

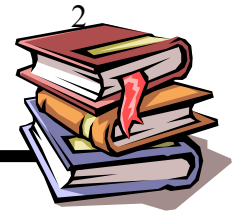
# **Lincoln County School District #2**

## **Handbook of Special Education Procedures**



**August, 2014**

**(Items within the handbook in green indicate additions  
summer of 2014)**



# Table of Contents

---

<a href="#">Introduction</a>	4
<a href="#">Definitions</a>	6
<a href="#">FAPE and Supervision of SPED</a>	11
<a href="#">LRE</a>	12
<a href="#">Child Find</a>	15
<a href="#">Response to Intervention Procedures</a>	20
<a href="#">Responsibility for Children in Home School or Private Schools</a>	24
<a href="#">Homebound Students</a>	28
<a href="#">Married Students</a>	29
<a href="#">Evaluation Procedures</a>	29
Autism Spectrum Disorder Evaluation Team Consent for Non-Special Education Evaluation	
<a href="#">Denial of Consent, Does Not Qualify (Revocation of Consent- Eval)</a>	43
<a href="#">Exit from SPED services</a>	45
<a href="#">Assistive Technology (reference to AT Consideration Guide)</a>	49
<a href="#">Transfer Students</a>	52
<a href="#">IEP Process (includes ESY documentation for services, Medical Concerns)</a>	54
<a href="#">Amendment to IEP Process</a>	63
<a href="#">Goal Writing Guidance</a>	72
<a href="#">Monitoring Progress</a>	74
<a href="#">Special Education Records, Access and Confidentiality</a>	77
<a href="#">IEP file</a>	81
<a href="#">Procedural Safeguards</a>	82
<a href="#">Dispute Resolution</a>	84
<a href="#">Parent Communication</a>	85
<a href="#">Behavior and Discipline</a>	86
<a href="#">Seclusion &amp; Restraint</a>	92
<a href="#">Professional Development</a>	92
<a href="#">Affidavit of Time and Effort and Time and Effort Logs</a>	95
<a href="#">Related Service Logs and Procedures</a>	96
<a href="#">Assessment for students with IEP's</a>	97

<a href="#"><u>Students with IEP's Transitioning to a new school within the district</u></a>	99
<a href="#"><u>Purchasing Procedures</u></a>	100
<a href="#"><u>APPENDIX A: WY Severe Discrepancy Formula</u></a>	102
<a href="#"><u>APPENDIX B: Child Find Letter for Students Not Attending</u></a>	104
<a href="#"><u>APPENDIX C: Summary of Performance/Notice of Graduation Letter &amp; Age Out</u></a>	105
<a href="#"><u>APPENDIX D: Transfer of Parental Rights at Age of Majority</u></a>	107
<a href="#"><u>APPENDIX E: WDE Checklist for consideration of PAWS ALT</u></a>	108
<a href="#"><u>APPENDIX F: Not Eligible/Exited Letter to Admin</u></a>	109
<a href="#"><u>APPENDIX G: Confidentiality of Staff and Consent to Observe Forms</u></a>	110
<a href="#"><u>APPENDIX H: Referral for Special Education Evaluation</u></a>	112
<a href="#"><u>APPENDIX I: Non-sped. Evaluation Consent Form</u></a>	114
<a href="#"><u>APPENDIX J: AT Consideration Guide</u></a>	115

## Introduction

---



In 1975 Congress enacted Public Law 94-142, the Education for All Handicapped Children Act. This was the first piece of legislation that guaranteed students with disabilities a free and appropriate public education and provided schools with some additional funding for special education programs. This legislation has been reauthorized and amended several times since 1975. It is currently known as the Individuals with Disabilities Education Act (IDEA). The IDEA has shaped special education into a program that is designed to meet the unique educational needs of students with disabilities through an Individualized Education Program (IEP).

Students with disabilities have certain rights, under the IDEA, to a free and appropriate public education from the ages of three to twenty-one. Students who are ages three through six, in this community, receive special education and related services through the local Child Development Center. Once these students reach kindergarten age, they are transitioned into the public school system where Lincoln County School District #2 assumes all responsibility for the provision of special education and related services.

Lincoln County School District #2 affirms a strong philosophy and commitment toward excellence in education for all students. We believe that all students are entitled to an appropriate education that accounts for the unique individual learning styles, abilities, and interests of each student. Adequate and appropriate supports and systems must be in place to facilitate the education of students with disabilities in the general classroom setting. When possible, students with disabilities should be educated in the general classroom setting with non-disabled peers. When a student cannot be satisfactorily educated in the general classroom setting, appropriate supports and systems shall be in place to facilitate the child's education in other settings. The philosophy of this district is to promote the inclusion of students with disabilities into the general classroom and within the general curriculum, while providing a continuum of service delivery options, thus maintaining an infrastructure capable of meeting the unique individual needs of all children.

Lincoln County School District #2 supports a model of shared responsibility and collaboration. The premise of this model is that the best decisions for kids can be made if regular educators, special educators (including related service providers) and parents/students collaborate to create a plan and accommodations suited to each child. Once this plan is created the team works together and shares responsibility for student learning. This collaboration and shared responsibility is supported by the Federal Law:

—IDEA '04 states “*A regular ed teacher of the child, as a member of the IEP team, shall to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and supports, and other strategies, and the determination of supplementary aids and services, program modifications and support for school personnel consistent with...*”

Children with disabilities have available to them the variety of educational programs and services available to non-disabled students.

34 C.F.R. 300.110

As required by 34 CFR 300.342 (b) (2) (3): School personnel must have access to the IEP and be informed of their responsibility in implementing the IEP, and of the specific accommodations, modifications and supports that must be provided for students in their classes.

Parents of students with disabilities play a key role in the development and implementation of each child’s IEP. Parents are responsible to support their child’s education through participation in the IEP process, attending parent teacher conferences, providing help and support with homework, and through establishing a positive and healthy home environment that is conducive to physical, emotional, and educational growth. Lincoln County School District #2 shall provide parents with opportunities to participate meaningfully in the IEP process and to participate in training that will better prepare them to meet the unique individual needs of their children.

This handbook is designed to provide teachers, administrators and professional support staff of Lincoln County School District #2 a resource for better understanding the procedures and guidelines for delivering special education and related services to students with disabilities who reside within this district.

**State Goal:** The State of Wyoming has established a goal of providing a full educational opportunity to all children with disabilities residing in Wyoming. The procedures outlined in this handbook serve to facilitate this goal.

**Personnel Qualifications:** All special education and related service personnel in LCSD#2 shall meet the educator licensing requirements for the positions in which they work, as described in the Professional Teaching Standards Board (PTSB) rules, or any other applicable statutes or rules. All personnel necessary to carry out Part B of the Individuals with Disabilities Education Act (IDEA), including service providers, shall be appropriately and adequately prepared, subject to requirements related to personnel qualifications in the IDEA and No Child Left Behind Act (NCLB).

## Definitions

---

**Terms used throughout this handbook are defined as follows:**

**“Act”** The Individuals with Disabilities Education Act (also known as **“IDEA”**), as amended P.L. 105-17.

**“Adult Student”** A student who has reached 18 years of age (unless under court-ordered guardianship) acting in the place of a parent.

**“Americans with Disabilities Act (ADA)”** (42 U.S.C. 12101 et seq.) is a federal law that prohibits discrimination based on disability. Protection is extended to the community and employment areas.

**“Assistive technology device”** Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

**“Assistive technology service”** Any service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device.

**“At no cost”** All specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to non-disabled students or their parents as a part of the regular education program.

**“Child with a disability”** A child evaluated as having autism, deaf-blindness, deafness, developmental delay, emotional disability, hard of hearing, learning disability, cognitive disability, multiple disabilities, orthopedic impairment, other health impairment, speech or language impairment, traumatic brain injury, or visual impairment including blindness, **and** who by reason thereof, needs special education and related services. If it is determined, through an appropriate evaluation, that a child has one of the disabilities above, but only needs a related service and not special education, the child is not a child with a disability under these rules unless the related service required by the child is considered special education rather than a related service under State standards.

