



**RICHLAND SCHOOL DISTRICT TWO
SPECIAL SERVICES DIVISION
SPECIAL EDUCATION
PROCEDURAL MANUAL**

Richland School District Two adheres to all Federal and State policies and regulations pertaining to services for students with disabilities under IDEA. This manual provides the operational procedures Richland School District Two uses to implement the Federal and State regulation requirements at the local level.

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1. SELECTED DEFINITIONS

A. Child with a Disability: a child evaluated in accordance with §§300.304-300.311 as having a disability (Autism, Deaf-blindness, Deafness, Developmental Delay, Emotional Disturbance, Hearing Impairment, Intellectual Disability, Multiple Disabilities, Orthopedic Impairment, Other Health Impairment, Specific Learning Disability, Traumatic Brain Injury, Visual Impairment) who needs special education and related services.

B. FAPE (Free Appropriate Public Education): Preschool, Elementary, or Secondary school education, Special Education and Related Services are provided at public expense, under public supervision and direction, at no cost to the parent.

C. Special Education: Specially designed instruction to meet the unique needs of the student.

D. Related Services: Services that enable a student with a disability to benefit from special education, e.g., transportation, physical therapy, speech, and language therapy.

E. Assistive Technology: Any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.

F. Transition Services: A coordinated set of activities for a child with a disability that facilitates the child's movement from school to post-school activities.

G. LRE (Least Restrictive Environment): A child with a disability shall have the opportunity to be educated with non-disabled peers to the greatest extent appropriate and to attend school in the environment closest to his typical peers.

H. IEP (Individualized Education Program): A written statement for each child with a disability that is developed, reviewed, and revised in a meeting to include –strengths, areas of concern, impact of disability, goals, related services, accommodations/modifications, supplementary aids and services, assessment plan, progress report plan, transition services, and LRE.

I. Consent: Has the same meaning as “informed written consent.” The parent has been informed regarding the action of the district for which parental consent is being requested. The granting of consent is voluntary and may be revoked at any time.

J. IAT (Intervention Assistance Team): A team within each school that matches instructional and/or behavioral interventions to student needs. The team makes recommendations for appropriate referrals, evaluations, and interventions for students that struggle academically and/or behaviorally.

K. Parent: Is the natural or adoptive parent of the child, a guardian (not the State if the child is a ward of the State), a person acting in place of the parent (grandparent, stepparent) with whom the child lives, or a person who is legally responsible for the child's welfare, or a surrogate parent.

L. Surrogate Parent: The district must ensure that the rights of the child are protected when no parent can be identified; the district cannot locate the parent; the child is a ward of the state; or the child is an unaccompanied homeless youth by assigning a surrogate parent.

M. PWN (Prior Written Notice): Written notice is given to the parent whenever the school district proposes or refuses to begin or change the identification, evaluation, or educational placement of your child or the provision of FAPE.

2. PARENT RIGHTS AND PROCEDURAL SAFEGUARDS

A. Parent Participation:

- 1.** The district ensures that parents have the opportunity to be members of any decision-making team for their child, including eligibility, initial evaluation, reevaluation, and development of an IEP for the provision of a free, appropriate, public education (FAPE).
- 2.** The district determines whether a child needs a surrogate parent and then must assign one. The Special Education Director is responsible for identifying eligible surrogate parents. A surrogate parent is not an employee of district. A surrogate parent may be removed when a parent appears to represent the child or revokes consent or when the child is no longer eligible for special education services. A person serving as a surrogate parent may resign at any time by submitting his or her resignation in writing to the Director of Special Education.
- 3.** Every child with a disability between ages 3 and 21, including children with disabilities who have been suspended or expelled from school, is entitled to receive a FAPE unless the student graduates with a state-issued diploma. If a student turns age 21 after September 1 of the school year, the district does permit the student to enroll and complete the school year. If a student turns age 21 on or prior to September 1, the district does not permit the student to enroll.
- 4.** Parents must be provided notice of meetings related to eligibility, reevaluation, IEP development, provision of a FAPE for their child and educational placement decisions, to ensure that they have the opportunity to participate in the meetings. For initial evaluation planning, the team may use a variety of ways to involve the parents, e.g., by phone or meeting.
- 5.** The district makes reasonable efforts to ensure that the parents understand and have the opportunity to participate in these meetings, including arranging for an interpreter for parents with deafness, or for parents whose native language is other than English. The

parent and the district may agree to use alternative means of meeting participation, such as videoconferences or conference calls.

6. These meeting requirements do not apply to informal or unscheduled conversation of district personnel on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

B. Parental Rights in Special Education Notice:

1. The district provides a copy of the listing of parental rights which includes a full explanation of all of the procedural safeguards available to the parent using the Parent Handbook to Special Education.

- a. At least annually, usually at the IEP annual review meeting.
- b. Each time the parent or the district asks for an evaluation.
- c. Upon a disciplinary removal from school that constitutes a change in placement.
- d. The first time in a school year that the parent requests a due process hearing or files a state complaint.
- e. Upon parent request.

2. The notice is written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. If the language or mode of communication is not a written language, the district translates the notice orally or uses another mode of communication so that the parent understands the content of the notice. Parents may elect to receive the Notice of Procedural Safeguards by electronic mail communication. If the Parent Handbook to Special Education is provided electronically the district should have a copy of the email sent to the parent and documentation that the notice was received.

C. Parents Rights to Prior Written Notice:

1. As a procedural safeguard, the district provides parents with prior written notice using the Prior Written Notice within a reasonable amount of time (3 business days) before the date the district proposes or refuses to initiate or change the:

- a. Identification,
- b. Evaluation,
- c. Educational placement of their child, or
- d. Provision of a FAPE to their child.

2. Additionally, if the PWN is to propose to conduct an initial evaluation or a reevaluation, the notice describes any evaluation procedures that the district proposes to conduct.

3. The PWN must be provided in language understandable to the general public, and in the native language of the parent unless it is clearly not feasible to do so. Additionally, if

the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that (a) the notice is translated orally, or by other means, to the parent in his or her native language or other mode of communication (such as sign language); (b) the parent understands the content of the notice; and (c) there is written documentation that these requirements are met. Teams work within their schools to ensure that speakers of other languages are provided information in their native languages. If they are unable to do so, the school contacts the Instructional Support Services Office.

D. Parent Consent:

1. Federal and state laws and regulations have specific requirements for requesting parental consent. Consent must always be “informed consent.” The parent must agree in writing to the action for which his or her consent is sought (34 CFR § 300.300). In determining that informed consent is obtained, the following must be ensured:

- a.** The parent is fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication.
- b.** The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom.
- c.** The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
- d.** If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked). (34 CFR § 300.9)

2. Parent consent with PWN is required for the following actions:

- a.** Consent to conduct an initial evaluation. If the child is enrolled in the district or seeks to be enrolled in the district, and the parent does not provide consent (refused) for initial evaluation, or the parent fails to respond to a request to provide consent, the district may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards available under special education laws and regulations, including mediation. If the parent refuses or does not respond, the LEA does not violate its obligation for the provision of a FAPE to the child if it declines to pursue the evaluation (34 CFR § 300.300(a)).
- b.** Consent to conduct a reevaluation. If the parent refuses to consent to a reevaluation, the LEA may, but is not required to, pursue the reevaluation by using mediation or due process procedures. Additionally, informed parental consent is not required to conduct a reevaluation if the LEA can demonstrate that: (a) it made reasonable efforts to obtain such consent; and (b) the child’s parent has failed to respond (34 CFR § 300.300(c)). The team follows the Enrich Reevaluation Process Guidelines on the district Google Site.
- c.** Consent for the initial provision of services on the IEP. If the parent fails to respond or refuses to consent to initial services, the LEA cannot use mediation or due

- b. Administration of a test or other evaluation that is administered to all children unless consent is required of parents of all children (34 CFR § 300.300(d)); or
- c. Change in placement (increase/decrease in amount of special education services) once parent has given consent for initial provision of special education services. In these situations, only PWN to the parent of the action proposed is required.

3. CHILD FIND

The district ensures that all children with disabilities who are in need of special education and related services are identified, located, and evaluated consistent with the requirements of the Individuals with Disabilities Education Improvement Act (IDEA 04 2004) and its implementing regulations. This includes children who attend public or private schools; those who are homeschooled; those who are highly mobile, including migrant and homeless; and those who are wards of the state. The child find requirement for districts applies to children birth through 21. Child find involves referral to BabyNet for children birth to 3, a screening process for children from age 3 to age 5, and a general education intervention process for children from kindergarten through age 21. District staff, in conjunction with parents, uses these processes to locate, evaluate, and identify children who may need special education and related services. Children in need of special education services should be identified as young as possible, and also as soon as possible after the concern is noted.

A. Public notice for child find:

1. The district provides information to the public concerning the availability of special education services for children with disabilities, including procedures for accessing these services at least annually. Information from child find activities are kept on file by the district as documentation for implementing policies and procedures.
2. The district provides the public notice through a variety of methods; social media websites, the Child Development Handbook, and the District Back to School Handbook alert. Informational materials are distributed to private schools.
3. The district operates a comprehensive system of child find in order to identify, locate, and evaluate children with disabilities who reside within the district. Child find activities include a school site intervention team that reviews information about children and makes appropriate referrals for evaluations is a disability is suspected.
4. The school intervention team is for any child for whom there is a concern about an area of development including communication, cognitive development, social-emotional development, self-help/adaptive behavior, and/or physical development; and hearing and vision. The process is equally available to all children in public and private schools within our district's boundaries.
5. For preschool age children, Richland Two is responsible for child find for those children residing in our district of residence even though the child may be attending a preschool or other child care program outside the district of residence.

