaluation documentation for entrance data. If a child enters preschool through child find, you will be responsible to test for entrance data within thirty (30) school days of program entry.

Exit data is collected either when the student is no longer eligible for special education or just prior to the student turning 6. The exit COSF will most often be completed by the kindergarten case manager.

## Summary of Performance

Summary of Academic Achievement and Functional Performance and recommendations in assisting the student in meeting post-secondary goals is required only when a student graduates with a high school diploma or ages out at age 22. These statements should assist the student in his or her future goals by giving an overview of the successes and recommendations that helped during the high school years. Some samples include:

## Sample 1

- Summary of Academic Achievement and Functional Performance
  - Student has mastered goals of volume control, conflict resolution and appropriate interactions with others. She has learned strategies to use when she is struggling with these issues and knows how to calm herself when she is upset. She has passed all of her classes and has met all requirements to receive a high school diploma; earning a GPA of 3.0 for the 4th quarter of her senior year.
- Recommendations on Assisting Student in Meeting Post-Secondary Goals
  - Continued practice of strategies to calm herself and respect other people's opinions as different not wrong. Continued work experience with job situations that require her to work and listen to others. Strategies used include walking and processing the issue to resolution, isolating herself to process, and talking over issues with someone trusted. Successful academic accommodations include: extended time for assignments, test in small group separate location if needed, use calculator with minimal functions, mark responses in test booklet if separate sheet is required, no scantron test sheets, and additional room for writing responses.

## Sample 2

- Summary of Academic Achievement and Functional Performance
  - Student's academic and adaptive skill level, aggressive behavior, and pica, require adult assistance. Student needs monitoring and assistance with all personal care needs, including toileting, dressing, eating and personal hygiene. He demonstrates partial participation with dressing, toileting, brushing teeth, and hand washing and is working toward becoming as independent as he is able in these areas.
- Recommendations on Assisting Student in Meeting Post-Secondary Goals
  - Student works with a transition agency which addresses post-secondary training goals. His plan goals with this agency are in the area of communication skills, personal hygiene, increasing community involvement, and social behavior. Student will require full-time support in his assisted living home, and he should have opportunities to volunteer in the community. Successful accommodations include: picture-based communication, frequent breaks for sensory activities, short instructional sessions (not to exceed 10 minutes), active movement throughout the day, and opportunities for sensory input such as walking, swimming, and swinging.

## Program Exit

Only acceptable reasons for exit from special education are when the student:

- Is reevaluated and determined no longer eligible. Evaluation will be documented as you would a 3-year reevaluation.
- Graduates with regular diploma. Teachers complete final progress reports and program exit form with summary of performance. Send a copy of these documents to district office and parents. District office sends a graduation letter reflecting a placement change.

- Reaches maximum age (age 22 on or before July 1 of the upcoming school year). Teachers complete final progress reports and program exit form with summary of performance. Send a copy of these documents to district office and parents. District office sends a letter reflecting a change in placement.

OR

- Parent has revoked consent for special education services in writing and signs the revocation of consent for services form. Teacher provides Written Notice (See section titled Parent Revokes Consent for Services).

Student may still be eligible for services and no longer receive them if the student:

- Moves from district. Pupil Services will forward file to new district.
- Drops out (parent / student is notified by Pupil Services of right to access special education services)
- Received a certificate of achievement and chooses not to return for services.

## Parent Revokes Consent for Services

Once a parent has signed initial consent for a child’s placement in special education the consent is binding until the child exits, *unless* a parent revokes consent for all special education services in writing. If a parent wishes to discontinue their child from receiving special education services, these concerns need to be addressed meaningfully with the building administrator present (perhaps there was a breakdown in communication that can be resolved to ensure that the student continues receiving needed services). If the parent continues to refuse services:

1. Case manager will print the “Revocation of Consent for Special Services” form from the sped database.
2. Case manager and / or principal will review the bulleted points on the form with the parent, ensuring the parent understands the full picture of his / her decision. Ask parent to think on it a couple of days, and if age appropriate, to speak to the child about the decision.
3. Obtain written request from parent AND parental signature on the revocation form. This form includes the following key points that the parents should understand:
  - Revocation has the effect of returning the student to general education as a non – disabled student
  - District may not use mediation or due process to continue services
  - District may not discontinue services until the Written Notice has been given to parent (within 10 school days)
  - District is not required to conduct an evaluation before discontinuing services
  - Revocation is not retroactive and does not erase what has already occurred
  - If a parent reconsiders services at a later date, the parent must request an initial evaluation to determine what assessment is needed for eligibility and whether the student is eligible for services at that time
    - **\*\*Note:** the team may use existing data, but the entire initial evaluation process must be followed
  - Revocation applies to all special education and related services

- District will no longer conduct evaluations, hold IEP meetings or develop IEPs for student
  - Student will be subject to all of the same requirements as general education students including no testing accommodations and modifications and no protections regarding disciplinary procedures and timelines.
4. Provide copies of the signed consent and Written Notice to parent and school file, and originals to district office file. See sample revocation Written Notices in the appendix.