**“Comparable services”** Those services that are comparable in quality, scope and opportunity to learn as services received by public school children with disabilities.

**“Consent”** means the following:

- (i) the parent has been 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;
- (ii) 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; and  
 (iii) the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime. 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).

**“Developmental Delay”** A child with a disability ages three (3) through nine (9) who is determined, through appropriate diagnostic instruments and procedures, to be experiencing delays in the following areas; physical development, cognitive development, communication development, social or emotional development, or adaptive development and who, by reason thereof, needs special education and related services.

**“Directory Information”** Personally identifiable information that would not generally be considered private, such as: the student's name, address, telephone listing, email address, photograph, 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 recent previous school attended

**“Disclosure”** Permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

**“Educational performance”** What must be adversely affected to establish eligibility for special education and related services, and may encompass all areas of educational development.

**“Educational records”** 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.

The term does not include any of the following:

- a. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- b. Records of the law enforcement unit of an educational agency or institution.
- c. Grades on peer-graded papers before they are collected and recorded by a teacher.

**“Educational surrogate parent”** An individual appointed to protect the rights of the child who may represent the child in all matters relating to a free appropriate public education including identification, evaluation, eligibility, individualized education program (IEP) and educational placement. A foster parent can serve as an education surrogate if there is no conflict of interest.

**“Evaluation”** Procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class.

**“Extended school year (ESY)”** Any extension of the school year beyond the traditional length of the school year for non-disabled children; during which services are provided for children with disabilities as required on their IEP. ESY may also include extension of the traditional school day or week.

**"Family Education Rights privacy Act (FERPA)"** 20 U.S.C. §.1232g a federal law that covers confidentiality and education records.

**“Free Appropriate Public Education (FAPE)”** Special education and related services that are provided at public expense, under public supervision and direction and without charge; meet the standards of the State of Wyoming, including the requirements of IDEA; include preschool, elementary school, or secondary school education in the state; and are provided in conformity with an IEP that meets the state requirements.

**“Home-based educational program”** A program of educational instruction provided to a child by the child’s parent or legal guardian or by a person designated by the parent or legal guardian. An instructional program provided to more than one family unit does not constitute a home-based educational program (see W.S. 21-4-101 (a) (v).)

**“Interventions”** Interventions are designed to help student(s) improve performance relative to specific, realistic and measurable goals. Interventions are based on data collected on current student(s) performance, and may include modifications and accommodations. Interventions are multi-tiered, research based, prescriptive, time limited, and parent inclusive. Intensive academic and/or behavioral interventions are characterized by their increased focus for students who fail to respond to less intensive forms of instruction. Intensity can be increased through many

**“Least restrictive environment (LRE)”** To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children without disabilities, and that special classes, separate schooling or other removal from the regular educational environment occurs only when the nature or severity of the disabilities is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

**“Parent”** A natural or adoptive parent of a child; a guardian or foster parent, but not the state if the child is a ward of the state; a person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare.) or any individual meeting the definition of 34 C.F.R. 300.30

**“Personally identifiable”** The term includes, but is not limited to: name of the child, the child’s parent(s) or other family member; the address of the child; a personal identifier, such as the child’s social security number or student number; or a list of



personal characteristics or other information that would make it possible to identify the child with reasonable certainty, Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.

**“Physical education”** The development of physical and motor fitness; fundamental motor skills and patterns; skills in aquatics, dance and individual and group games and sports (including intramural and lifetime sports); and includes special physical education, adapted physical education, movement education and motor development.

**“Private school”** is any nonpublic, elementary or secondary school providing basic academic education programs for children and may include parochial and church or religious schools and home-based educational programs.

**“Record”** Any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche.

**“Related services”** means transportation and such developmental, corrective and other supportive services as are required to assist a child with a disability to benefit from special education; and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools and parent counseling and training.

**“Response to Intervention (RtI):** Response to intervention integrates assessment and intervention within a multi-level prevention system to maximize student achievement and reduce behavior problems. With RtI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities.

**“Screening or Universal Screening”** Universal screening is conducted, usually as a first stage within a screening process, to identify or predict students who may be at risk for poor learning outcomes. Universal screening tests are typically brief; conducted with all students at a grade level; and followed by additional testing or short-term progress monitoring to corroborate students’ risk status. Universal screening is an easy to administer school-wide assessment consisting of probes that are aligned to the curriculum and state academic standards.

**“Special education”** Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. The term includes speech pathology, vocational education or any related service, if the service consists of specially designed instruction at no cost to the parents, to meet the unique needs of the child with disabilities.

**“Specially-designed instruction”** Adapting, as appropriate to the needs of an eligible child under these rules, the content, methodology or delivery of instruction to address the unique needs of the child that result from the child’s disability; and to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the school district or agency that apply to all children.

**“Summer school”** A program during summer, which provides supplementary services not required on the child’s IEP. (This is not the same as extended school year (ESY) services.)

**“Supplementary aids and services”** Aids, services and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate.

**“Transition services”** A coordinated set of activities for a child with a disability that: is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation; is based on the individual child’s needs, taking into account the child’s preferences and interests; includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and functional vocational evaluation; and; transition services for children with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a child with a disability to benefit from special education.

**“Travel training”** Providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live; and learn the skills necessary to move effectively and safely from place-to-place within that environment (e.g., in school, in the home, at work and in the community).

**“Vocational education”** Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

*Citations:*

*34 C.F.R. part 99 FERPA*

*34 C.F.R. 300.123 Confidentiality of personally identifiable information*

*34 C.F.R. 300.610-300.626 Confidentiality of information*

## FAPE and Supervision of SPED

Each school in Lincoln County School District #2 shall ensure that Free Appropriate Public Education (FAPE) is available to all children with disabilities, aged six to twenty-one, including those who have been suspended or expelled from school. The services provided to children must address all of the identified special education and related services needs, even when a child is advancing from grade to grade. IEP teams determine the services and placement needed by each child with a disability to receive a FAPE based on the child's unique educational needs and not on the child's disability. FAPE is made available to each eligible child no later than the child's third birthday through the Lincoln Uinta Child Development until the child enters Kindergarten, where the school district provides FAPE directly. A copy of the agreement between LUCDA and LCSD#2 is available for review in the special education office.

“Free Appropriate Public Education (FAPE)” means special education and related services that are provided at public expense, under public supervision and direction and without charge; meet the standards of the State of Wyoming, including the requirements of IDEA; include preschool, elementary school, or secondary school education in the state; and are provided in conformity with an IEP that meets the state requirements.

The supervision of FAPE and the provision of specially designed instruction (see Figure 1) is a collaborative process where the **Case Manager** directly monitors the student's IEP, communicates with all service providers and ensures that the provisions of the IEP are implemented and that the child's progress toward the IEP goals is adequate. The **Compliance Facilitator** serves, in most cases, as the LEA. It is the CF's responsibility to ensure that the IEP document is written in compliance with IDEA and the Wyoming Chapter 7 Rules. The CF assists the Director of SPED by reviewing student progress reports and assisting in a regular self-assessment of SPED processes and IEP compliance. The CF also provides on-going technical assistance to the IEP team and service providers. The **Building Principal** supports this collaborative supervision process by resolving personnel related issues and by providing direct supervision and evaluation of the professional teaching staff. The **Director of SPED** is ultimately responsible for the supervision of FAPE and the provision of SDI. The Director provides on-going professional development, training, and technical assistance for the district's SPED staff.