6. Child find requirements begin at birth and therefore overlap with the 3 - 21 years child find requirements. The district staff work cooperatively with local BabyNet providers to refer children birth through age 2 child find activities to ensure that all children have access to screening in a timely manner.
7. Children who are transitioning from the BabyNet program may, but are not required to, participate in a screening process at age 3 at the district's discretion. For children receiving BabyNet services who may need an initial evaluation to determine eligibility for special education services, BabyNet coordinates with the Richland Two School District. We work closely with BabyNet to ensure that the referral is made at least 90 calendar days prior to the child's third birthday and according to the district's policy for making a referral for an initial evaluation.
8. All child find data are subject to confidentiality requirements under the Family Educational Rights and Privacy Act (FERPA).

B. General Education Intervention:

1. The **Intervention Assistance Team (IAT)** is a school-level multidisciplinary team that convenes in order to focus on the academic, behavioral, social, or health needs of a student. The team's objectives are to:
 - a. Gain an understanding of the student's strengths and weaknesses and the obstacles to success that he/she is experiencing
 - b. Use the expertise of team members from various disciplines or perspectives to analyze available information.
 - c. Develop and monitor interventions to assist the student in overcoming obstacles to success
 - d. Mobilize the resources of the school and community on behalf of the student
 - e. In addition to responding to the needs of the individual student, the IAT will maintain records that will enable it to identify trends in the problems that students are experiencing so that these problems can be addressed on the systems level rather than only the individual level.
2. **Initiation of referral:** Any school professional or a parent/guardian can refer a student. It is expected that the school professional will meet with the parent/guardian, consult colleagues, and attempt some classroom strategies prior to referral. Any student who continues to exhibit significant problems after these steps have been completed may be referred. In order to refer a student, the Student Profile and Referral to the Intervention Assistance Team form must be completed (Form IAT 1) and given to the IAT chair. School intervention teams may modify the referral form to meet the needs of the school, but each school should have a format that allows the IAT to consider the student's learning profile, not just the learning deficits.

If the IAT determines that an appropriate intervention would be counseling or consultation with the School Psychologist, the team obtains permission for the

psychologist to counsel and/or consult with the student by having the parent sign the [Permission to Observe/Interview/Counsel](#).

3. Training for the IAT: Richland School District Two acknowledges the importance of the Intervention Assistance Team process and commits to provide the support and resources each team needs for success. The district believes that team members need specific, relevant training opportunities in order to function appropriately. The district will provide team members with appropriate training sessions in order to enhance team members' skills at providing consultation and developing interventions.

C. Referral:

1. At the IAT follow up meeting, if the problem persists and the team decides that the resources at the building level have been exhausted or have proven unsuccessful in resolving the problem, the team, which must include the parent (meeting, phone conference), will review the interventions attempted and the results of the interventions and decide whether to refer the student for evaluation to determine if a disability is present which is interfering with the student's educational progress. Even when the decision has been made to move from general education intervention into an initial evaluation, the intervention process should not stop. Rather, it becomes part of the evaluation process.
2. In general, there must always be data-based documentation of intervention in the general education environment that provides a basis for determining that a special education evaluation is warranted. When general education intervention is not appropriate, the data used for documentation that general education intervention would be inadequate to address the needs of the child might come from medical records, previous school records, observations, parent and teacher reports, etc. However, in cases such as these, even though it is appropriate to move directly to evaluation, it is recommended that general education intervention and strategies occur as part of the child's special education evaluation so that the team may collect data to assist in determining the best instructional approach for the child.
3. For students entering school for the first time, and for whom regular class enrollment appears inappropriate, interventions which were attempted in the regular environment prior to entering school must be described. The "regular environment" for a preschool child may include the home, a child care center, a preschool program, etc., and the attempted interventions may be obtained from the parents, relatives, preschool teacher, child care staff, medical personnel, etc.
4. Other exceptions to documenting general education interventions may include:
 - a. Parent providing the district with an evaluation,
 - b. Student is transferring from a district or agency, or
 - c. The nature and severity of the child's difficulties are so extreme that it is inappropriate to attempt alternative educational strategies prior to evaluation.
5. A review of existing data must be conducted by the evaluation team. This can include current evaluations and information provided by the parents, current classroom-based,

local, or state assessments, classroom-based observations, observations by teachers and related service providers; and the child's response to scientifically, research-based interventions, if implemented. The review of existing data, as part of the evaluation, may be conducted without consent from the parents. However, once the decision has been made to collect additional data, parent consent with prior written notice is required.

6. The purpose of reviewing existing data is to identify what additional data, if any, are needed to determine:
 - a. if the child is a child with a disability;
 - b. whether the child needs special education and related services;
 - c. the educational needs of the child;
 - d. the present levels of academic achievement and functional performance (related developmental needs) of the child; and
 - e. whether any additions or modifications to the special education or regular education and related services are needed to enable the child to meet the measurable goals set out in the IEP and to participate, as appropriate, in the general education curriculum.
7. The team completes the Comprehensive Evaluation Planning process in Enrich.
8. The team sends the referral information to the district ISS office. Upon receipt of the referral, the ISS office attempts to obtain parental consent.
9. When the parent does not respond to various attempts to obtain consent or if the parent refuses permission to evaluate, the ISS office sends a PWN.
10. When the parent provides and/or releases evaluation reports to district, the team reviews the reports as part of the evaluation.
11. For students with suspected disabilities who need medical reports for eligibility, the team in conjunction with the teacher of vision, hearing, orthopedic or other health impairments coordinates evaluation procedures and appointments with the parents. The team contacts the Director of Special Education to facilitate a medical appointment as necessary. Parent has signed Permission to Evaluate (Enrich) and Release of Information (Form EP19&19H).
12. For students with suspected visual impairments, the following steps will be followed.
 - a. The team contacts the teacher of the visually impaired to refer the student to the appropriate examiner and to coordinate evaluation procedures. Vision Screening (Form No. 7) and Eye Report for Children are included in the referral to the examiner.
 - b. If the student has been examined by a qualified examiner within the last 12 months a Release of Information (Form EP19H) are sent to the parent for signature. Upon receipt of the signed form, the teacher of the visually impaired requests the information from the qualified examiner.
 - c. If the student has not been examined by a qualified examiner, the team coordinates appointments with the parents and contacts the Director of Special Educations.
 - d. When the information from the qualified examiner is received by the teacher of the visually impaired, the vision teacher schedules a functional vision/literacy

media assessment, classroom observations, and obtains information concerning the student's academic achievement or developmental level.

- e. When the functional vision/literacy media assessments have been completed, the teacher of the visually impaired will contact the placement chairperson to schedule an eligibility/IEP team meeting. Information gleaned from the eye report provided by the qualified examiner, the functional vision/literacy media assessment, and other evaluation data will be used to determine eligibility and need for special education services.

D. Parent Request for an Evaluation:

1. Parents may request an evaluation of their child; however, the IAT must determine whether or not evaluation is indicated. Parents who request an evaluation of their child present their concerns to the IAT Chairperson and complete Parent Referral (Form IAT 4).
2. IAT Chairperson notifies the parent of the referral and that a meeting will be convened to discuss the parent's concerns.
3. IAT Chairperson contacts the student's classroom teacher to document the concern and any attempted interventions prior to the IAT team meeting.
4. An IAT meeting is convened.
5. The team will recommend and document interventions, if appropriate.
6. If there is reason to suspect that the student is a child with a disability, the team will recommend an evaluation.
7. If the team decides that an evaluation is not warranted, the information is entered into Enrich "No Disability Suspected" and a PWN is completed. The school team sends the meeting notes and signature page to the ISS office to exit the student from Enrich and send the PWN to the parents along with a copy of the Parent Handbook to Special Education.

E. Expedited Evaluation:

An expedited evaluation may be requested by a due process hearing officer or by a parent upon recommendation for disciplinary removal. The Director of Special Education will consult directly with the evaluation team to assist with the expedited evaluation.

F. Comprehensive Evaluation:

1. The child must be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category being considered for the child. If the child is found eligible, this information translates into the present levels of academic achievement and functional performance and forms the basis for making all the decisions in the IEP. If the child is not found eligible, this information

assists the district in determining other appropriate supports for the child. Ultimately, at the close of an evaluation, the team should have enough information to support the child whether or not the child is found eligible for special education services. The team should be able to describe where the child is currently performing within the general education curriculum and standards as well as able to describe how (or if) the child's unique learning characteristics are impacting his or her ability to access and make progress in the general education curriculum (or for early childhood, to participate in appropriate activities). Other issues that are impacting the child's ability to function in the learning environment should also be described so that the extent of the child's needs may be realized.

- 2.** All assessment tools and strategies must provide relevant information that directly assists in determining the educational needs of the child.
- 3.** No single measure or assessment shall be used as the sole criterion for determining whether the child is a child with a disability and for determining an appropriate educational program for the child. Teams conducting the evaluation must:
 - a.** Be trained and knowledgeable personnel that use a variety of assessment tools and strategies tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient;
 - b.** Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
 - c.** Select materials and procedures used to assess a child with limited English proficiency that measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
 - d.** Ensure that assessments and other evaluation materials are: selected and administered so as not to be discriminatory on a racial or cultural basis;
 - e.** Provided and administered in the child's native language or other mode of communication, and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
 - f.** Used for the purposes for which the assessments or measures are valid and reliable;
 - g.** Administered in accordance with instructions provided by the producer of the assessments (Note: if an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.
 - h.** Selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- 4.** The evaluation process must be completed within sixty (60) calendar days after permission to evaluate has been obtained. The timeline for conducting the initial

evaluation starts upon receipt of written parental consent to conduct the evaluation and ends when all evaluation components and the comprehensive evaluation report have been completed. The district must begin this timeline the day the first person in the district receives the signed parental consent for evaluation and must maintain documentation to show that there was no delay in the initiation of the evaluation process.