Schools are encouraged to talk with their parents about revoking consent for provision of special education services. Holding an IEP team meeting would allow parents to voice concerns and allow the school team an opportunity to respond to the request for revocation. At any point in the process, the school or the parent can contact the school's Program Coordinator for assistance and / or more information.

## Out of District IEPs / Temporary Placement

When a child who has a current IEP from another district moves to KPBSD, the IEP team must decide whether to accept the eligibility and IEP established by the previous district.

If the IEP team decides to:

1. Reject the eligibility, the parents would sign a temporary consent for placement and the team would initiate an initial evaluation for our district. If the current IEP is not available or either party believes it is not appropriate, the IEP team must evaluate and develop a new IEP within 30 days.
2. Accept the eligibility, but not the incoming IEP, the parents would sign consent for temporary placement. The team holds an IEP meeting within 30 days.
3. Accept both eligibility and IEP. The team may find that the IEP requires minor revisions to align with the services provided in KPBSD. An out of district IEP can be accepted and still amended to reflect these minor changes (such as summary of services minutes). The IEP team does not need to conduct an IEP meeting if the current IEP is available, the parents agree with it and the IEP team finds it appropriate – acceptance can be accomplished through an IEP amendment.

If the IEP team decides to develop a new IEP, interim services may be provided via a temporary placement, if the parents and school agree. The development of an interim IEP (or use of a temporary placement) may be appropriate for an individual child with a disability if there is some question about the child's special education or related service needs. These will only be used for students transferring into KPBSD with a current or recently expired IEP.

**Temporary placements** are allowed provided:

1. An IEP is developed.
2. The parents must agree in writing (by signing the temporary placement form) to the temporary placement.
3. The temporary placement must not continue beyond 30 calendar days.
4. An IEP team meeting must be conducted before the end of the interim period.

5. All applicable IEP content requirements are met with no lapse in services between the interim and final placements.

As soon as services are determined for a student with an out-of-district IEP, initial consent to placement must be reviewed:

- ❖ If the team accepts the ESER and IEP from the sending school district and the files include a Parent Consent for Initial Placement from that district, KPBSD can accept this form.
- ❖ If the out of district file does not have Consent for Initial Placement, parents must sign a KPBSD form.
- ❖ If the team evaluates instead of accepting the out of district paperwork, parents must sign KPBSD Consent for Initial Placement upon completion of the evaluation.

All files for preschool and students coming from residential treatment facilities will be reviewed at Pupil Services.

If a student comes into the district with an IEP placement that is not available at the student's enrolling attendance area school, a Program Coordinator is required to be involved in the placement discussions with school staff.

## Manifestation Determination

Once a suspension will extend beyond 10 days, whether via a single long-term suspension or via multiple suspensions that constitute a pattern of exclusion, districts must conduct a manifestation determination. The parents and relevant members of the IEP team must decide, within 10 school days of any decision to change a student's placement due to disciplinary removals, whether or not the student's conduct was a manifestation of the student's disability. IEP services must be made available to the student by the 11<sup>th</sup> day of suspension. There are three possible outcomes of a manifestation determination:

1. The violation (student's conduct) was caused by (or directly related to) the student's disability;
2. The violation was a direct result of the district's failure to implement the IEP (including a behavior plan);  
Failure to implement is a two-part test:
  - a. The district must fail to fully implement the IEP, and
  - b. The conduct in question must be 'the direct result' of the failure to implement.
3. The violation is not a manifestation of the disability (does not meet outcome 1 or 2)

The manifestation determination worksheet in the sped database walks the team through the required information. A Written Notice is required as the suspension constitutes a change in placement for the student. Sample Written Notices are provided in the appendix.

Contact your school's Program Coordinator for assistance with disciplinary questions and manifestation determination meetings.

## Ages of Which to be Aware

Student turns 3

Student enters special education in a public school. Student may transition from Part C services. Entrance data must be completed on COSF.

Student turns 6

At the age of 6, if a child has been in special education for at least 6 months, early childhood exit indicators must be completed. (Exit COSF completed)

Student turns 9

A child who has been eligible under the category of Early Childhood Developmental Delay must have another (different) eligibility determination made or student will no longer be eligible for special education.