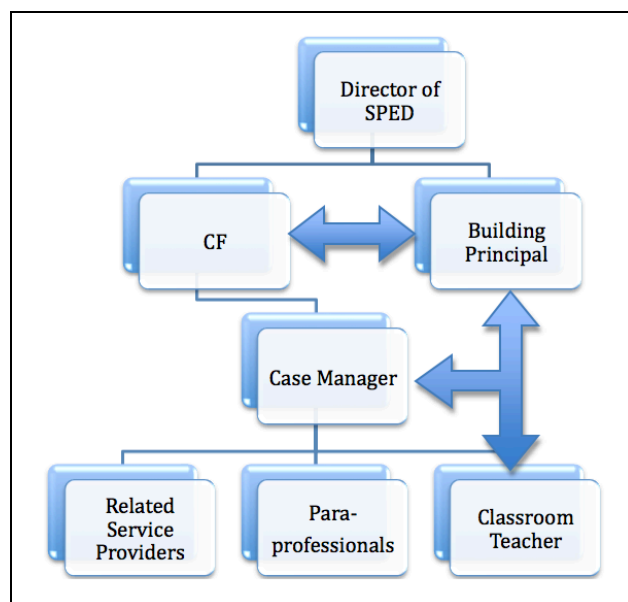


Figure 1

When problems or concerns arise relating to IEP compliance, FAPE, and/or the provision of specially designed instruction, the CF works directly with the Case Manager and when

appropriate, other service providers, the building principal, and/or the Director of SPED to remedy related issues. Team members are encouraged to work collaboratively to resolve compliance, FAPE, and SDI issues. When a collaborative process fails to produce a reasonable outcome, the CF should contact the Director of SPED. When this happens, the Director determines an appropriate course of action to remedy the situation. **At any point in the collaborative process, an IEP team meeting should be considered as a vehicle to remedy problems and/or concerns with the IEP including those relating to compliance, FAPE, and/or the provision of SDI.**

### Wyoming Chapter 7 Rules Governing Services for Children with Disabilities

#### Part 3. Section 2. Free Appropriate Public Education (FAPE).

(a) School districts and agencies shall ensure that Free Appropriate Public Education (FAPE) is available to all children with disabilities, aged three to twenty-one (21), residing in Wyoming, including those who have been suspended or expelled from school.

(b) The services provided to children address all of the identified special education and related services needs, even when a child is advancing from grade to grade.

(c) IEP teams determine the services and placement needed by each child with a disability to receive a FAPE based on the child's unique educational needs and not on the child's disability.

(d) School districts and agencies are not obligated to provide FAPE to students who have graduated with a regular high school diploma. This exception does not apply to students who have graduated, but have not been awarded a regular high school diploma.

## Least Restrictive Environment (LRE)



The Individuals with Disabilities Education Act (IDEA) requires that all children with disabilities, regardless of the nature and severity of their disability, must be educated **to the maximum extent appropriate** with children who are not disabled. This is referred to as the ***least restrictive environment*** or **LRE**.

34 C.F.R. §§300.114 through 300.118.

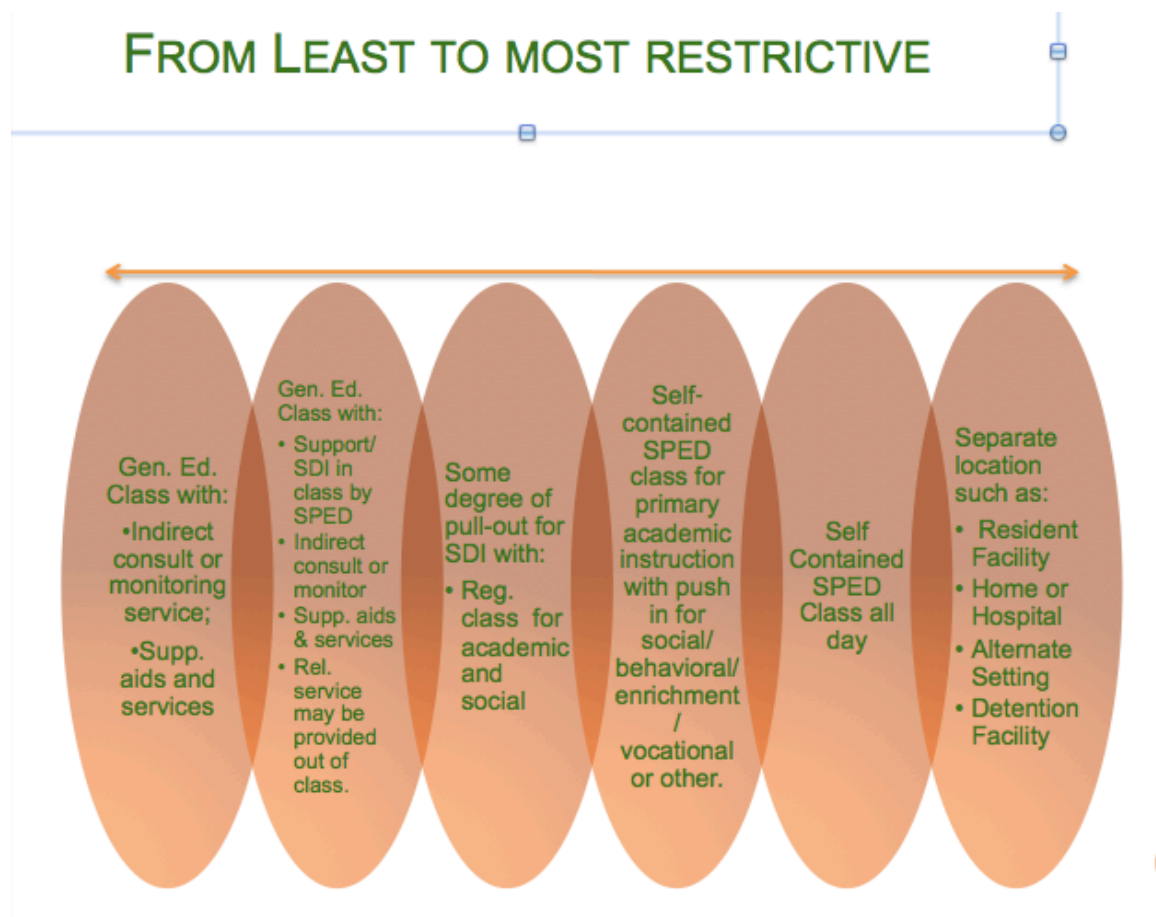
- LRE must be determined at least annually, or more frequently, as the student's needs change.
- The fact that a student learns in a different manner from other students cannot serve as the sole basis for selecting a more restrictive placement.
- Administrative convenience cannot play a role in a decision to place a student with a disability in a more restrictive setting.
- Placement decisions may never be made solely on disability category.

- Although the statute expresses a strong preference for mainstreaming, districts cannot lose sight of their obligation to provide FAPE. A student's placement on the LRE continuum must be based on her unique needs.

### Continuum of Placements

34 C.F.R. §300.115 requires each school district or public agency to provide a continuum of alternative placements to meet the needs of children with disabilities. The LRE for a student is the most inclusive point on the continuum in which the student's IEP can be satisfactorily implemented with the provision of supplementary aids and services. The IEP team must make this placement decisions in conformity with the provisions of IDEA. Placement should be as close to the student's home as possible while meeting other provisions. All placement options, including options requested by the parent shall be considered. Potential benefits and potential harmful effects should be considered for each placement option.

If the selected placement is a change from the previous placement, the parent shall be provided with prior written notice of the change of placement. If the parent requests a specific placement that the team rejects, the CF shall contact the special ed. director and provide prior written notice of it's refusal.



## Supplementary Aids and Services

Federal Regulations (34 C.F.R. §300.42):

**“Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with 300.114 through 300.116”**

Examples include: assistive technology devices, Para educator supports, preferential seating, adaptive furniture, etc. Supplemental resource for re-teach groups may be a supplemental service.

The law requires that we balance FAPE and LRE. (Educational benefit is job #1, LRE is secondary to this) The IEP team must determine the least restrictive environment in which each child can make progress in the general curriculum.

If inclusion is the least restrictive environment- this **requires collaboration**.

Collaboration is required to plan for students (IEP) and to deliver instruction and continually evaluate.

### **Step by Step:**

1. Review the student’s needs, IEP goals and current academic and nonacademic environments.

Begin with the assumption that the appropriate placement for the student is in the general education classroom in the school the student would attend if nondisabled.