5. When there is a delay in receiving the consent, the district will maintain a record of attempts to obtain the consent. This record could include a description of telephone calls and/or home or work visits made as well as other written correspondence with the parents such as notes or e-mail.
6. For children who transfer from one district to another in the same school year, assessments are coordinated with the child's prior district, as necessary and as expeditiously as feasible, to ensure prompt completion of an evaluation begun by the prior district.
7. There are only two specific instances when an extension of the 60-day timeline may be justified:
 - a. If the parent of the child repeatedly fails or refuses to produce the child for the evaluation; or
 - b. If a child enrolls in a new district after the evaluation has begun and before the determination of eligibility; however, the new district is required to make sufficient progress to ensure a prompt completion of the evaluation, and the parent and the district must agree to a specific timeline for completion.
8. The evaluation team must determine that the disability adversely affects the child's educational performance to the extent that the student requires specialized instruction involving adapted academic content, adapted methodology, or adapted delivery of instruction. The adverse effects of the disability on the child's educational performance may be due to:
 - a. impaired organizational or work skills;
 - b. inability to manage or complete tasks;
 - c. difficulty interacting with others;
 - d. impaired ability to maintain sustained attention and focus;
 - e. lack of academic progress; difficulty communicating with others;
 - f. a learning rate that is substantially different from peers; and/or
 - g. lack of achieving adequately for his/her age or to meet grade-level standards
9. Evidence of how the student's disability adversely affects his/her educational performance and involvement in the general curriculum/appropriate activities may be found in the following:
 - a. assistive technology assessment
 - b. behavior ratings scales
 - c. developmental/social history
 - d. school history
 - e. individual and group intellectual ability, achievement, and adaptive behavior measures
 - f. curriculum based measures

- g. work samples and grades
 - h. classroom observations
 - i. teacher and parent interviews
 - j. progress monitoring data
 - k. behavioral data points/frequency counts
10. The evaluation must include an assessment of the student’s current educational needs in the areas of academic achievement and functional behavior which may come from the following sources:
- a. review of available historical records such as work samples, standardized group assessment results, report cards, health records, and other educational information contained in the student’s cumulative file as well as progress monitoring data and response to intervention/instruction data;
 - b. interviews with parents, teachers, and other staff;
 - c. observations of academic performance and/or behavior in a variety of settings to include information about how the student’s disability impacts his/her rate of learning compared to the rate of his/her peers; and
 - d. Direct assessment of skills using diagnostic measures such as standardized achievement tests and curriculum based measures and functional behavior assessment.
11. The evaluation must indicate that this is not a child who is experiencing a slight or temporary lag in one or more areas of development or a delay which is primarily due to environmental, cultural, or economic disadvantage, lack of experience in age appropriate activities, lack of appropriate instruction in reading or math, limited English proficiency, or excessive absences.

4. EVALUATION REQUIREMENTS

Refer to the South Carolina Standards for Evaluation and Eligibility Determination (SEED) for eligibility criteria for each area of disability.

5. ELIGIBILITY DETERMINATION AND DOCUMENTATION

The multidisciplinary team, consisting of the same members of the IEP team, convenes to determine eligibility. The team must convene within 15 business days after the completion of the evaluation. The eligibility determination meeting may be combined with a meeting to develop an initial IEP for those students likely to be determined eligible. The Letter of Invitation IEP (Enrich) will be used to schedule the meeting.

When parents are not in attendance at the meeting, a copy of the IEP is provided to the parents following the meeting. For initial placements, the [Consent for Placement](#) (Form IEP 10 page 2) must be signed by the parent before the placement can occur.

The team must ensure that information obtained from all sources used in the evaluation is documented and carefully considered. The parents and other qualified professionals review the results of the initial evaluation to determine: (1) whether the child is a child with a disability as defined in federal and state laws and regulations and (2) if specialized instruction is necessary.

A. Prong 1 - Determining Whether the Child is a Child with a Disability:

The team reviews the data to determine whether or not the child is a child with a disability as defined by SEED.

1. Federal and state regulations require that a child must NOT be determined to be a child with a disability if: (1) the determinant factor is: (a) Lack of appropriate instruction in reading, including the essential components of reading instruction including phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills, and reading comprehension strategies); (b) Lack of appropriate instruction in math; or (c) Limited English Proficiency; and (2) the child does not otherwise meet the eligibility criteria as a child with a disability.
2. **There are additional unique issues that must be examined before a child may be determined to have a specific learning disability.**
 - a. The team collects data needed to examine these issues prior to and/or as part of the initial evaluation. The team evaluating a child for a specific learning disability collects the following:
 - b. Data to determine that the child does not achieve adequately for the child's age or to meet state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards:
 - i. oral expression;
 - ii. listening comprehension;
 - iii. written expression;
 - iv. basic reading skill;
 - v. reading fluency skills;
 - vi. reading comprehension;
 - vii. mathematics calculation;
 - viii. Mathematics problem solving.
3. Additionally, in order for a child to be eligible as a child with a specific learning disability, the evaluation and eligibility report must document that the child meets the following conditions:
 - a. The child does not achieve adequately for the child's age or to meet state-approved grade-level standards when provided with learning experiences and

- b. Prior Written Notice is required.
 - c. After the IEP is developed, the parent is asked to sign the [Consent for Placement](#). If the parent is not at the meeting, the Follow-up Letter to the IEP Meeting (Enrich) for initial placement is sent.
 - d. The Case Manager provides the [Student Attendance Notification](#) (Form A5) to the DO, and attendance/Power School secretary immediately following the IEP meetings for placement, change of placement, and dismissal. The date for "Special Education services to begin" must match the IEP initiation date/placement date.
6. When combining Eligibility Determination and the IEP development meeting, the following must be considered.
- a. If transition is to be discussed at the Eligibility meeting, representatives of agencies likely to be responsible for providing or paying for transition services are invited with parent consent.
 - i. If the invited agency is unable to send a representative, the Case Manager, School Psychologist, or transition specialist elicits information from that agency to be used in developing the transition services,
 - ii. Each agency may be asked to send relevant information regarding their services including referral information, eligibility requirements, and possible funding assistance. Documentation is maintained in the student's IEP regarding the extent that each agency will participate and the amount/types of services that will be provided.
 - b. For a child who was previously served by BabyNet, if the parent requests, the team must invite a BabyNet representative.

6. INDEPENDENT EDUCATION EVALUATION

Parents are provided with information on independent educational evaluations(IEE) through the [Parent Handbook](#) which describes parent rights to an independent educational evaluation.

A.Parents Disagree with District Evaluation:

1. When parents disagree with the district's evaluation of their child, they are directed to submit a written request to the Chief ISS Officer for an independent educational evaluation. Upon receipt of this request, the Chief ISS Officer will provide a letter to the parent providing specific information regarding the parent request including appropriate providers and where an independent evaluation can be obtained. An independent educational evaluation is one which is done by a qualified evaluator who is not employed by the district.
2. If the parents choose to obtain an independent evaluation, it is considered in any decision relative to the student's educational program and may be used as evidence in any administrative hearing. A hearing officer may also request an independent evaluation, in which case the district pays for the evaluation.

3. Prior to obtaining an IEE at District expense, the parent must provide the District staff the opportunity to evaluate his/her child, and disagreed with the District's evaluation results or procedures.
4. Independent evaluators must agree to release their assessment information and results to the school district prior to receipt of payment for services. The results of the independent evaluation will be considered in the diagnosis, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act and/or Section 504 or the Rehabilitation Act of 1973.
5. Evaluators will be located within the greater Columbia area including Columbia, Lexington, West Columbia, Richland and Lexington Counties in South Carolina. Credentials must be licensed or certified in the State of South Carolina. Evaluators outside of this area will be approved only on an exception basis, providing the parents can demonstrate the necessity of using personnel outside the specified area. Any arrangements beyond the evaluation (i.e. food, lodging, transportation, etc.) are not covered in the cost of the independent evaluation.

B. District Responsibilities When Parents Request an IEE:

1. The District Chief ISS Officer provides the parents with the required qualifications and credentials that the outside evaluators must meet in order to be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications.
2. The District Chief ISS Officer provides the parents with a list of possible sources of Independent Evaluation providers.
3. The district provides the evaluation at no cost to the parents unless the Chief ISS Officer requests a due process hearing because the district staff deems its evaluation to be appropriate. At the hearing, the district staff must prove that its evaluation is appropriate. If the hearing officer finds the district's evaluation is appropriate, the parents may still get an independent evaluation, but they must pay for it themselves.
4. The District has established reasonable cost guidelines, which include maximum allowable charges for various tests or evaluations performed. Allowable charges are within the usual and customary cost guidelines in South Carolina for the specific test or evaluation performed. The maximum allowable charge is \$2500.00, including cost of testing materials, or other expenses incurred by the parent in obtaining the independent evaluation, unless the child's individual circumstances warrant otherwise and payment for the evaluation is agreed to in advance by the Chief ISS Officer.
5. The district considers an independent evaluation; however, the team is not obligated to implement the recommendations made by an outside evaluation team.