Student turns 16

By age 16, a transition plan must be in place in the IEP. If a student will turn 16 before the IEP annual will be due, the transition plan is required during the current IEP year.

Student turns 17

At age 17, a transfer of rights letter must be sent to parent and student. Future communication must be directed to student. District office sends home this letter.

Student turns 22

Students in Alaska are eligible for special education programs if less than 22 on July 1 of the school year.

## Out of Area Exceptions

A parent may request an out of area exception for their child to attend a school other than their home attendance area school. The principal may accept or decline the request as allowed by Board Policy 5116 <http://www.kpbsd.k12.ak.us/board.aspx?id=3242&terms=out%20of%20area>

If a student requires special transportation on their IEP, transportation will only be provided to their area school, and not to a school the child is attending on an out-of-area exception. Exceptions to this are sometimes made if the child's pickup and drop - off are in the boundary of the school that the child wants to attend. For instance, if parents request an out - of - area exception to a school due to their day care location and the out of area exception is accepted, special transportation may be provided to day care if the day care is within the school's boundaries, and the student is eligible for transportation per the IEP.

## District Data Profile

Alaska's Department of Education and Early Development (DEED) reports on each district's compliance with indicators defined by United States Office of Special Education Programs (OSEP). These indicators include:

- 1 – Graduation
- 2 – Dropout
- 3 – Statewide assessment

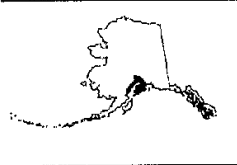
- 4 – Suspension / expulsion
- 5 – LRE Placement
- 6 – Preschool setting
- 7 – Preschool skills
- 8 – Parent involvement
- 9 – Disproportionate representation in special education
- 10 – Disproportionate representation in specific disability categories
- 11 – Child find
- 12 – Part C to Part B transition
- 13 – Secondary transition with IEP goals
- 14 – Post - school outcomes – Competitive employment, enrolled in school
- 15 – Monitoring, complaints, hearings
- 16 – Written complaints
- 17 – Due process hearings
- 18 – Hearing requests that went to resolution
- 19 – Mediations
- 20 – Timelines of state reported data and reports

Current data profile may be viewed for each district at <http://eed.state.ak.us/rcsped>

# Appendix



# Memos



## KENAI PENINSULA BOROUGH SCHOOL DISTRICT

**Pupil Services**  
Clayton Holland, Director

148 North Binkley Street, Soldotna, Alaska 99669-7553 Phone (907) 714-8881 Fax (907) 262-1374

8/1/13

TO: Building Administrators, Certified Special Education Staff

FROM: Clayton Holland, Pupil Services Director, KPBSD

RE: Student Restraint

Restraint is defined by the Office of Civil Rights as a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. A physical escort or restraint must never be done in a manner that restricts the student's breathing, including placing the student in a prone position. With the exception of orthopedically prescribed devices that allow for transportation, medical immobilization, or proper body position, mechanical restraint is not allowed in the KPBSD.

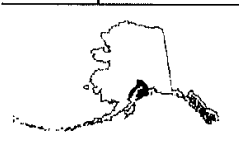
Physical restraint is prohibited unless needed as an emergency intervention. A district employee may use reasonable and necessary physical restraint only if necessary to ensure the immediate safety of the employee, the student, or others. This includes protecting the student or others from physical injury; to obtain possession of weapons or other dangerous objects, including a controlled substance upon or within the control of the student; or to protect property from serious damage or destruction. To the extent possible without compromising safety, other interventions should be attempted prior to the use of restraint. Restraint must be limited to that necessary to address the emergency and should be discontinued when the situation is controlled.

Steps must be taken to document restraints that occur and to prevent future restraint. If a child is restrained for any reason, the **Restraint Documentation form** must be completed and faxed to the Pupil Services office, Attn: Director, by the end of the day that the restraint occurs. If the person restraining the child was directed to do so, the person that directed the restraint must fill out Restraint Form 2 and forward it with the Restraint Documentation Form. Both restraint documentation forms are also online in the forms section: Pupil Services.

After a child is restrained, they will be checked by a school nurse, if a nurse is available. If no nurse is available, someone with first aid training should assess the child. Parents of the restrained child must be notified of the restraint the same school day that the restraint occurred.

The KPBSD requires that each building have staff members trained in a crisis intervention program (MANDT). Those schools/classrooms with students more at-risk for restraint will have additional staff members trained as needed to meet the safety needs of the school population.