Determine whether IEP goals can be implemented satisfactorily and the child can be provided with meaningful educational benefit in the general education environment.

If YES, then general education is appropriate.

If NO, then proceed down the list.

2. Discuss supplementary aids and services.

Determine whether the student can be educated satisfactorily in the general education environment with the addition of supplementary aids and services.

3. If, despite the use of supplementary aids and services, the student is unable to be satisfactorily educated in the general education environment for part or all of the day the team must consider other placement options on the continuum. The IEP team must ensure that each of the factors for placement are considered and marked appropriately on the IEP **AND** Explain the reasons why less restrictive placements are not appropriate.

### LEAST RESTRICTIVE ENVIRONMENT

A student with a disability shall be removed from the regular education environment only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.  
34 C.F.R. §§300.114 through 300.117.

	YES	NO
• The educational placement is based on the student's IEP.	<input type="checkbox"/>	<input type="checkbox"/>
• Removal from the regular environment is necessary based on the nature or severity of the student's disability, not the need for modifications in the general curriculum.	<input type="checkbox"/>	<input type="checkbox"/>
• The educational placement is as close as possible to the student's home.	<input type="checkbox"/>	<input type="checkbox"/>
• The educational placement is in the school that the student would attend if he/she did not have a disability.	<input type="checkbox"/>	<input type="checkbox"/>
• The IEP team considered any potential harmful effect of the educational placement on the student or on the quality of needed services.	<input type="checkbox"/>	<input type="checkbox"/>
• The student has the opportunity to participate in extracurricular and nonacademic activities with nondisabled students.	<input type="checkbox"/>	<input type="checkbox"/>

JUSTIFICATION: Considering Sections A. through D. and the questions above, justify the removal of the student from the regular education environment:

## Child Find

### Objective of Child Find Activities:

Lincoln County School District #2 desires to locate and identify all preschool and school aged individuals with disabilities. This includes all individuals who are currently enrolled in public schools, home-schooled students, students in private schools, students enrolled in virtual academies, wards of the state, neglected, delinquent, and incarcerated children, homeless children, migrant children, and individuals who have previously dropped out of school. This includes children suspected of having a disability even though they advance from grade to grade. It also includes students above the age of compulsory attendance who have not graduated with a regular diploma and have not completed the school year in which they reach their twenty first birthday. It is the district's objective to provide a free and appropriate public education to all individuals who meet eligibility criteria under the Individuals with Disabilities Education Act of 1997 (IDEA).

**Child find is a location and screening process used to identify those children who are potentially in need of special education and related services. Children so identified must then undergo the initial evaluation in 34CFR.300.301 to confirm eligibility.**

### Preschool Child Find Activities:

Lincoln County School District #2 contracts with the Lincoln/Uinta Child Development Association (LUCDA) to carry out the provision of child find for children ages birth

through five. A protocol of activities provided by this organization is on file in the LCSD#2 Special Services Office.

### **Child Find Activities for School-Aged Children:**

In addition to the child find activities for preschool-aged children, Lincoln County School District #2 shall use the following protocol to locate, identify, and serve school-aged individuals:

1. **General Instruction and Pre-referral Intervention:** Students who are experiencing academic difficulty in the regular education classroom shall receive the individual attention necessary to progress satisfactorily through the general curriculum and to reach proficiency in all related standards. Teachers shall conduct adequate assessment, early in the school year/semester, to determine student levels of performance. Teachers shall differentiate instruction for those students who are performing below expected levels. When a student does not respond favorably to general instruction and differentiation, the classroom teacher shall refer the child to the school's Building Intervention Team (BIT). Once a referral to the BIT or RtI team is made, a hearing and vision screening will be completed. Depending on the nature of the student's performance, the BIT can use one or both of the following processes to support the student:

- a. **Response to Intervention (RtI):** IDEA 2004 and its 2006 regulations allow states to permit the use of an eligibility process based on a student's response to "scientific research-based intervention," 34 CFR §300.307(a)(2). This process is commonly referred to as the Response to Intervention (RTI) process.

In Lincoln County School District #2, all students are screened in the areas of reading, writing, and mathematics at least twice annually. Students who score one or more standard deviations below the mean in one or more areas are considered for prescribed intervention and progress monitoring through a multi-tiered RtI process. Students who fail to respond satisfactorily to scientific research-based intervention, over a reasonable amount of time, are referred for a comprehensive evaluation for special education.

All teachers receive training on RtI procedures.

See RtI section of this handbook for more information on RtI.

- b. **Traditional Classroom-based Intervention:** The BIT can prescribe classroom-based interventions that are designed to support student learning or other deficits of the child. After a designated period of time, the classroom teacher evaluates the effectiveness of the interventions and provides the BIT with a written summary of their impact on the child's learning.

2. If the BIT or RtI interventions do not produce desirable outcomes and the child continues to experience academic difficulty, the teacher shall submit a referral for special education to the building principal and a copy to the BIT



chairperson. Vision and Hearing Screenings that are current within one year must accompany the referral. This means you may use the beginning of year screening results. If the student was not screened within the school year or if you have reason to suspect that the child's hearing or vision has diminished over the course of the school year, Referral for Special Education forms can be obtained through the building principal. The referral form shall be signed by the building principal and sent to the special services department. The evaluation process for a special education referral may take up to 60 calendar days to complete. During this time, the child should continue to receive RtI or classroom-based intervention and the teacher shall continue to differentiate instruction for the child. Progress monitoring and/or data collection should continue during the evaluation. All RtI and/or classroom-based intervention data shall be summarized and used as part of the comprehensive evaluation.

3. Each school provides information to ensure that staff members are knowledgeable about referral procedures through BIT or RtI and about characteristics of students with disabilities.
4. Parents may refer their students for special education and related services by contacting a school official and communicating an opinion that their child has a disability or by requesting a referral and/or testing for special education services. When a parent initiates a referral, one of two things will happen. First, the school may initiate procedures for a comprehensive evaluation to determine eligibility. Second, if any school representative disagrees with the appropriateness of the referral, a multidisciplinary team shall convene to determine the appropriateness of the referral. Regardless of the school's decision, the school shall provide the parents with a copy of the procedural safeguards for special education and shall provide prior written notice for evaluation or refusal to evaluate. **The district's director of special services shall be notified before a school refuses to evaluate a student who has been referred by a parent.**

If a parent contacts a classroom teacher, counselor, principal, or any other school professional, and requests special education testing and/or placement, the school employee shall immediately notify the district's director of special services.

5. When a child is referred for testing, the district's director of special services shall notify the appropriate compliance facilitator. The compliance facilitator assumes responsibilities for the continuation of the referral process.
6. Measures shall be taken each school year to make sure that parents and members of the community are aware of the availability of services for individuals with disabilities.
  - a. In August of each year, a news article or an advertisement shall be published in the *Star Valley Independent*.

- b. In March of each school year, an article for Disability Awareness Month shall be published in the *Star Valley Independent*. This article shall include child find information.
  - c. In August of each year Lincoln County School District #2 shall produce a flyer-containing child find information. This flyer shall be distributed to local doctor offices, post offices, and grocery stores for posting.
7. The district shall seek to determine if services are necessary for any home-schooled, virtual academy, or private school students. Home-schooled, virtual academy and private school students with disabilities may be served in an alternative fashion. This is an IEP team decision that must involve the participation of the district's director of special services.
  8. If a parent revokes consent for special education and related services as outlined in 34 C.F.R. §§300.9(c)(3) & 300.300(b)(4), any future request for an evaluation shall be treated as a new referral and initial evaluation for special education eligibility.