7. REEVALUATION

The reevaluation process is required every 3 years, or more often, if needed, to determine: if the child continues to be a child with a disability, whether the child continues to need special

education and related services, the educational needs of the child. This process begins with the review of existing information. In some cases, no additional testing will be necessary.

Reevaluations may not occur more than once a year, unless the parent and the district agree otherwise. Each reevaluation, regardless of the reason initiated, must be a comprehensive evaluation; that is, the team must consider all areas of concern.

1. A reevaluation must be conducted before the district determines a child is no longer a child with a disability.
2. Reevaluation is NOT required:
 - a. Before the termination of a student's eligibility due to graduation with a state issued high school diploma **(Prior Written Notice is required)**
 - b. Due to exceeding the age of eligibility, which occurs at the end of the year in which the student turns 21 years of age after September 1 of that school year.
3. If a parent requests a reevaluation prior to the required triennial date, or more than once per year, and the district disagrees that a reevaluation is needed, the district must provide PWN to the parent explaining, among other things, why the district refuses to do the reevaluation and the parent's right to pursue the reevaluation through mediation or a due process hearing.
4. When the team proposes to conduct a reevaluation, the district must provide PWN to the parents describing any evaluation procedures the District proposes in addition to the standard requirements for PWN.
5. The membership of the team that conducts the reevaluation and determines continued eligibility is the same as the IEP team.
6. The reevaluation must include a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining whether the child continues to be a child with a disability, the educational needs of the child, and the content of the child's IEP, including information related to enabling the child to be involved, and progress, in the general education curriculum or, for preschool children, to participate in appropriate activities.
7. First, the reevaluation team reviews existing data. The team considers all data currently available including evaluations and information provided by the parents, current classroom-based, local, or state assessments, and classroom-based observations; and observations by teachers and related service providers; and the child's response to scientifically, research-based interventions, if implemented. After the team has reviewed the existing data, the team determines what data, if any, will be collected during the reevaluation, with the PWN completed to reflect that determination.
8. If the team determines that no additional data are needed, the team notifies the parents of that determination and the reasons for it; and the right of the parents to request an evaluation. The team completes and signs the Reevaluation Review/Plan documenting areas reviewed and conclusions of the team and PWN (Enrich).

9. The team makes two reasonable documented attempts to obtain consent from the parents to conduct the reevaluation. Reasonable attempts include at least two contacts by two different methods (phone calls, letters, visits, email, etc.), with documentation of attempts, including detailed records of telephone calls made or attempted and the results, copies of written correspondence sent to the parents and their response if any, and visits made to the parents' home or place of employment, and their response, if any.
10. After the team makes two documented attempts to obtain parent permission, the team sends the information to the ISS office. The ISS office sends a PWN and permission to evaluate to the parent. The ISS office notifies the school psychologist that it has made reasonable attempts and parents have failed to respond and informed parental consent need NOT be obtained for the reevaluation.
11. If the parent refuses consent for the reevaluation the district may, but is not required to, pursue the reevaluation by utilizing the procedural safeguards, including mediation. The district does not violate its obligation for child find or to conduct a reevaluation if it declines to pursue the reevaluation. In this case, the district continues to provide services to the child according to the current IEP.

8. TRANSFER STUDENTS

Students enrolling in RSD2 who go through the Transfer Information/Comparable Services process in Enrich are those who: received special education in another district, were identified as a student with a disability and there is no evidence of dismissal, or were previous RSD2 students who withdrew and were gone for over a year before returning.

1. Comparable services have the meaning of "similar" or "equivalent" to the services described in the child's IEP from the previous LEA, as determined by the child's newly designated IEP team. If there is a dispute between the parent and the LEA regarding what constitutes comparable services, the dispute can be resolved through mediation procedures or, as appropriate, the due process hearing procedures. If the parent disagrees with the new LEA about the comparability of services, stay-put does not apply (Federal Register, August 14, 2006, p. 46682).
2. RSD2 students who withdraw and return in the SAME academic year are exempt from the Transfer Process. These students can be reentered directly into existing programs without the Transfer Process. Contact the ISS Office.
3. When a child with a disability transfers to RSD2 with an IEP current in the previous LEA in South Carolina, RSD2, in consultation with the parents, provides a FAPE to the child, including services comparable to those described in the child's IEP from the previous LEA. We will not delay the provision of the comparable services. RSD2 has 45 days to adopt the child's IEP from the previous LEA or develop and implement a new IEP. When a student moves within the state, eligibility has already been established and a reevaluation is not required. The IEP team determines what information in addition to the current IEP is needed from the previous LEA.

4. When a child with a disability transfers to RSD2 with an IEP current in another state, RSD2, in consultation with the parents, provides the child with a FAPE, including services comparable to those described in the child's IEP from the previous LEA.
5. For out of state students, RSD2 may adopt the current IEP through reevaluation or conduct an initial evaluation to determine eligibility, and develop and implement a new IEP. The following also apply: If, after reviewing appropriate information, including the current IEP, the IEP team has reason to suspect the child is not eligible under South Carolina eligibility criteria, the team conducts an evaluation to determine eligibility. The evaluation conducted by RSD2 determines if the child is a child with a disability under South Carolina criteria and determines the educational needs of the child. The evaluation is an initial evaluation, requiring parental consent. If the IEP team does not question the child's eligibility under South Carolina's criteria, the team adopts the IEP from the previous state. If the out-of-state transfer student cannot provide a copy of his/her IEP, but the parent describes the services the student was receiving, RSD2 takes reasonable steps to obtain the student's records from the out-of-state LEA. If RSD2 is unable to obtain the IEP from the previous LEA or from the parent, RSD2 is not required to provide special education and related services to the child.
6. In a case of an out-of state move-in when the parent is unable to provide the child's IEP from the previous LEA and RSD2 decides that an evaluation is necessary because the team suspects the child has a disability, RSD2 provides special education services while the evaluation is pending, subject to an agreement between the parent and the district. RSD2 ensures the child's evaluation, considered an initial evaluation, is conducted within 60 days of receiving parental consent for the evaluation. If RSD2 conducts an eligibility determination and concludes that the child has a disability under 34 CFR §300.8 and needs special education and related services, RSD2 develops and implements an IEP in accordance with requirements in 34 CFR §§300.320 through 300.324 even though the child is already receiving special education.
7. If the parent refuses to consent for the evaluation under these circumstances, RSD2 may, but is not required to, pursue the initial evaluation by utilizing procedural safeguards including mediation or due process procedures. If RSD2 chooses to pursue a due process hearing to override the parent's refusal, the stay-put provision does not apply. RSD2 treats the child as a general education student and is not required to provide the child with comparable services while the due process complaint is resolved. In this situation (parent refuses consent for the initial evaluation), RSD2 does not violate its obligation under Child Find if it declines to pursue the evaluation. The student is treated as a general education student.

9. INDIVIDUAL EDUCATION PROGRAM

A. Annual IEP Review Procedures:

1. Each Case Manager ensures an IEP is in effect for each student with a disability the first day of school.
2. Each Case Manager reviews the IEP periodically, but not less than annually, and no later than one calendar year from the previous IEP meeting.
3. The IEP team reviews the child's progress toward meeting IEP goals and objectives and determines if the special education and related services are appropriate.
4. All IEP procedures are followed, including parent notice and parent opportunity to participate in the IEP development.
5. A draft IEP is sent to the parents 2-3 days prior to the IEP meeting date in order to facilitate parent participation.
6. Assessments used for Present Levels of Academic and Functional Performance (PLAAFP) are current.
7. A copy of the IEP is given to the parent at the end of the IEP meeting or at the delivery of the PWN.
8. Meeting notes are used to capture parent participation and discussions not written in the IEP document. A copy is given to the parent or sent as an attachment with the PWN.
9. PWN is given or sent to the parent prior to the changes in the IEP being implemented. The PWN is sent to the parents within (3) days of the IEP meeting and prior to implementing the changes.
10. If the parent did not attend the IEP meeting and was given due notice and opportunity to participate, the Case Manager will send the parent a copy of the IEP, PWN, and Follow-up Letter in Enrich following the meeting.
11. If changes in identification or placement occur in the IEP, the appropriate paperwork must be sent to the ISS Office - Refer to Enrich Procedures on District Google Site.
12. If changes occur in the IEP at the annual IEP Review meeting that affect changes in identification/disability, the Case Manager sends the [Student Attendance Notification](#) (Form A5) to the PowerSchool secretary immediately upon receiving parental consent.

B. Special Review Procedures:

Special reviews of a student's IEP may be held in addition to the required IEP annual review meeting. A special review may be requested by parents or school personnel to consider changes in the IEP for services, accommodations, goals and objectives, identification or placement.

1. The IEP Meeting Notice (Enrich) must specify the reason for the Special Review and must be specified in the "Other" section.
2. Special IEP/reevaluation reviews may be needed periodically to address a student's Functional Behavior Assessment (FBA), Behavior Intervention Plan (BIP), and/or Manifestation Determination.
3. For a special IEP review, all IEP procedures, including parental notice and participation, and participation of required participants must be implemented.
4. When conducting a Special Review for behavioral/disciplinary reasons, the parent is given a Parent Handbook to reference procedural rights related to discipline.

5. A PWN must be given or sent to the parent prior to the changes to the IEP being implemented.
6. If a parent is not in attendance at a special IEP review and has been given due notice and opportunity to participate, the Case Manager must send the parent the Follow-up Letter to IEP (Enrich), Prior Written Notice (Enrich) and copies of the updated IEP indicating the changes made.
7. Regular education teachers and other staff providing services to the student must have access to the IEP regarding accommodations and/or services to be provided that affect the implementation of the IEP.