If you have any questions call the Pupil Services Department



## KENAI PENINSULA BOROUGH SCHOOL DISTRICT

**Pupil Services**  
Clayton Holland, Director

148 North Binkley Street, Soldotna, Alaska 99669-7553 Phone (907) 714-8881 Fax (907) 262-1374

Date: 8/1/13

To: Building Administrators, Certified Special Education Staff

From: Clayton Holland, Director of Pupil Services, KPBSD

Subject: Student Seclusion

**Seclusion means the involuntary confinement of a student alone in a room or area in a manner that prevents the student from leaving.** Seclusion does not include time-outs (calming rooms), a student's voluntary choice to enter a secluded environment, detention, or in-school suspension rooms that are utilized for instructional purposes and other environments where a student is not alone in the room or where the student is not prevented from leaving. "Time-outs" are behavior interventions to provide a student with an opportunity to regain self-control or engage in problem solving where the student is separated from other students for a limited period in a setting that is not locked and from which the student is not physically prevented from leaving. Time-out includes placing a student in an area of the classroom where the student observes classroom instruction but does not participate.

Seclusion of a student is prohibited unless needed as an emergency response to protect the employee, the student, or others from physical injury; to prevent the use of a weapon, other dangerous object, or controlled substance; or to protect property from serious damage or destruction.

Seclusion should be employed only when less restrictive interventions have been determined to be ineffective or inappropriate for maintaining safety. Seclusion should last only as long as necessary to resolve the actual risk of danger or harm, to allow the student at risk to compose him or herself and return to the educational environment, or while awaiting the arrival of law enforcement or crisis intervention personnel. Seclusion should never be used as a form of discipline, to force compliance, as a convenience for staff, or as a substitute for appropriate educational support.

While in a seclusion setting, a student must be continuously observed by an adult both visually and aurally for the entire period. Students must be provided necessities such as restroom breaks and food and water as needed. Any signs of medical distress should be immediately addressed. Seclusion must be sensitive to any particular vulnerabilities of the student and to the student's developmental level.

This policy does not prohibit the inclusion of safe restraint or seclusion in a student's Individualized Education Plan or behavioral intervention plan if determined appropriate by the IEP team after considering all less restrictive alternatives. **However**, in all instances, the use of seclusion must be in compliance with this policy.

## Transition Plan Reference Sheet/ Checklist

- **Administer age-appropriate transition assessments related to student interests, preferences, needs and aptitudes.**
- **Interview student to identify desired measurable post-secondary goals.**
- **Relate interview, assessments and PLAAFP to measurable post-secondary goals in Employment, Education/Training, and Independent Living.**

These goals are what the STUDENT wants to do AFTER high school. These are based on student desires and age-appropriate TRANSITION ASSESSMENTS. Work with student to identify reasonable/ realistic goals based on their desires.

### On IEP document (pg. 1 of IEP) :

#### ***Desired Measurable Post-Secondary Goals -***

GOAL: Begins with "After high school," "Upon graduation," or the like for each area

BASELINE: Summarizes where the student is now in each area based on age-appropriate transition assessments

SOURCE: Lists the transition assessment, student name, etc.

#### ***Secondary Transition Checklist \*\*NEW\*\****

New section due to these items being reported on Indicator I3 to the Alaska Department of Education and Early Development and to the US Dept. of Ed. Office of Special Ed. Programs (OSEP)

\*Answer YES to all questions to avoid errors as all are REQUIRED for each transition-aged student

- **Plan for IEP meeting.**

Determine with parents and student which agencies need to be invited to the IEP meeting.

In 11<sup>th</sup> grade, DVR should be invited; therefore the IEP conducted no later than 10<sup>th</sup> grade should consider whether the student should apply to DVR. Best practice - team discusses when student turns 16.

- **Team to determine what needs and activities are required to lead up to post-school goals.**

### On IEP document (pg 2 & 3 of IEP) :

#### ***Statement of Needed Transition Services matrix (description by column) -***

Needs & Activities - What the student needs to complete DURING high school to reasonably reach desired post-secondary goals

REQUIRED AREAS: Instruction, Community Experiences/Recreation/Leisure, Employment, Related Services, Adult Living & Post-School Activities

IF student does not currently receive related services, state that under the column titled "Needs & Activities" and "KPBSD will continue to monitor need through high school." under Agency & Responsibilities. The other columns are left blank. Transportation needs should be listed here if student receives sped bussing.

"WHEN APPROPRIATE" AREAS: Daily Living Skills and Functional Vocational Assessment

If these areas are not appropriate to the student's needs, in the first column, write a statement that the team and/or transition assessments determined that the student is age-appropriate at this time. The other columns are left blank.

Agencies/ Responsibilities - Includes who will do what to help meet the need or necessary activity for the student

Contact/Starting Date - Who will be contacting the responsible agency and intended date of contact. Consider this the "when this need will begin and who will let the right people know" column

Provider & Payer - May include KPBSD or parents. This column can only include other agencies (such as DVR) IF the agency participated in the IEP (with parent consent).