### **Child Find for Students Who Have Dropped-Out of School:**

1. When a student drops out of school or quits attending school to participate in a home school program, the district continues to be responsible for providing SPED and related services. When a student with disabilities drops out, child find procedures shall be initiated as follows:
  - a. Refer the student to his or her school's BIT.
  - b. Contact the student's parent and make sure they know that their student is no longer attending. Document this correspondence.
  - c. Invite the parent and, if appropriate, the student to attend an IEP to discuss service options.
  - d. Send a SEEDS report to the special services secretary that indicates that the student has dropped out of school.
  - e. Within a reasonable amount of time prior to the expiration of the student's IEP, make a good faith effort to get the parent and student to attend an IEP (at least 3 documented contacts for parents who say they are interested in attending an IEP). If the parent declines the opportunity to meet with the IEP team, document the correspondence and then send letter in Appendix B to the parent.
2. After exiting these students on the district's SEEDS count, the file will remain in the compliance facilitator's possession until the end of the school year in which the student turns twenty-one years of age. The above guidelines must be implemented at least annually prior to the due date of the student's IEP.

#### **Wyoming Chapter 7 Rules Governing Services for Children with Disabilities**

##### Citations:

34 C.F.R. §300.111 *Child find*

34 C.F.R. §300.131 *Child find for parentally placed private school children with disabilities*

W.S. §21-2-502(b) *Education of Children With Disabilities*

34 C.F.R. §300.612 *Notice to parents*

*Wyoming Department of Education Rules, Chapter 7, Section 4(a) Child Find*

### **Child Find for Private School and Home School Children With Disabilities**

In meeting the child find obligation with regard to children with disabilities attending private schools within the school district boundaries, the school district must consult with appropriate representatives of private schools and parents of private school children with disabilities to determine how best to conduct child find activities. Home school students are treated as private school students in the state of Wyoming.

If the parents of a child who is voluntarily placed in a private school does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the school may not use the consent override procedures of mediation or due process, and the school is not required to consider the child as eligible for special education services.

If a child is enrolled, or is going to enroll in a private school that is not located in the parents' school district of residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parents' residence.

Disagreements regarding child find for students placed in a private school by a parent shall be subject to the due process procedures in the IDEA and the state complaint procedures in the Federal regulations implementing the IDEA. Due process hearing requests shall be filed with the school district where the private school is located.

The school district's child find activities for private school students enrolled by their parents in private schools must be similar to, and completed within a comparable time period, as child find activities for students in the school district's or public agency's schools.

The school district must not include the cost of conducting child find activities for private school students, including individual evaluations, in determining whether it has spent a proportionate share of its federal IDEA funds on parentally-placed private school students with disabilities.

The school district must consult with private school representatives and parents of private school students with disabilities about how to carry out these child find activities, including:

1. How private school children suspected of having a disability can participate equitably, and
2. How parents, teachers, and private school officials will be informed of the process.

The child find process for parentally-placed private school students shall ensure the equitable participation of parentally-placed private school students with disabilities and an accurate count of such children.

Citations:

*34 C.F.R. §300.131 Child find for parentally-placed private school children with disabilities  
Wyoming Department of Education Rules, Chapter 7, Section 4(a) Child Find*

## Response to Intervention (RtI)

---

### I. Introduction

IDEA 2004 and its 2006 regulations allow states to permit the use of an eligibility process based on a student's response to "scientific research-based intervention" 34 CFR §300.307(a)(2). This process is commonly referred to as the Response to Intervention (RtI) process. RtI is a comprehensive multi-tiered system that is designed to provide research-based instruction to all children.

*Guidelines for developing an intervention that may be considered to be "scientific, research based" can be found in the No Child Left Behind (NCLB) Act, which uses scientifically based research as one of its educational cornerstones. The term itself is defined at 20 USC 7801 (37), and repeated in the 2006 IDEA regulations at 34 CFR §300.35, to mean research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs.*

In an RtI framework, most children receive general whole-class instruction in the first tier. Some children receive more intense small-group instruction in the second tier and few children receive very intensive individualized instruction in the third tier. Although RtI is a part of the general instructional program, particular components and processes must be implemented before data can be used as a basis for determining whether a child is a child with a learning disability. The purpose of this document is to ensure that RtI processes throughout the district align with State rules, policies and procedures, thus providing every child in need access to a comparable, valid, reliable, and comprehensive evaluation for special education.

In Lincoln County School District #2, all students are assessed in the areas of reading, writing, and mathematics at least twice annually. Students who score one or more standard deviations below the mean in one or more areas are considered for prescribed intervention and progress monitoring through a multi-tiered RtI process. When a student does not make sufficient growth in a particular tier (with appropriate problem solving and intervention changes), the student is moved to the next tier where the intensity of instruction and assessment increases. Ultimately, unexplained underachievement and insufficient growth (i.e., lack of progress) can lead to a determination of eligibility for special education services under the SLD category.

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive disabilities, of emotional disturbance, or of environmental, cultural or economic disadvantage. [Chapter 7, Part 4, Section 10(4)]

RtI models have the capacity to increase accuracy in eligibility determination while improving outcomes for and providing support to all students who are not achieving at expected levels. Successfully implemented RtI models require substantial cooperation between regular and special

education. They also require that procedures be used within general education to impact the general education curriculum and teacher practices. Widespread progress monitoring of all students, collegial problem-solving and systematic intervening within general education are highly beneficial for all students.

Using data from a process of response to scientifically-based intervention is substantive, but not sufficient for making a determination of SLD. The OSEP commentary clearly indicates that a response to scientific, research-based intervention, commonly referred to as response to intervention (RtI) cannot be the only determinant of whether a child meets SLD eligibility. “RtI is only one component of the process to identify children in need of special education and related services. Determining why a child has not responded to researched-based interventions requires a comprehensive evaluation. The results of an RtI process may be one component of the information reviewed as part of the evaluation. A child’s eligibility for special education services cannot be changed solely on the basis of data from an RtI process” (71 FR 46647-46648).

It is important to note that the comprehensive evaluation could include formal, standardized assessment tools, including measures of cognitive ability, in part or in whole. However, the decision of **which evaluation components are needed must be determined on a child by child basis** rather than on an assumption that each child will need a full battery of traditionally used assessments.

## II. Components and Procedures for RtI

All schools in Lincoln County School District #2 serving students in grades Kindergarten through 6<sup>th</sup> grade must establish and maintain an RtI process meeting the provisions outlined in this section. Secondary schools must meet these same provisions before using RtI as a means of determining whether a child is a child with a disability.

### A. Problem solving processes and problem solving teams:

1. Each school must establish a problem solving team who’s function is to:
  - a. Review performance data of students who are referred for intervention.
  - b. Ensure that all students are screened at least twice annually in the areas of reading, writing, and mathematics.
  - c. Ensure that students receiving tier II and tier III interventions are assessed according to an appropriate schedule relative to their prescribed level of intensity.
  - d. Analyze student performance data and make assumptions about individual student growth based on comparative and trend data.
  - e. When appropriate, prescribe interventions and/or changes in interventions based on student performance data.
  - f. When appropriate, refer students for special services (504 or SPED).
  - g. Other as determined by the building principal.
2. Composition of the Problem Solving Team:
  - a. Chair (can be the building principal or a designee)
  - b. General Education Teacher (standing member)
  - c. School Psychologist or other professional trained and/or qualified to analyze data and interpret assessment results.
  - d. Special Education Teacher
  - e. Add Hoc (invited when appropriate/necessary)
    - i. Teacher of a particular child
    - ii. Parent of a particular child
    - iii. Title One teacher or paraprofessional
    - iv. SPED related service provider (i.e. Speech only student)

3. Frequency of Meetings:
  - a. The Problem Solving Team must meet to review progress monitoring data and engage in the problem solving process as frequently as necessary to meet the provisions contained in these procedures. Frequency of meetings can be determined and adjusted at the discretion of the building principal.