C. Amending an IEP in the Absence of a Formal Meeting (Non-Meeting):

Changes to the IEP can occur without a formal meeting if the parent and the school agree.

1. All members of the IEP team are informed in writing of the changes.
 - a. Parent are sent a copy of the revised IEP pages.
 - b. The parent is provided a copy of the entire IEP upon request.
2. RSD2 Acceptable Non-meeting Changes
 - a. Adjusting hours/periods to accommodate new schedule.
 - b. Adjusting classroom accommodations and/or testing accommodations.
 - c. Correcting errors on the IEP or updating information.
 - d. Adjusting frequency or amount of service UNLESS it is a Medicaid student. (changes in Medicaid billable services require parental consent and a new Medicaid form to be signed)
3. RSD2 Unacceptable Non-meeting Changes
 - a. Initial IEPs
 - b. Annual reviews
 - c. Addition or Deletion of entire services (OT/PT, Speech, counseling, etc.)
 - d. Development of a BIP
 - e. Reevaluations

D. Procedures to Excuse an IEP Team Member:

Under limited circumstances, certain IEP team members may be excused from attending either part or an entire IEP meeting.

1. Allowing IEP team members to be excused from IEP meetings is intended to provide additional flexibility to parents in scheduling IEP team meetings and to avoid delays in holding meetings when a team member cannot attend due to a scheduling conflict.
2. Written agreement or consent is needed to excuse required members of the IEP team. Required members are:
 - a. One or both parents;
 - b. Not less than one general education teacher for a child who is or may be participating in the general education environment;

- c. Not less than one special education teacher of the child, or, if appropriate, at least one special education provider of the child;
 - d. A representative of the district who is qualified to provide or supervise the provision of special education, is knowledgeable about the general education curriculum and is knowledgeable about the availability of resources of the district (LEA rep);
 - e. An individual who can interpret the instructional implications of evaluation results (other members of the IEP team can serve in this capacity if duly qualified).
3. This provision applies specifically to the following IEP members:
- a. The child’s regular education teacher, if the child is or may be participating in the regular education environment;
 - b. The child’s special education teacher, where appropriate, the child’s special education provider;
 - c. The district representative who is qualified to provide or supervise the provision of specially-designed instruction
 - d. An individual who can interpret the instructional implications of the evaluation results
4. Neither written agreement nor consent is needed to excuse an IEP team member who has knowledge or special expertise and attends at the invitation of the parent or district since such individuals are not required members of the IEP team.
5. When the parents and district consent to excuse the member, the member submits in writing to the parent and team their input into the development of the IEP before the meeting. The Case Manager provides the request to excuse a member when sending the meeting letter of invitation. It is signed prior to the IEP meeting.

E. Least Restrictive Environment School Age:

- 1. Least restrictive environment (LRE) means the educational placement in which, to the maximum extent appropriate, students with disabilities, including students in institutions or other care facilities, are educated with students who are not disabled. The IEP must contain an explanation of the extent, if any, to which the student will not participate with students without disabilities in the general education class and in extracurricular and nonacademic activities with program modifications or supports for school personnel.
- 2. Students with disabilities are to be removed from the general education environment only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services or modifications cannot be addressed satisfactorily.
- 3. Placement decisions for all children with disabilities, including preschool children with disabilities, must be determined annually, be based on the child’s IEP, and be as close as possible to the child’s home. Additionally, each child with a disability must be educated in the school the child would attend if the child did not have a disability, unless the child’s IEP requires some other arrangement. LRE does not require that every child with a disability be placed in the general education classroom regardless of the child’s individual

abilities and needs. The law recognizes that full time general education classroom placement may not be appropriate for every child with a disability. RSD2 has a range of placement options, known as a continuum of alternative placements, to meet the unique educational needs of children with disabilities. The district does not have a “one size fits all” approach. The continuum of alternative educational placements includes instruction in general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.

4. In determining the educational placement of a child with a disability (including preschool children with disabilities), the district ensures that the placement decision is made by a group of persons, including the parents, knowledgeable about the child, the meaning of the evaluation data, and the placement options. IEP teams, including the parents, must make each child’s educational placement decisions on an individual basis. Placement decisions must be based on the child’s IEP and must be determined at least annually. For children with disabilities, the placement should as close to the child’s home as possible, and be in the school the student would normally attend, unless other factors determine this is not possible.

F. Least Restrictive Environment Early Childhood:

1. For preschool children ages 3 through 5 with disabilities, placement and LRE requirements are the same as for school-aged children. Preschool children with disabilities must have a continuum of placement options available and have the right to be educated with their peers without disabilities to the maximum extent appropriate. As with school-aged children, the needs of preschoolers are to be considered individually, and the individual needs of the child determine the most appropriate setting for services to be provided. Most preschoolers benefit from placement in a preschool program with typically developing peers.
2. RSD2 does not operate programs for 3-year old preschool children without disabilities, so the district is not required to initiate general education programs solely to satisfy the LRE requirements. However, the district provides early childhood services to children without disabilities in 4-year-old at-risk preschool programs and may consider placement in this program for LRE purposes. The district may seek alternative means to provide inclusive options for young children through collaborative relationships with private preschool programs or other community-based settings at the district’s discretion. If a preschool child with a disability is already attending a general education preschool program, the IEP team considers whether special education and related services can be provided in that setting with the use of supplementary aids and services, or supports for district personnel.
3. Various educational placement options are possible and the district chooses an appropriate option to meet the LRE requirements, both within the community and at the school. The key question for the IEP Team is where this child would be if she or he did not have a disability. The full continuum of placement options, including integrated

placement options with typically developing peers, are available to preschool children with disabilities.

4. For children who are age 5 by September 1, kindergarten is the least restrictive environment, to the extent appropriate.

G. Extended School Year Services:

1. When the IEP is developed initially or reviewed annually, the IEP team considers the need for Extended School Year (ESY) services for children with disabilities.
2. The IEP team must consider each individual student's need for extended school year (ESY) services during time periods when other students both disabled and nondisabled normally would not be served.
3. If ESY is determined to be necessary, then the type and amount of special education services to be provided, including frequency, location and duration, are documented in the IEP.
4. RSD2 does not limit the availability of ESY services to students in particular categories of disabilities, or limit the type, amount, or duration of these necessary services.
5. The IEP team may use the following methods to decide if a student with a disability needs ESY services. Note that each is not mutually exclusive and consideration of all of these factors may be warranted. Answering "yes" to any question does not automatically mean that a student is in need of ESY services. ESY services are not provided merely because the student will benefit from them.
 - a. Is a significant regression anticipated if ESY services are not provided? The IEP team determines if the regression experienced by the student would significantly affect his or her maintenance of skills and behaviors.
 - b. Does the nature and severity of the student's disability impact the maintenance of attained skills?
 - c. Is the student at a critical point in instruction (e.g. emerging skills, transition point, etc.) such that continued specialized instruction and related services, without a break, is crucial to the student's education program?
 - d. Are there any special circumstances (large number of absences) during the school year, that are relevant to consideration of ESY?
6. If the IEP Team deems ESY services are warranted, then an ESY Addendum (Enrich) is developed. The ESY Addendum addresses the educational needs of the student and how they might be addressed, such as:
 - a. The scope of the special education services including the duration and content of the program;
 - b. Which current goals and objectives will be addressed to maintain present skills and behaviors;
 - c. Implementer(s) of the ESY services;
7. All disputes should involve the Director of Special Education or designee. The dispute should be settled in a manner such that the time ESY should be provided will not lapse.

8. Case managers receive specific information regarding guidelines for submission of ESY decisions by which they must closely adhere.

H. Progress Reports:

1. After the IEP team develops measurable annual goals for a student, the team includes a description of how the student's progress toward meeting the annual goals will be measured. This measurement enables parents, students, and educators to monitor progress during the year, and, if appropriate, to revise the IEP to be consistent with the student's instructional needs.
2. Progress monitoring information is used in a formative way, to help with decision-making about potential instructional changes. Measurable annual goals include the four components (action, criteria, condition and measurement tool) so the measurement of progress is contained within the goal and no additional information is required.
3. The IEP includes a description of when parents will be provided periodic reports about their student's progress toward meeting the annual goals. Progress reports are required at least quarterly or more often if determined appropriate by the IEP team. Student progress toward goals is monitored in the method indicated on the IEP and progress reports include a description of the student's progress toward his/her measurable annual goals.
4. For students having goals and objectives, the progress report includes information on how the goal is monitored and the objectives contain only a descriptor such as, satisfactory or mastered.
5. Progress reports must be completed for ESY goals.

10. DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES

A. Code of Conduct Violations:

1. When a child with a disability violates a school's code of conduct, that behavior could result in suspension or expulsion. Such removals from school are subject to the disciplinary provisions of special education law. RSCD2 school officials considers suspensions and expulsions for children with disabilities very carefully.
2. School administrators may remove a student with a disability from his or her current placement (suspend) for violations of the student code of conduct for up to 10 consecutive school days or 10 cumulative school days without invoking any additional due process procedures for students with disabilities.
3. The school is not required to provide services during the first 10 days of removal in a school year.