#### ***Courses of Study -***

Includes all classes to be taken by the student in his/her four (or more) years of high school. Indicator I3 includes an item that requires the course of study to reasonably enable the student to meet the post-secondary goals, so be certain that the course of study is aligned with the student's goals, needs and activities.

- **Write the annual IEP goals.**

There must be an annual IEP goal related to each of the measurable post-secondary goals for the student.

### In the sped database:

A checkbox has been added to the goal section of the IEP. Each goal that is related to a measurable post-secondary goal in the transition plan must be checked.

# **Sample agendas**

## **IEP meeting**

Introductions

Parent rights

Participation signatures

Student strengths

If age 16 or older, transition plan

Review of progress from previous IEP (Progress notes)

PLAAPF:

- How disability impacts general education participation
- Other agency comments
- Parent concerns

Classroom teacher reports

Discussion of new goals and objectives based on needs

Accommodations and modifications required

- To meet goals and participate in general education and non-academic activities
- Assessment

Summary of services

Placement in least restrictive environment

Questions

## **Pre-Evaluation Meeting**

Introductions

Parent rights

Review of Pre-Evaluation Planning Worksheet

- Determination of what areas to assess

- Determination of responsibility for each area of assessment

Review and discussion of questions / concerns

Consent to evaluate – parent signature

Set a tentative date for the eligibility meeting

## **Eligibility Meeting**

Introductions

Parent rights

Student strengths

Parent concerns

Review of assessments

- Speech language pathologist
- Hearing specialist
- Occupational therapist
- Physical therapist
- Adapted PE specialist
- Special education teacher
- School psychologist
- Other

Determine eligibility

Document needs and recommendations in ESER

Sign ESER signature page

If student is eligible, continue with the IEP meeting.



# **Sample Written Notices**

## Sample Written Notice – Pre-evaluation

### 1. Description and explanation of proposed/refused action:

Initial evaluation

Propose to conduct an initial evaluation for Student. When complete, team will meet to determine eligibility

### 2. Reason for proposed or refused action:

The pre - evaluation team met to review the referral to special education. Upon review of the data provided, it was determined that an evaluation is appropriate to determine Student's eligibility for special education. The following areas will be assessed: academic, classroom observation, behavior rating scales, and parent and teacher interviews.

### 3. Description of evaluation procedure, test, record, or report used in deciding to propose or refuse action:

Sources of information reviewed included current classroom behavior plan, AIMSWEB data from 1<sup>st</sup> through 4<sup>th</sup> grades, parent and team member input.

### 4. Description of other options considered, if any, and the reason for rejecting them:

Considered requesting a speech and language assessment however parent did not want to have a speech and language evaluation due to the student already receiving speech and language therapy through an outside provider and making progress.

### 5. Other factors which are relevant to the proposal or refusal:

Parent attended via telephone. A copy of the Notice of Procedural Safeguards will be sent to parent with a copy of this Written Notice.

### Parent & Team agree to:

Begin evaluation immediately. Upon completion, meet to determine eligibility

## Sample Written Notice – Eligibility Determination and IEP Development

### 1. Description and explanation of proposed/refused action:

Eligibility Determination and IEP Development

Upon review of assessment data, district proposes that Student is eligible for special education under the category of Specific Learning Disability. An Individualized Education Program (IEP) was developed to meet the Student's identified needs.

### 2. Reason for proposed or refused action:

Data from the assessments conducted during the evaluation as well as AIMSweb and curriculum based measures show that Student has a resistance to interventions and a significant pattern of strengths and weaknesses in the areas of reading and math. Norm - referenced assessments, classroom measures and work samples show that the student has a significant weakness in writing. An IEP was developed to include special education services, goals and objectives and accommodations and modifications designed to address the areas of challenge as identified in the Evaluation Summary and Eligibility Report.

### 3. Description of evaluation procedure, test, record, or report used in deciding to propose or refuse action:

Sources of information reviewed included assessment data from recent evaluation, AIMSweb data, curriculum based measures, Standards Based Assessment scores, classroom behavior plan data, parent and team member input.

### 4. Description of other options considered, if any, and the reason for rejecting them:

Considered adding a formalized behavior intervention plan. Team determined that Student's behaviors were not disability related, however that they were a result of his inability to perform academic tasks. Team determined that he would be best served by continuing the behavior plan that is currently in place.

### 5. Other factors which are relevant to the proposal or refusal:

Parent was offered the Notice of Procedural Safeguards.

### Parent & Team agree to:

Implement agreed-upon IEP immediately. IEP and ESER have been sent to parents.