B. Assessment and Data Based Decision Making:

1. All students shall be screened in the areas of reading, writing, and mathematics at least twice annually.
  - a. Data from general screenings shall be reviewed and those students who score 1 standard deviation below the mean (at or below the 15<sup>th</sup> %tile) and fail to reach district established grade-level curricular benchmarks in one or more areas shall be considered for intervention.
  - b. Schools may use standardized measures or they may use teacher-developed curriculum-based common assessments. Teacher-developed curriculum-based common assessments should be used uniformly in grade-levels across the district. When using these assessments, a district committee will establish cut scores and/or benchmarks that indicate an expected performance level appropriate for each respective grade level. Scores within each building are analyzed and students who fail to meet grade-level benchmarks and score at or below the 15% tile are considered for Tier II intervention.
2. Students who receive tier II intervention shall be assessed using a progress monitoring system where assessments are administered at least twice-monthly.
  - a. Data is analyzed at least monthly by the Problem Solving Team and instructional adjustments and/or intervention changes are considered when a student fails to make adequate academic growth over a four-week period (over two consecutive data points).
    - i. Adequate academic growth is determined by comparing the targeted child's performance data to that of the norm group. The norm group's mean growth data is charted to establish a trend line. The targeted child's data is charted and the slope of the trend data of the targeted child is compared to the slope of the trend data of the norm group. Adequate growth is achieved when the targeted child's growth exceeds that of the norm group. The school may determine whether to use National, State, or Local norm data when making this comparison.
3. Students who receive tier III intervention shall be assessed using a progress monitoring system where assessments are administered at least weekly.
  - a. Data is analyzed at least twice-monthly by the Problem Solving Team and instructional adjustments and/or intervention changes are considered when a student fails to make adequate academic growth, as defined in section III.B.2a.i., over a two-week period (over two consecutive data points).
4. Parent notification, participation, and consent:
  - a. Schools must make a concerted effort to involve parents as early as possible, beginning with instruction in the core curriculum. This can be done through traditional methods such as parent-teacher conferences. As a child progresses through the RtI tiers, parents should be informed of intervention changes and assessment results. **Parents must participate in the problem-solving process before a child's RtI data can be used to determine eligibility for special education services.**
  - b. Because RTI is a method of delivering the general education curriculum for all students, written consent is not required before administering universal

screenings, curriculum-based measurements, and progress monitoring assessments when these tools are used to determine instructional need. However, **when a student fails to respond to interventions and the decision is made to evaluate a student for special education eligibility, written consent must be obtained in compliance with 34 CFR §300.300 and Wyoming Rules, Part 1, Section 3.**

5. Each school must implement and sustain a 3 tier system for assessment and instruction/intervention including:
  - a. **Tier 1:** Universal Interventions. State content standards-aligned core instruction and school-wide positive behavior interventions and supports are provided to all students in the general education core curriculum. Interventions include:
    - i. High quality, effective instruction designed to engage and challenge students;
    - ii. Clear and high expectations for student learning and behavior;
    - iii. Effective support to enhance student engagement in the learning process and to promote school completion; and
    - iv. Periodic progress monitoring (at least twice per school year in reading, writing, and mathematics).
  - b. **Tier 2:** Strategic Interventions. Academic and behavioral strategies, methodologies and practices designed for students who are not making expected progress in the state content standards-aligned instructional system who are at risk for educational underachievement. Students who score one or more standard deviations below the mean on progress monitoring assessments are considered for strategic interventions. Strategic interventions include:
    - i. State content standards-aligned instruction with supplemental, small group instruction;
    - ii. Use of standard protocol interventions; and
    - iii. Minimum of twice-monthly progress monitoring.
  - c. **Tier 3:** Intensive Interventions. Academic and behavioral strategies, methodologies, and practices designed for students who are significantly below established grade-level benchmarks in the state content standards-aligned instruction. Intensive interventions are:
    - i. Determined and selected through an individual problem solving process;
    - ii. Explicit and skill specific;
    - iii. Individualized or provided in small group (3 to 5 students) instruction;
    - iv. Increased by frequency of intervention sessions and minutes per session; and
    - v. Progress monitored at least weekly.

### III. Using RtI Data to Determine Eligibility for SPED

- A. In order to be identified as a student with a Specific Learning Disability, the data collected during the Response to Intervention process must demonstrate the following:
  1. 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:

- a. Oral expression
  - b. Listening comprehension
  - c. Written expression
  - d. Basic reading skill
  - e. Reading fluency skills
  - f. Reading comprehension
  - g. Mathematics calculation
  - h. Mathematics problem solving; and
- B. The child does not make sufficient progress to meet age or state approved grade-level standards in one of the areas identified in paragraph A above when using a process based on the child's response to scientific, research-based intervention.

#### **IV. Exclusions**

1. In order to determine the existence of a Specific Learning Disability, the team must confirm:
  1. That the child's underachievement is not primarily the result of:
    - a. Cognitive impairment;
    - b. Emotional disability;
    - c. Cultural factors;
    - d. Environmental or economic disadvantage; or
    - e. Limited English proficiency.
  2. That the child's underachievement is not due to lack of appropriate instruction in reading or math as verified by:
    - a. Data that demonstrate that prior to, or as part of, the special education referral process, the child was provided appropriate instruction in regular education settings, delivered by highly qualified personnel; and
    - b. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction.

#### **V. Limitations**

- A. RTI is only one component of the process to identify children as eligible for special education.
- B. RTI does not replace the need for a comprehensive evaluation.
- C. A child's eligibility for special education services cannot be changed solely on the basis of data from an RTI process.

*For timelines and additional guidance, please refer to LCSD2 RtI procedure on file with special services and current forms developed in accordance with WDE guidelines.*

## **Responsibility for Children in Home School or Private School**

---

Students with disabilities may be receiving their education in private school settings for different reasons, including parental choice or placement by the school district. Home schooling is considered a private school placement. Our obligation to provide special education services, pay for services provided to children in private schools, or fund the private school placement depends on factors including whether:

- The child with a disability is placed in the private school by LCSD#2 as a means of providing special education and related services;



- The child with a disability is enrolled in a private school by his or her parents because the provision of a free appropriate public education (FAPE) is at issue or in dispute; or
- The child with a disability is voluntarily enrolled in a private school by his or her parents to receive a private school education as a matter of choice.

### **Children Placed in Private School by LCSD#2**

When the school district determines, through the IEP process, that the eligible child should be placed in a private school or facility in order to receive FAPE, the child's educational program, including special education and related services must:

1. Be provided according to the IEP and at no cost to the parent;
2. Ensure that the special education program is provided by staff who meet Wyoming personnel standards, although the private school teachers are not required to be highly qualified;
3. Ensure that the private school provides services consistent with IDEA requirements and state laws and regulations;
4. Ensure that the child has all rights of a child with a disability who is served by LCSD#2.

Prior to placing a student with a disability in a private school or facility, the team must conduct a meeting and develop an IEP for the child. The CF must ensure that a representative from the private school or facility participates in the meeting. This may be through attendance, or individual or conference calls.

Disagreements about the provision of FAPE for these students is subject to the due process procedures in IDEA and the state complaint procedures.

*Citations:*

*34 C.F.R. 300.145-300.147 children with disabilities in private schools placed or referred by public agencies.*

### **Children enrolled in Private School by their Parents when FAPE is at issue**

If the parents of a child with a disability, who previously received special education and related services enroll their child without the consent or referral by the resident school district or public agency in a private school because the parents believe the child was not receiving FAPE, a court, special education due process hearing officer, or WDE (through complaint process in 34 CFR 300.151-300.153) may require the school district to reimburse the parents for the cost of the private school placement only if both of the following findings are made:

1. LCSD#2 did not make FAPE available to the child in a timely manner before the private school enrollment; and
2. The private school placement made by the parents was appropriate to meet the needs of the child.

Private school placement by the parents may be found to be appropriate for the child even though the placement does not meet Wyoming standards that apply to special education and related services that are required by LCSD#2.

Reimbursement for a private school placement made by the parents may be reduced or denied if the court, special education due process hearing officer. Or WDE make any of the following findings:

1. At the most recent IEP meeting that the parents attended before making the private school placement, the parents did not inform the IEP team that they were rejecting the services or placements proposed by the school district or public agency to provide FAPE to their child, including a statement of their concerns and their intent to enroll their child in a private school at public expense;
2. At least 10 business days before the removal of the child from the school district, the parents did not give written notification to the school district that they were rejecting the services or placements proposed by the school district to provide FAPE to their child, including a statement of their concerns and their intent to enroll their child in a private school at public expense;
3. Before the parents' removal of the child from the school district, the district provided Prior Written Notice to the parents of its intent to evaluate the child, including a statement of the purpose of the evaluation that was appropriate and reasonable, but the parents did not make the child available for evaluation.
4. The actions of the parents in removing the child from the school district are found to be unreasonable.