B. Removals that Change the Placement: Recommendation for Expulsion or suspensions for greater than 10 consecutive or cumulative days:

1. School teams address the issues of the suspensions prior to reaching the 11th day. By addressing accumulated days of suspension early, the school may be able to avoid the need for a suspension that would result in a disciplinary change in placement. Suspensions are carefully monitored so that school personnel are aware of whether another removal will constitute a change of placement.
2. Schools provide FAPE to all children with disabilities, including those who are suspended or expelled from school. The school is not required to provide educational services to students with disabilities during the first 10 cumulative days of suspension in a school year. When the total number of school days of suspension in a school year reaches 11, the school administrator notifies the parents and provides them with a [Parent Handbook to Special Education](#).
3. Beginning on the 11th school day of suspension in a school year, and each school day of suspension thereafter, the IEP team determines special education and related services needed to enable the child to: participate in the general education curriculum, although in another setting; and to progress toward meeting the goals set out in the child's IEP.
4. The services to be provided to the student on the 11th day do not have to replicate every aspect of the services that a child would receive if in his or her normal classroom. The services provided must enable the student to continue to participate in the general curriculum and to progress toward meeting the goals set out in the student's IEP. The district is not required to provide students suspended for more than 10 school days in a school year for disciplinary reasons exactly the same settings as they were receiving prior to the imposition of discipline. It is important, however, that the student continue to progress toward meeting graduation requirements.
5. The IEP team **must determine and document on the Manifestation Review form (Enrich) if the student's violation of the school's code of student conduct was a manifestation of the student's disability.** (The team only conducts the MDR on the behavior that led to the request for expulsion or that resulted in a change in placement.) The Placement chairperson and/or designee schedules the manifestation determination meeting as expeditiously as possible, but no later than 10 school days after the decision to change placement due to disciplinary reasons is made. When a disciplinary change of placement occurs, the IEP team determines the special education and related services to be provided during the removal.
 - a. The IEP team reviews:
 - i. all of the relevant information in the child's file,
 - ii. the child's IEP,
 - iii. any teacher observations, and
 - iv. any relevant information provided by the parent.
 - b. Based on its review of all the relevant information, the team must determine if the conduct in question was:
 - i. caused by, or had a direct and substantial relationship to the child's disability; or
 - ii. the direct result of the school's failure to implement the student's IEP.

6. If it is determined that the conduct of a student was a result of either (i) or (ii) above, then the conduct must be determined to be a manifestation of the student's disability. The IEP team must:
- a. Return the child to the placement from which the child was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavioral intervention plan; and
 - b. Conduct a Functional Behavior Assessment (FBA) as part of a reevaluation unless the school had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
 - c. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.
7. If the IEP team determines the behavior was NOT a manifestation of the child's disability, the district may proceed with relevant disciplinary procedures applicable to children without disabilities that are applied in the same manner and the discipline is for the same duration as would be applied to a child without disabilities.

C. Interim Alternative Education Settings (45 school day removal):

IDEA uses the term Interim Alternative Educational Setting (IAES) to refer to the placement used for a unilateral 45 school day removal for FOUR conditions; Drugs, Weapons, Serious bodily injury, or Dangerous student behaviors and DOES NOT prevent the school from pursuing expulsion; it was specifically written to provide schools with additional protection for those four severe conditions.

1. School administrators may remove a child with a disability to an interim alternative educational setting (IAES) up to 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:
 - a. Carries a weapon (A device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except pocket knives with a blade less than 2.5 inches long) to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the school district;
 - b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the school district (tobacco and alcohol are not illegal drugs under this definition); or

- c. has inflicted serious bodily injury (involving one or more of the following: a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, protracted loss or impairment of the function of the bodily member, organ, or mental faculty) upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district.
2. When a child has been removed to an interim alternative educational setting, the IEP team determines what special education and related services are needed and where the services will be provided to enable the child to participate in the general education curriculum, although in another setting and to progress toward meeting their goals set out in the child's IEP.
3. If the IEP team determines that a functional behavioral assessment would be appropriate, one will be conducted. If appropriate, the IEP team will review and revise any existing behavioral intervention plan or develop one with services and modifications that are designed to address the behavior violation.
4. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a **violation of a code of student conduct (including weapons, drugs or serious bodily injury) the school notifies the parents** of that decision, and provide the parents the [Parent Handbook to Special Education](#).
5. Once the child has been placed in an interim alternative educational setting or otherwise removed for disciplinary reasons, if the school believes that returning the child to the setting specified in the child's IEP would be substantially likely to result in injury to the child or others, the school may request an expedited due process hearing to request the hearing officer to order another 45 school day interim alternative educational setting. The burden of proof is on the school to justify an additional removal be ordered by the hearing officer.

D. Appeals:

1. If the child's parents disagree with any decision regarding the disciplinary placement or the results of the manifestation determination, the parents may appeal the decision by requesting an **expedited** due process hearing.
2. A parental request for a due process hearing does not prevent the school district from seeking judicial relief such as a temporary restraining order or an injunction, when necessary.
3. A resolution meeting occurs within seven days of the school receiving notice of a parent's due process complaint, unless the parents and school agree in writing to waive the resolution meeting or agree to use the mediation process. The due process hearing may

proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the school's receipt of the due process complaint.

4. When the parent or the school appeal a disciplinary placement or the result of the manifestation determination, the child either remains in the interim alternative educational setting determined by the IEP team or on suspension pending the decision of the hearing officer or until the expiration of the time of the disciplinary removal, whichever occurs first, unless the parent and the school agree otherwise.
5. Expedited due process hearings occur in two instances under the disciplinary provisions: When a parent challenges the manifestation determination or any placement decision in a disciplinary context; or when a school district asks a special education due process hearing officer to order an interim alternative educational setting because a child's behavior is substantially likely to result in injury to the child or to others.

E. Students not yet determined eligible for Special Education:

The discipline requirements address the issue of suspending or expelling children not yet identified as a child with a disability but whose parents allege the school district had knowledge that the child was a child with a disability before disciplinary action was proposed. *IDEA 04 affords protections to children not determined eligible only if a school district had knowledge that a child was a child with a disability before the behavior which precipitated the disciplinary action occurred.*

1. The district is deemed to have such knowledge if: the parents of the child have expressed concern in writing to supervisory or administrative school personnel, or a teacher of the child, that the child is in need of special education and related services; the parents of the child have requested an evaluation of the child; or the teacher of the child or other school personnel expressed specific concern about a pattern of behavior demonstrated by the child directly to the Director of Special Education or his/her designee or other supervisory school personnel. Although teachers and other school personnel may casually express concerns about the behavior or performance of children in their classrooms, such expression of concern do not create knowledge on the part of the school district. Schools also are not deemed to have knowledge of a disability merely because a child received services under other programs designed to provide compensatory or remedial services or because the child had limited English proficiency.
2. Also, a school will not be considered to have knowledge of a disability if the parent of the student has not allowed an evaluation of the child; has refused special education and related services; or the child has been evaluated and determined not to be a child with a disability.
3. If it is determined that the school did not have knowledge that the child is a child with a disability, the school may proceed with its proposed disciplinary action, including suspension or expulsion without educational services.
4. If the child's parents request an evaluation of the child during the period of suspension or expulsion or other disciplinary action, the evaluation is conducted in an expedited

manner. No timeline is specified with regard to an expedited evaluation, although RSCD 2 attempts to complete the evaluation within 25 school days.

5. Pending the results of the evaluation, the child remains in the disciplinary setting determined by school authorities (that may be the out-of-school suspension or expulsion). The school does not require to put disciplinary proceedings on hold until the evaluation is completed.
6. If the child is subsequently determined to be a child with a disability, based on the evaluation and review of information supplied by the parents, the school provides the child with all of the protections of the IDEA including the provision of special education and related services during the suspension. If the child is determined to not be a child with a disability, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors.

11. PRIVATE AND PAROCHIAL SCHOOLS (Including Homeschools)

The IDEA requires that children with disabilities in private schools (K–12) and students who are homeschooled receive an opportunity for participation in special education services. A child with a disability in a private school has no individual right to special education or related services. Rather, the public district where the private school is located must ensure that a proportionate share of federal funding is used to provide services to this population of children. Therefore, under federal law, in almost all cases, the public district where the private school is located would not be obligated to provide any or all special education and related services to every child with a disability enrolled in a private school located within its boundaries. All requirements for parentally placed private school children also apply to homeschooled children in South Carolina.

A. Consultation:

RSD2 consults annually with private school representatives and representatives of parents of parentally-placed private school children and homeschooled children with disabilities attending private schools within the district. The consultation occurs in a timely manner before decisions are made that affect the ability of children in a private school to participate in services. These representatives of private schools and parents of the private school children with disabilities are given the opportunity to express their views and have meaningful input into the special education process and before making decisions regarding the following:

1. The child find process, including:
 - a. How parentally-placed private school children suspected of having a disability can participate equitably; and
 - b. How parents, teachers, and private school officials will be informed of the process.
2. The determination of the proportionate share of federal funds available to serve parentally-placed private school children and homeschooled children with disabilities

including the determination of how the proportionate share of those funds was calculated.

B. Services Plan:

1. A "services plan" is to be used because it is clear under federal and state laws and regulations that these children in private schools and children who are homeschooled do not have an individual right to receive a FAPE. The parents of children served with a services plan do not have any due process rights beyond issues related to child find which includes evaluation/reevaluation. Parents may file a complaint with the SCDE if they feel that the district has failed to meet its obligations under the federal and state law and regulations.
2. The services plan describes the specific special education and/or related services to be provided to the child as a result of the consultation with appropriate representatives of private schools and representatives of the parents of private school and homeschooled children. To the extent appropriate, the services plan includes all of the IEP components. The elements in each child's services plan may vary depending on the services to be provided. Like an IEP, the services plan must be reviewed and revised on an annual basis, and as necessary.