## Sample Written Notice – Change of Eligibility

1. Description and explanation of proposed/refused action:

Change eligibility category

Propose to change eligibility category from Specific Learning Disability to Other Health Impairment

2. Reason for proposed or refused action:

Parent provided a physician's diagnosis of attention deficit and hyperactivity disorder. Upon review of the report as well as previous evaluation data and current progress, team determined that Other Health Impairment more accurately described the needs of Student.

3. Description of evaluation procedure, test, record, or report used in deciding to propose or refuse action:

Sources of information reviewed included evaluation data from 2012 reevaluation, curriculum based measures, AIMSweb data, classroom behavior plan data, report from Dr. So – So dated 8/13/2013, parent and team member input.

4. Description of other options considered, if any, and the reason for rejecting them:

Considered maintaining eligibility under the category of Specific Learning Disability. It was determined that the medical diagnosis caused greater barriers to the student's learning and that her academic difficulties were primarily a result of the challenges associated with this diagnosis.

5. Other factors which are relevant to the proposal or refusal:

Parent was offered with Notice of Procedural Safeguards. Team will meet again to discuss revision of the behavior intervention plan.

Parent & Team agree to:

Change eligibility immediately. ESER sent to parents

## Sample Written Notice – Annual IEP

1. Description and explanation of proposed/refused action:

Implement proposed IEP

Propose that the team will implement the developed Individualized Education Program

2. Reason for proposed or refused action:

Annual IEP is due. Student's progress toward previous IEP goals was reviewed. New goals were determined. All parts of the student's IEP were reviewed and updated, including but not limited to: Student's summary of services and least restrictive environment / placement.

3. Description of evaluation procedure, test, record, or report used in deciding to propose or refuse action:

Sources of information reviewed included previous evaluation data, previous IEPs with progress reports, current classroom data including curriculum based measures and AIMSweb data, parent and team member input.

4. Description of other options considered, if any, and the reason for rejecting them:

Parent requested aide support for student during general education math class. This was deemed unnecessary at this time because the general education math teacher explained that the student has been very focused and successful during math instruction and activities. The team will review the need at a later time as needed.

5. Other factors which are relevant to the proposal or refusal:

Parent did not agree that an aide was not necessary, however agreed to meet at a later time to discuss the need further if necessary. Parent would like to review the IEP draft and will contact the school within 10 days of date of meeting with any additional comments or proposed revisions. If not contacted, the school will implement IEP and send final copies to parent. Parent was provided a copy of the Notice of Procedural Safeguards.

Parent & Team agree to:

Implement within 10 days. IEP has been sent to parents.

## Sample Written Notice – ESER Amendment

### 1. Description and explanation of proposed/refused action:

Amend ESER

Propose amending Evaluation Summary and Eligibility Report (ESER) dated 9/10/2013 to include writing as an identified area of need. IEP was amended to include the additional data and writing goal.

### 2. Reason for proposed or refused action:

Team had met to review data regarding Student's writing difficulties. Team decided to provide intensive intervention in this area for a period of four weeks with the special education teacher. During this time, the teacher provided instruction with an effective writing program, however, the student showed minimum progress. School psychologist reviewed all data and included a recommendation for specialized instruction. Team determined that student requires additional intensive intervention in the area of writing to be successful. IEP was amended to include services in writing.

### 3. Description of evaluation procedure, test, record, or report used in deciding to propose or refuse action:

Sources of information reviewed included school psychologist report, IEP, writing assessment data, writing intervention progress monitoring, parent and team member input.

### 4. Description of other options considered, if any, and the reason for rejecting them:

Considered continuing intervention with special education teacher rather than special education services for writing. It was determined that the need was severe enough that Student evidences a disability in writing and that continued intensive specialized instruction in writing was needed to bridge the gap between the student's skill level and that of her peers.

### 5. Other factors which are relevant to the proposal or refusal:

Parent did not want to have student receive special education services for writing as well as the other areas. She was concerned that this was too much; however, parent agreed to service. Parent was offered a copy of the Notice of Procedural Safeguards.

### Parent & Team agree to:

Amend ESER and IEP immediately. IEP and ESER have been sent to parents.

## Sample Written Notice – FBA, BIP development

### 1. Description and explanation of proposed/refused action:

Completed FBA, developed BIP and amended IEP

District completed Functional Behavior Assessment (FBA) with existing data and interviews. Team developed Behavior Intervention Plan (BIP). IEP is amended to reflect that a BIP is in place for Student.