Reimbursement of the cost of a private school for failure to provide the notification to the school district may not be reduced or denied if any of the following findings are made:

1. Compliance with the notification requirement would likely have resulted in physical harm to the child;
2. The school district prevented the parents from providing the required notification;
3. The school district did not inform the parents of their requirement to notify the school of their intent to remove the child.

Reimbursement of the cost of a private school for failure to provide the notification to the school district may, in the discretion of the court, hearing officer or WDE, not be reduced or denied for failure to provide the notice required if the parents are not literate or cannot write in English; or compliance with the notice requirements would likely result in serious emotional harm to the child.

Disagreements about the provision of FAPE for students placed in private school by a parent when FAPE is at issue shall be subject to the due process procedures in IDEA and the state complaint procedures.

*Citations:*

*34 C.F.R. 300.148 Placement of children by parents when FAPE is at issue.*

### **Requirements for Children Voluntarily Enrolled in Private Schools by their Parents**

Children with disabilities in private schools (including religious schools) must be provided an opportunity for participation in special education services. A child with a disability enrolled by a parent in a private school has no individual right to special education or related services. The school district where the private school is located must ensure that a proportionate share of Federal special education funding is used to provide services to this population of children.

In carrying out the obligation to provide services utilizing a proportionate share of Federal funds, each school district must annually consult with private school representatives and representatives of parents of parentally placed private school children with disabilities attending private schools during the design and development of special education and related services for the children regarding each of 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 with disabilities including the determination of how the proportionate share of those funds was calculated.
3. The consultation process among the school district, private school officials, and representatives of parents or parentally placed private school children with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services.
4. How, where and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of:
  - a. The types of services, including direct services and alternate service delivery mechanisms;
  - b. How special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school children and;
  - c. How and when those decisions will be made.
5. If the school district disagrees with the views of the private school officials on the provision of services or the types of services (whether provided directly or through a contract), the LEA must provide the private school officials with a written explanation of reasons why the LEA chose not to provide services directly or through a contract.

Consultation with appropriate representatives of private schools and parents of private school eligible students should occur 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 private school children with disabilities must have genuine opportunity to express their views and have meaningful input into the decision making process.

After the school district determines the amount of funds that must be allocated for providing services to children with disabilities in private schools located within the school district, the school district in consultation with appropriate representatives of private schools and parents of children with disabilities voluntarily enrolled in private schools, must determine how the funds will be allocated, how and where services will be provided and by whom. The school district however, must ultimately determine the types and levels of services to be provided.

If a child with a disability who is voluntarily enrolled by their parents in a private school receives services offered by the school district where the private school is located with its proportional share of funds according to the agreement reached in consultation, the

school district must develop a Services Plan for the child (available on WDE website and in our electronic IEP program). The parents of children served with a Services Plan do not have any due process rights, including any right to FAPE for their child, beyond issues related to child find, which includes evaluation/reevaluation.

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 children. To the extent appropriate, the Services Plan includes all of the IEP components. The elements in each child's Services Plan must be reviewed and revised on an annual basis and as necessary.

The location where services will be provided should be determined in consultation with appropriate representatives of private schools and with representatives of parents of children with disabilities enrolled in private schools. The location of services will impact the amount to be expended to provide services to children with disabilities in private schools. Services to parentally placed private school children with disabilities may, but are not required to be provided on the premises of the private school. An offer to provide services at the school district site generally meets a school district's obligations, even if parents refuse the services at that site.

If necessary for the child to benefit from or participate in special education services, a parentally placed private school child with a disability must be provided transportation from the child's school or home to a site other than the private school, and from the service site to the private school or child's home. LCSD#2 is not required to provide transportation from the child's home to the private school. LCSD#2 is not required to provide transportation out of boundaries. Transportation costs may be figured into the proportionate amount of funds expended for services.

Disagreements about the provision of services for parentally placed private school students when FAPE is NOT an issue are not subject to the due process procedures in the IDEA (except child find disputes). However, the state complaint procedures in the Federal Regulations may be utilized to address disagreements regarding these students.

Citations:

34 C.F.R. 300.130-300.144 Children with Disabilities Enrolled by their Parents in Private Schools.

**Please see "Child Find" section of this handbook for information regarding Child Find for students in Private School Settings.**

**Providing service to home school students:** We cannot use district or state funds for services provided to private or home schooled students. The district will use IDEA VI-B funds to pay a stipend based on your hourly rate when you provide services as outlined in a student's Private School Services Plan. When you provide services, You will be required to track your time using a district time sheet, available through the special education office. These services cannot be provided during school hours.

## Homebound Students

---

When a student with an IEP becomes homebound temporarily, what happens depends on the length of time the student will be homebound. If a student will only be out for less than 10 school days, the CM shall determine needs and coordinate with the school team any services that may be required. If services are required, a plan should be created and

parents notified in advance if possible. This should be documented in our web-based note system and progress should be monitored closely to assure that the student continues to receive FAPE. If it is anticipated that the student will be out for 10 days or more, The IEP team (including parent) will determine a plan for comparable service(s) that provides FAPE in the homebound environment.

*Note: The 10 days need not be “consecutive” and the school should be proactive in anticipating prolonged or chronic absences and have a plan in place.*

## Married Students

Married students count as adults even if they are under 18 years of age. They Must provide proof of marriage. CF will obtain copy of marriage certificate for file.

## Evaluation Procedures

---

The purpose of evaluation in special education is twofold. First, evaluation is an essential step in determining whether a child is eligible or continues to be eligible for special education and related services. Second, evaluation provides important information about a student’s present levels of educational performance. This is critical information to have when developing an IEP.

Either a parent or the school may initiate a request for an initial evaluation. If a parent requests an evaluation (initial or reevaluation) and the district does not believe this evaluation is warranted, the director of special education must be notified and will be involved in the decision making process. A parent must be provided with written notice of the decision and will have the opportunity to follow procedures outlined in state regulations.

### Pre-Evaluation Procedures:

Prior to beginning a comprehensive evaluation for the purpose of determining eligibility for special education, the following steps are required:

1. **All** pre-referral, RtI and BIT processes are followed as required by the preceding “child find” and “RtI” procedures. The building principal is responsible to review all referrals. The referral is then sent to the special education director. If the referral is incomplete or inaccurate, it is to be sent back to the BIT or RtI teams.
2. **All** referrals must be submitted on the district “Referral for Special Education” form.
3. **GUIDANCE FOR PARENT REFERRALS:** All referrals must come from the Building Principal (or designee) to the District SPED office.  
The attached Referral Form(E-1) must be completed by the Principal / designee for both a school referral or parent referral.

#### **For Parent Referrals**

Parent must put in writing a signed and dated request for referral (parent can write / print this on anything: Asking for "the school to evaluate their child for special

education.") Parents can write on anything, the school uses the form E-1  
 If possible please have the parent explain reasons / concerns as part of the Written Request... otherwise please discuss with the parent their concerns and then the Principal / designee can enter this information on form E-1  
 The Parent's request must be attached to the Referral Form, and the Principal / Designee can complete the other components as best as possible understanding that when a parent makes a request the student may not be in any RtI setting.  
 Please request a Vision and Hearing screening as soon as possible to catch any concerns. The SPED Director will notify both the Principal (designee) and the CF to move forward (take consent) or Not move forward (Send PWN).  
 From this point forward the CF takes control of the process.