12. MEDICAL HOMEBOUND

When students with IEPs are placed on Medical Homebound, case managers ensure the following;

1. An IEP meeting must be held if the student will be on Medical Homebound for more than 10 cumulative days.
2. The IEP Team determines the services to be delivered through homebound, the goals to be addressed, and the amount of time necessary for instruction.
3. The student's special education IEP classification does not change on the IEP. However, Homebound placement must be reflected on the IEP.
4. Programming depends upon the level of support the student needs to benefit from special education and on limitations presented by the medical condition and doctor reports.
5. The homebound teacher is responsible for scheduling appointments and returning student assignments.
6. The student is to be listed in PowerSchool as Homebound (HO) using the same procedures for students without disabilities on medical homebound.
7. The student remains on the special education teacher's caseload.

13. AGE OF MAJORITY

The student reaches “Age of Majority” when s/he turns age 18. When the student reaches the Age of Majority, several options are available:

1. All parental rights under IDEA transfer to the student unless the student has been determined incompetent **or**
2. Under the Consent Act -June 2016, the student may use Supported Decision Making. Use the form in Enrich.

14. ADULT EDUCATION PROGRAMS

RSD2 ensures the provision of a free, appropriate, public education in the least restrictive environment for all students with disabilities between ages 3 and 21, unless they have earned a standard high school diploma. Consistent with this requirement, the district is responsible for provision of special education and related services to students with disabilities who attend an adult education program (AEP).

A.Students with Disabilities Seek to Enroll

1. When a student with a disability seeks enrollment in the adult education program (AEP), the Case Manager contacts the ISS Office to obtain records for students who were previously enrolled in Richland Two.
2. Transfer procedures are followed for students enrolling who reside in another district.
3. The Case Manager convenes an IEP team. The IEP team considers the student’s eligibility and need for continued special education services.

B. Continued Eligibility is Determined:

If the team determines that the student continues to qualify as a student with a disability and needs special education and related services, the IEP team considers the appropriateness of the AEP.

1. The team determines whether the placement is likely to assist the student in accomplishing the goals and objectives specified in the student’s IEP as well as the likelihood of the student’s being successful in the AEP curriculum.
2. If the IEP team determines that the AEP placement is not an appropriate placement for the student, the team reviews and revises the student’s current IEP as necessary and

recommends that the student remain in the current placement with provision of special education and related services specified in the IEP.

3. If the student (age 18 to 21) or the parent of student age 17 or younger disagrees with the team's recommended placement and proposed IEP, the student or parent may request a due process hearing to assert the appropriateness of the AEP placement.
4. The student may decide to enroll in the AEP without special education and related services if the student is otherwise qualified to enroll in the AEP.
5. The district has no obligation to provide services in a placement deemed by the IEP team to be inappropriate for the student.

15. DISCONTINUATION/DISMISSAL OF SPECIAL EDUCATION SERVICES

A. No longer eligible for services under IDEA:

1. When a parent or school personnel suspects that a child is no longer eligible for special education services and related services, a reevaluation is conducted prior to the child's dismissal from the program to determine if the child is no longer a child with a disability or is no longer in need of specialized instruction or related services. As part of the reevaluation, the IEP team reviews existing data and determines whether any additional assessments are needed.
2. If it is determined by the IEP team through a reevaluation that the child is no longer a child with a disability or is no longer in need of specialized instruction or related services, the team will recommend dismissal from special education and provide Prior Written Notice.

B. Revocation of parental consent:

1. A parent or student who reaches the age of majority may revoke consent in writing for the continued provision of special education and related services. This revocation must be provided to the district in writing so that both the parent and the district have documentation that the child will no longer receive special education or related services.
2. The parent's written revocation statement is uploaded into Enrich and the original sent to the ISS Office. The IEP team may ask why consent is being revoked, but may not require an explanation. The district's inquiry may provide an opportunity to discuss and resolve the problem, but may not delay or deny the discontinuation of services.
3. Once the district has received the written revocation of services from the parent/adult student, the Director of Special Education or the director's designee provides the parent/adult student with PWN regarding the change in educational placement and

services that will result from the revocation. The PWN is sent 5-10 days before the district discontinues services to give the parent/adult student information and time to consider fully the change and its implications.

- 4.** The PWN ensures that the parent/adult student is fully informed of the educational services and supports they are declining. The PWN informs the parent/adult student that the student will no longer receive special education or related services and that the student will not be entitled to the protections under the IDEA disciplinary procedures if he or she violates the district's disciplinary code of conduct.
- 5.** The district does not discontinue services until the PWN has been provided to the parent/adult student.
- 6.** The district does not use the dispute resolution mechanisms in the IDEA (mediation and due process) when a parent/adult student revokes consent.
- 7.** Revocation of consent releases the district from responsibility and liability for providing a FAPE from the time consent is revoked in writing until the time, if any, that the student is again evaluated and deemed eligible for special education services and related services.
- 8.** The district is not deemed to have knowledge that the student is a student with a disability and the student is not entitled to discipline protections under the IDEA.
- 9.** Once consent is revoked and PWN has been provided, the student is considered to be a general education student. Teachers no longer provide previously identified IEP accommodations in the general education environment. The revocation is for all special education services.
- 10.** Once consent is revoked for a student to receive special education and related services, the student is considered a general education student. Therefore, if a parent/adult student revokes consent after the school year begins, but before administration of the annual state assessment, the district does not provide accommodations previously included in the student's IEP.
- 11.** The revocation of consent is not retroactive; therefore, the district will not amend the student's educational records to remove any references to the student's receipt of special education and related services. The parent/adult student still retains the right, however, to request amendments to information that is inaccurate or misleading or violates the privacy or other rights of the child.
- 12.** Students who have previously received special education services and subsequently had consent revoked are treated no differently in the child find process than any other student. Ensuring that general education teachers make appropriate referrals for students suspected of having a disability, which would include the referral of students who have had consent previously revoked, is consistent with the child find responsibility.

13. After withdrawing from special education services, the parent/adult student maintains the right to subsequently request an initial evaluation to determine if the student has a disability and needs special education. There is no limit as to how frequently a parent/adult student may revoke consent and then subsequently request an initial evaluation.

14. If a student who had previously received special education services and had consent revoked is again referred for an evaluation, the district treats this referral as an initial evaluation rather than as a reevaluation. Depending on the data available, a new evaluation may not always be required. On the basis of the review of existing evaluation data and input from the parent/adult student, IEP team, and other qualified professionals, the team will identify what, if any, additional data are needed. The parent retains the right to refuse to provide consent for an initial evaluation.

C. Graduation:

- 1.** When the student enters high school, progress toward graduation is monitored annually and recorded on an official transcript of credits.
- 2.** All students receiving special education services receives a regular high school diploma at the completion of their secondary program if they meet graduation requirements of South Carolina.
- 3.** Students with disabilities are afforded the same opportunity to participate in graduation ceremonies as students without disabilities even if the IEP team determines that services will continue after the student has met all of the required credits (but an official diploma has not been awarded).
- 4.** No reevaluation is required prior to exiting a student due to graduation with a standard high school diploma.
- 5.** When the student graduates with a general education diploma, the district's obligation to provide special education ends.
- 6.** Before the student completes the last semester of high school in which she/he is expected to graduate, the district provides the student (if over age 18) and the parents with PWN of the discontinuation of services at the end of the school year.
- 7.** Parental consent is not required when a child graduates with a regular diploma.

D. Services to age 21:

- 1.** The district makes a FAPE available to any student who has not graduated with a regular high school diploma until the end of the school year in which the student turns 21.

2. Even when the student or parent states that he or she does not intend to return to school for the next school year, the IEP team provides the student with notice that he or she is eligible to continue receiving services through age 21 and develops an IEP for the student.
3. If a student turns age 21 after September 1 of the school year, RSD2 permits the student to enroll and complete the school year.
4. If a student turns age 21 on or prior to September 1, RSD2 does not permit the student to enroll.
5. A reevaluation is not required when a student ages out of eligibility for services upon turning age 21.
6. A PWN is provided to the student and the parents stating that the services will be discontinued at the end of the school year.
7. Parental consent is not required.
8. The district's obligation to provide special education services ends:
 - a. at the end of the school year in which the child reaches age 21, or
 - b. When an evaluation shows that the child is no longer eligible for special education services.

E. Summary of Performance:

A [Summary of Performance](#) (SOP Enrich) is completed for a student whose eligibility for special education services terminates due to graduation with a regular diploma, or due to exceeding the age of eligibility.

1. RSD2 provides the student with a summary of the student's academic achievement and functional performance which includes recommendations on how to assist the student in meeting postsecondary goals.
2. Signatures by the student and IEP team members are encouraged as verification that the contents of the summary were explained but are not required.
3. The timing of completion of the SOP varies depending on the student's postsecondary goals. If a student is transitioning to higher education, the SOP may be necessary as the student applies to a college or university. Likewise, this information may be necessary as a student applies for services from state agencies such as vocational rehabilitation. In some instances, it is most appropriate to provide an agency or employer the most updated information on the performance of the student during spring of the final school year.

F. Drop Outs:

1. Under S.C. Code Ann. § 59-65-30 (2004), students are allowed to drop out of school at age 17 and may at some point obtain a GED.
2. If a student with a disability drops out of school, documentation to that effect is placed in the student's confidential file.
3. The district informs the parents that special education services are available to the student through age 21. The PWN states that the district remains ready to provide special education services.
4. If the student re-enrolls, the previous IEP is implemented until a new IEP is developed.
5. For a student that is younger than 17, truancy is reported.

16. RECORDS

A. Confidentiality:

Confidentiality of educational records is a basic right shared by all students in the district and their parents. All school personnel (including contracted employees) are governed by confidentiality requirements of the IDEA, which apply to students with disabilities. RSD2 personnel are aware of the laws and regulations and ensure that all records and information are kept secure and remain confidential.