### 2. Reason for proposed or refused action:

Student's behaviors of running from the classroom and kicking teachers were interfering with her entire school day and Student as well as classmates has been unable to learn. Team determined FBA would be appropriate to determine the potential causes of the behaviors. Team met to review the data gathered through the FBA and determined that a BIP would appropriately address her needs. Team developed BIP and amended IEP to reflect the addition of a BIP as part of the IEP document.

### 3. Description of evaluation procedure, test, record, or report used in deciding to propose or refuse action:

Sources of information reviewed included existing data and interviews: IEP progress reports, classroom and academic data, previous evaluation reports, student observation, student, parent and team member input/ interviews.

### 4. Description of other options considered, if any, and the reason for rejecting them:

No other options were considered at this time.

### 5. Other factors which are relevant to the proposal or refusal:

Parent was provided Procedural Safeguards Notice. Copy of the FBA, BIP, and amended IEP will be sent home when finalized.

### Parent & Team agree to:

Amend IEP – IEP sent to parent

## Sample Written Notice – IEP Amendment

### 1. Description and explanation of proposed/refused action:

Amend IEP

Propose to amend IEP to include Extended School Year Services (ESY)

### 2. Reason for proposed or refused action:

Student's progress towards goals and objectives has been monitored quarterly since the beginning of the school year. Student showed a regression of skills as evidenced by falling scores on the math and reading AIMSweb after winter break and spring break. In addition, Student, to date, has not recouped the skills to a point commensurate to her abilities prior to the winter break. A break of instruction for longer than three weeks will cause this regression and recoupment to severely impact her continued progress towards her IEP goals and objectives. ESY objectives related to reading and math have been identified.

### 3. Description of evaluation procedure, test, record, or report used in deciding to propose or refuse action:

Sources of information reviewed included IEP progress reports, AIMSweb data, classroom curriculum based measures, parent and team member input.

### 4. Description of other options considered, if any, and the reason for rejecting them:

Considered including all Student's goals and objectives to be worked on during ESY, but determined that data showed the significant regression occurred for reading and math and not the other areas of the IEP.

### 5. Other factors which are relevant to the proposal or refusal:

Parent stated that Student will be traveling with family this summer. Case manager informed parent that Student's eligibility for ESY is not contingent on her participation and that the IEP would reflect that Student is eligible even if the student does not attend. ESY eligibility is determined annually. Parent was offered copy of Notice of Procedural Safeguards.

### Parent & Team agree to:

Implement IEP amendment. IEP sent to parents.



## Sample Written Notice – Revocation of Consent for Services #1

1. Description and explanation of proposed/refused action:

The student will be exited from special education services.

2. Reason for proposed or refused action:

The mother is no longer interested in having the student receive special education services. She submitted her revocation in writing and signed the district's revocation of services form.

3. Description of evaluation procedure, test, record or report used in deciding to propose or refuse action:

The student's mother is home schooling him, and she reports that he is making progress. She does not have a need for assistance in planning his instruction at this time.

4. Description of other options considered, if any, and the reason for rejecting them:

By revoking services the parent acknowledges that this will have the effect of the student having the same rights as a non-disabled student in the general education classroom. The district may not use mediation or due process hearings to attempt to continue services. The revocation is not retroactive and does not erase what has already happened. If the parent requests special education services after revocation, then the parent may request an evaluation at that time (continued below)

5. Other factors which are relevant to the proposal or refusal:

and it would be considered an initial evaluation. This revocation releases the district from providing a free appropriate public education from the time the parent revokes consent until the time, if applicable, that the student is determined again to be eligible for special education services. This revocation applies to all special education and related services. KPBSD will no longer be required to conduct reevaluations, convene an IEP team or develop an IEP for Student. Additionally, the student will be subject to ALL the same requirements that apply to general education students. This includes loss of any IEP testing accommodations and / or modifications and the student will be subject to the same disciplinary procedures and timelines applicable to the general education population.

Parent & Team Agree to:

Exit the student from special education services

## Sample Written Notice – Revocation of Consent for Services #2

1. Description and explanation of proposed/refused action:

District proposes to discontinue all special education and related services, based on parent request to revoke placement.

2. Reason for proposed or refused action:

District received written letter from parent to revoke consent for placement in special education and signed the district's revocation form.

3. Description of evaluation procedure, test, record, or report used in deciding to propose or refuse action:

Written and verbal request from parent used to propose action.

4. Description of other options considered, if any, and the reason for rejecting them:

The special education teacher talked with the student's parents about having an IEP meeting with the IEP team to review and revise the student's IEP to best meet her needs. Parents declined, wanting to revoke special education services at this time. (continued below)

5. Other factors which are relevant to the proposal or refusal:

The student will no longer be eligible for special education and will now be subject to all of the same requirements that apply to general education students. This includes loss of any IEP testing accommodations and or modifications. Student will be subject to the same disciplinary procedures and timelines applicable to general ed. students. If special education services are requested in the future, an initial evaluation must be requested to determine eligibility. A copy of procedural safeguards is attached to this notice.

Parent & Team agree to:

Exit student from special education.

## Sample Written Notice – Manifestation Determination #1

1. Description and explanation of proposed/refused action:

Manifestation determination

IEP team determined that Student's misconduct on [date] was not a manifestation of her disability. She will be suspended for 5 days which will bring her cumulative suspension day total to 12.

2. Reason for proposed or refused action:

Student's eligibility for special education is under the category of Other Health Impairment due to Attention Deficit Hyperactivity Disorder. It was determined that this disability did not have a direct or substantial relationship to the behavior. It was also determined that there was not a failure to implement the IEP or the behavior plan.

3. Description of evaluation procedure, test, record, or report used in deciding to propose or refuse action:

Sources of information reviewed included Functional Behavior Assessment, Behavior Intervention Plan, evaluations, observations, historical records, current IEP, and parental feedback.

4. Description of other options considered, if any, and the reason for rejecting them:

No other options were considered or rejected

5. Other factors which are relevant to the proposal or refusal:

The behavior plan and IEP were reviewed and revised to continue to meet Student's behavioral needs. Student will be provided with academic work during her suspension. [If an alternative educational setting is provided / proposed, list that here – such as afterschool time with a teacher for instruction, etc.]

Parent & Team agree to:

Proposed suspension

## Sample Written Notice – Manifestation Determination #2

### 1. Description and explanation of proposed/refused action:

Manifestation determination

IEP team determined that Student's misconduct on [date] was caused by or had a direct relationship to his disability. Propose the student return to school. Team will review and revise the Functional Behavior Assessment and the Behavior Intervention Plan.

### 2. Reason for proposed or refused action:

Student's eligibility category is Emotional Disturbance due to inappropriate types of behaviors or feelings under normal circumstances. He continuously acts out aggressively when spoken to kindly or in shut down mode. This misconduct included striking out at a paraprofessional while she was trying to encourage him to complete a task that he did not feel that he could complete. Past behaviors have been similar with the student swinging at an adult. This is the first instance that the student physically made contact.

### 3. Description of evaluation procedure, test, record, or report used in deciding to propose or refuse action:

Sources of information reviewed included Functional Behavior Assessment, Behavior Intervention Plan, evaluations, observations, historical records, current IEP, and parental feedback.

### 4. Description of other options considered, if any, and the reason for rejecting them:

Team considered that this behavior was not caused by Student's disability; however rejected this due to his expression of this behavior in similar incidences that is related to his emotional disturbance. Team considered revising his behavior plan; however, the current behavior plan addresses this behavior specifically, and data shows that student is making progress with plan.

### 5. Other factors which are relevant to the proposal or refusal:

Parents were offered a copy of the Notice of Procedural Safeguards.

Parent & Team agree to:

Student returning to school, FBA, and BIP

## Written Notice and Procedural Safeguards :

	Notification	Written Notice	Copy of PS	PS Statement on Form*
<u><i>Procedural Safeguards must be provided to the parent once a year</i></u>			X	
<u><i>Upon request of the parent</i></u>			X	
Initial referral	Verbal or written notification	X	X	
Initial evaluation	Informed Consent	X		X
Refusal to evaluate		X		X
Student found ineligible for special education services		X		X
IEP meeting	Invitation			
Initial educational placement	Informed Consent	X		X
Refusal or Failure to Respond for a Consent for Reevaluation		X		
Reevaluation without further assessments conducted	Verbal or written notification	X		
Reevaluation with assessments conducted	Informed Consent	X		
District accepts out-of-district IEP and eligibility category		X		X
Change of Placement		X		X
Change in the type and amount of services		X		X
Change in the IEP		X		X

Exit from special education (including graduation)	Notification by district letter for graduation	X		X
Parent revokes consent for services		X		X
District refuses services requested by parent		X		X
District proposes/refuses to change disability category		X		X
District changes or destroys information in district files that personally identifies a child		X		X
Intent to transfer parental rights (at least by 17-years of age)	Verbal or written notification	X		
Request for due process hearing			X	
Discipline	Verbal or written notification	X		

\*For those actions that require Written Notice, but DO NOT require provision of a copy of the Procedural Safeguards, the following statements must be included on the Written Notice form:

1. A statement of the parents' protection under the Procedural Safeguards and a means by which a copy can be obtained, AND
2. Sources for parents to contact to obtain assistance in understanding the provisions of the Procedural Safeguards.