1. RSD2 annually notifies parents of their rights under FERPA. The notice informs parents or adult students that they have the right to:
 - a. Inspect and review the student's education records;
 - b. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
 - c. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that § 99.31 of FERPA authorized disclosure without consent; and
 - d. File a complaint under §§ 99.63 and 99.64 concerning alleged failures by the district to comply with the requirements of FERPA.
 - e. The procedure for exercising the right to inspect and review education records.
 - f. The procedure for requesting amendment of records.
2. The district may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights. The district shall effectively notify parents who have a primary or home language other than English. This notice will adequately inform parents prior to any identification, location, or evaluation activity taking place.

3. Definitions of terms used are as follows:

- a.** Personally identifiable means information includes information such as the name of the child, child's parents, or other family member; address; personal identifier such as the child's social security number or student number; or list of personal characteristics or other information that would make it possible to identify the child.
- b.** Destruction means physically destroying the medium on which information is recorded or removing all personal identifiers from the information so no one can be identified.
- c.** Educational records means any document or medium on which information directly related to one or more students is maintained by a participating agency.

B. Access Rights:

RSD2 adheres to FERPA and SC special education laws and regulations.

- 1.** The district allows parents to review and inspect their child's records. An education record means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. Under certain circumstances, a teacher's working file is not considered to be part of the child's record. FERPA regulation 34 C.F.R. 99.3, states that the term "education records" does not include records kept in the sole possession of the maker, used only as a personal memory aid, and not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- 2.** The district prevents the disclosure to any unauthorized person of personally identifiable information pertaining to all students. Disclosure is the release, transfer or other communication of records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written, or electronic.
- 3.** FERPA regulations allow some exceptions to the requirement to obtain parent consent before releasing records. All of these exceptions also apply to the confidentiality requirements in the federal special education regulations. For example, FERPA allows the school to release records to authorized individuals, such as:
 - a.** other school officials, including teachers at the school where the student attends, who have a legitimate educational interest;
 - b.** officials of another school, school district, or postsecondary educational institution where the student is enrolled or seeks or intends to enroll if the district makes a reasonable attempt to notify the parents or the student of the disclosure

- at the last known address, however no notice is required if the disclosure is initiated by the parent or adult student;
- c. authorized representatives of the US Comptroller General, US Secretary of Education, and State Educational Agencies in connection with an audit or evaluation of Federal or State supported programs, or for the enforcement or compliance with Federal legal requirements related to those programs;
 - d. disclosure in connection with financial aid for which the student has applied or received to determine eligibility, amount, or conditions of the aid or to enforce the terms and condition;
 - e. disclosure to accrediting organizations to carry out their functions;
 - f. disclosure to a parent of a student who qualifies as a dependent under section 152 of the Internal Revenue Service Code;
 - g. disclosure of relevant educational records to a court in a legal action initiated by the district against a parent. Also, disclosure to comply with a judicial order or subpoena. However, these disclosures may be made only if the district makes a reasonable effort to notify the parents or eligible student of the order or subpoena in advance of compliance with the order or subpoena, unless the order or subpoena states that the existence or contents of the order or subpoena not be disclosed;
 - h. disclosure in connection with a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals;
 - i. disclosure of directory information. This is information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most previous educational agency or institution attended; and
 - j. disclosure to the adult student or student of any age if attending a postsecondary school, or to the parents of a student who has not reached 18 years of age and is not attending an institution of postsecondary education.
4. The ISS Office establishes a mutually agreed upon date and time for the parents to review the records. However, this is not more than thirty (30) calendar days from the receipt of the request. Should the information be needed immediately for an IEP meeting or due process hearing, the Administrator ensures that required timelines of the meeting or hearing are met.

5. The appropriate individuals are present at the meeting to explain or interpret the records.
6. The parents must inform the ISS Office in writing if they have given permission for a representative to inspect and review the records of their child.
7. The ISS Office provides the parents a copy of any record requested within ten (10) calendar days of the request. The ISS Office maintains a signed statement by the parents as to the records received.
8. The parent is allowed to access information unless the district has been notified by written court documents that the parent does not have the authority to do so.
9. Principals annually provide written notice of privacy rights to parents. The parent of the student has the right to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information. Notification from the parent or eligible student must be made in writing within 15 days of registering their child and must state what information should not be classified as directory information.
10. When the ISS Office responds to a federal grand jury or other subpoena issued for law enforcement purposes, there is no obligation to notify the parents if the court or agency issuing the subpoena orders the district not to disclose the existence or contents of the subpoena or the records disclosed pursuant to the subpoena. In response to any other subpoena or court order, the parents and the student must be notified prior to the release of the information, or there must be parental consent or consent of the student, if age 18 or older.

17. MISCELLANEOUS GUIDELINES

1. Beginning of the Year and Quarterly Procedures:

- a. All special education teachers, therapists, and service providers are responsible for implementing the Individual Education Plan (IEP) of each student assigned to his or her caseload.
- b. The IEP is a working document which must be used to (1) plan specialized instruction and services to address academics and functional needs, (2) determine general education participation and accommodations, and (3) provide related services appropriate for each student on an individual basis.

- c. All Special Education staff should be thoroughly familiar with each student's IEP prior to beginning instruction and collaborate with each other as well as regular education teachers and school administration to ensure proper implementation of all services outlined in the student's IEP.
- 2. Prior to students returning to school:** Obtain copies of caseload reports and/or class move-up list from your team leader or area specialist.
- a. Ensure that each student on the caseload has a Special Education Student File.
 - b. Account for and read over all IEPs. Make sure the students' class schedules reflect the services provided for in the IEP. If the IEP and the student's schedule do not coincide, confer with other members of the team immediately to implement a schedule change or an IEP review.
 - c. Make a schedule of IEP review dates and Reevaluation Dates. Reports can be made using Enrich. Provide reevaluation dates to appropriate team members.
 - d. Review each student's IEP and note services, Behavior Intervention Plans, and classroom and testing accommodations. Pay particular attention to classroom accommodations and standard and nonstandard accommodations for state and district mandated group testing.
 - e. If during the first weeks/months of instruction it appears the accommodations are no longer needed or others are warranted, hold an IEP Special Review Meeting to consider amendments.
 - f. Develop a tentative plan/schedule serving Itinerant students on your caseload. "Itinerant" refers to (1) students receiving direct special education services at non-traditional times; meaning their services are not provided during a regularly scheduled time or class period or (2) students receiving indirect services. Please be aware that if an IEP indicates the student is to receive any INDIRECT Services, it is the Case Manager's responsibility to make sure these services are provided. Form A-7, Indirect Service Documentation Log, must be maintained and signed by a regular education teacher(s) to document the services are being provided. Form A-8, Direct Services Documentation Log must be maintained to document direct itinerant time if services to the student are not "scheduled" as part of daily instruction.
 - g. Organize files according to the appropriate file checklist form and using the district file folder system before any meetings are to take place. If any required forms are missing, the Case Manager makes plans to get proper forms completed at the review and into the file.

3. Within the First Week of School:

- a. Ensure that the special education file for each student present is accounted for and stored in a secure, yet accessible location.
- b. If you have files on students not present in your class, contact your school data coordinator (PowerSchool) to determine if the student has enrolled in the district. If the student is enrolled at a different location, contact and send the file to the appropriate school's special education staff. If the student has not enrolled for the year, hold the file until the 10th day of school. Then send the file to the district office when the student has been withdrawn from PowerSchool.
- c. Follow appropriate IEP Meeting and Attendance Procedures to schedule IEP meetings for Initial placements, Annual Reviews, and transfers. Send all regular teachers notification of the Special Education students in their classes and information regarding necessary accommodations and Behavior Intervention Plans. Use the Accommodation Form and upload into Enrich.
- d. Begin compiling Caseload Information to be turned in for the first caseload reporting period. Caseload forms will be sent out with the specific due dates.
- e. Make contact with the parents. Contact parents on a regular basis and document contacts in Enrich.
- f. Correct any inconsistencies between the students' schedules and special education requirements.

4. At the End of Each Quarter:

- a. Information specific to progress on IEP goals is required at least quarterly. The IEP team may determine that this progress be reported more frequently; however, quarterly progress is required.
- b. All Case Managers and Service Providers are required to participate in the development of the Progress Report by providing data and information specific to the IEP goal(s) for which they provide instruction/service.

5. Throughout the Year:

- a. Case Managers and Service Providers must progress monitor students to gauge effectiveness of the IEP services and adjust if necessary.
- b. Provide parents with interim reports and report cards as often as these reports are received by regular education students. These are in addition to the Quarterly IEP Progress Reports.
- c. Maintain accurate caseload and attendance reporting to the district office and the PowerSchool Data Coordinator.

- d.** Each school must implement comparable IEP services upon enrollment of students transferring to the district already identified as student with a disability.
- e.** The school must not delay enrollment or the provision of services awaiting documentation from the previous district.
- f.** Case Managers, Regular Education Teachers, and Service Providers must monitor the routine use and effectiveness of classroom accommodations as they relate to appropriate use for state and district testing.
- g.** Only accommodations that have been used in daily instruction for the majority of the school year can be considered for use as a testing accommodation. This means that testing accommodations that need to be added, amended or deleted should take place early in the school year in order for the student to become comfortable with the test accommodations.
- h.** All Case Managers and Service Providers must maintain accurate documentation regarding attempts to contact parents for evaluations, reevaluations, and IEP meetings in Enrich.