4. Prior to sending a school-initiated referral to the director a vision and hearing screening must have been completed and any issues with vision or hearing addressed.
5. If using RtI: The referring school must attach a "parent notification of RtI letter". This letter serves as documentation that parents were notified of the RtI process specific to their child.
6. An evaluation can only occur after all BIT/RtI referral processes have been completed accurately.
7. The special education director will make a decision regarding whether or not an evaluation is indicated at this time. The director will notify the appropriate compliance facilitator of the direction to proceed.
8. The compliance facilitator must send a copy of "Procedural Safeguards" to the parents upon receipt of the referral for special education from the director of special education.

## **9. All evaluations begin with a review of existing data.**

Parental consent is not required prior to reviewing existing data. This may include but is not limited to: classroom grades, observations by teachers and others, any behavior data available, a review of information from outside sources such as medical, parent input, state & district assessments, RtI data (if conducted), student input, and classroom based assessments. This review of existing data does not require signed informed consent or a meeting.

10. The Multidisciplinary team must develop a "Multidisciplinary Evaluation Plan"
  - a. This process **must** include the participation of the student's parent, the special education teacher and/or speech language pathologist (SLP), a regular education teacher, compliance facilitator and a school psychologist (unless speech only eval).
  - b. The compliance facilitator, in collaboration with the school psychologist and special ed. Teacher or SLP, is responsible for the development of this plan. The CF will gain parent input following a proposal by the team. It is the responsibility of the school psychologist or SLP to ensure the quality and accuracy of the plan prior to beginning the evaluation.
  - c. The evaluation must include an observation of the child in his/her learning environment, including the regular classroom setting, to

document the child's academic performance and behavior in the areas of difficulty.

11. Prior to the initiation of any testing not given to all students, the CF must obtain a signed "Prior Written Notice and Consent for Evaluation" from the parents (or make reasonable efforts to obtain). This consent is not to be construed as consent for the initial provision of services. If the child is a ward of the state and not residing with the parent, we are not required to obtain consent if:
  - a. despite reasonable efforts to do so, the whereabouts of the parent cannot be determined.
  - b. The rights of the parents of the child have been terminated by the court.
  - c. The rights of the parent to make educational decisions have been subjugated by a judge and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

The district may, but is not required to seek informed consent through due process procedures if the parent of a child who is enrolled or seeking to enroll refuses consent for an initial evaluation.
12. Once these steps have been completed, the school may begin the evaluation process.

### Situations when you want to conduct a specific assessment that is for a child not on an IEP:

1. For students protected under IDEA – On an IEP or in the Initial Process: Consent to Assess / Evaluate should use IEP Forms and go through the CF
2. For students with a 504 or part of a 504 Initial Evaluation: Assessments / Evaluations should use 504 Forms and go through your 504 Point of Contact
3. All other situations when an assessment will be conducted: Parent Request, Physician Request, etc... Then consent should be on file using the "non-sped evaluation consent form" contained in the appendices of this handbook.

### **Evaluation Procedures:**

All evaluations are to be driven by the "Multidisciplinary Evaluation Plan." This plan is to be developed by the multidisciplinary team and under the direction of a school psychologist or SLP. Following a review of existing data, the school psychologist or SLP has the authority and responsibility to recommend tests and other assessment related

activities that are appropriate for the evaluation of a particular student. The plan must be provided in narrative to the parent on the consent to evaluate form. Compliance facilitators may choose to use a checklist form of an assessment plan for the team.

Evaluation activities shall be conducted only by individuals who are qualified and who have had proper training in any given evaluation technique/activity. All evaluation activities, including classroom observations, CBA information, and parent interviews, shall be summarized in report format. Reports shall include the following:

1. General student information (i.e. name, DOB, grade, school, teacher)
2. Date of the report
3. Name and position of the person conducting each evaluation activity
4. Name of, and if necessary a brief description of, each evaluation technique/activity
5. Evaluation data (scores)
6. Reason for the evaluation
7. Educational history and background information of the student
8. Testing behavior and observation (the child must be observed in his/her learning environment to document the child's academic performance and behavior in the area of difficulty. The child must be observed in an environment appropriate for the age of the child.
9. Test findings
10. Conclusions and recommendations
11. Statement that the evaluation was completed in accordance with the Multidisciplinary Evaluation Plan (MEP)
12. Signature of the person submitting the report

The person conducting each evaluation activity shall write summaries. Summaries that are completed by persons other than the school psychologist or SLP may be integrated into the primary evaluator's report or, when appropriate, they may be separate documents. The school psychologist or SLP shall determine whether a summary shall be integrated or remain as a separate document. All evaluation reports shall be complete and in writing before a multidisciplinary team can determine eligibility for special education and related services.

### **Referral and Evaluation Responsibility Chart:**

Task	Person(s) Responsible	
	New Referral/ Initial Evaluation	3YR Reevaluation
Complete BIT or RtI referral and send to director of special education	BIT/RtI Team, Building Principal	NA
Approve BIT or RtI referral	Director of special education	NA
Notify the district's special services secretary and appropriate CF of the	Director of special education	NA



new referral		
Send a Copy of Procedural Safeguards to parent	Compliance Facilitator	Compliance Facilitator
Elicit input from team members and complete the Multidisciplinary Evaluation Plan (MEP)	Compliance Facilitator	Compliance Facilitator
Monitor the development and implementation of the MEP	School Psychologist/SLP and Compliance Facilitator	School Psychologist/ SLP and Compliance Facilitator
Send “Prior Written Notice and Consent for Evaluation”	Compliance Facilitator	Compliance Facilitator
Conduct assessment activities and reports as indicated on the MEP	Professional staff as designated on MEP	Professional staff as designated on MEP
Schedule and conduct a “staffing” for the team to review evaluation data, and come to consensus about the school’s recommendations based on results and further need.	Compliance Facilitator	Compliance Facilitator
Schedule and conduct multidisciplinary team meeting to obtain parent input, review evaluation data, and determine eligibility. (May be in conjunction with IEP)	Compliance Facilitator and SPED staff for required reports and forms.	Compliance Facilitator and SPED staff for required reports and forms.
Obtain Parent signature for initial consent for SPED services if student qualifies for services	Compliance Facilitator	Compliance Facilitator
Send test protocols to the district’s Special Services Secretary	School Psychologist or SLP	School Psychologist or SLP
Complete all SEAS required forms and file/archive	Professional staff as designated and CF	Professional Staff as designated and CF
Complete all required student information for State reports and automated IEP system.	Compliance Facilitator	Compliance Facilitator.

All evaluation procedures must be in accordance with 34 C.F.R. 300.301 through 300.311. This includes obtaining appropriate consent to evaluate.

### **Requests from outside professionals:**

Signed “permission to exchange information” from the parent/ guardian is needed, prior to completing questionnaires for outside evaluations or outside service eligibility. (Requests often made by physicians, counselors or agencies for their purposes and not for our educational purposes). If this is not for a special education evaluation by LCSD2, then it would not be appropriate to complete the E-2 Prior Written Notice Consent for Evaluation form. The “permission to exchange information form” may be an LCSD2 form or the outside evaluator’s form.

### **Autism Spectrum Disorder Evaluation Team:**

The Autism Evaluation Team at Lincoln County School District #2 was designed to provide a comprehensive and timely evaluation by an interdisciplinary team to children with suspected Autism Spectrum Disorder (ASD). The team was developed in response to a community need due to the distance and time required by families to access services outside of Star Valley

Assessments are conducted by practitioners and specialists skilled and experienced with Autism Spectrum Disorder. According to best practices guidelines, a comprehensive assessment is one that includes:

- \*A detailed developmental history and review of records
- \*Evaluation of a child’s developmental, cognitive, adaptive, sensory/motor, language and behavioral functioning
- \*Direct observation of a child’s play, language, and social interaction
- \*If appropriate a medical examination.

Families then receive a comprehensive written report and have the opportunity to work with team members to implement recommendations at home and school.

Please contact Autism Spectrum Disorder Evaluation Team, for more information or to request consideration for an evaluation.

### **Initial Evaluation Timeline:**

It is critical that each and every referral be processed and that each evaluation/reevaluation be completed in a timely manner. The initial evaluation and determination of eligibility must be conducted within 60 days of receiving parental consent for evaluation (Federal Regulations- IDEA 300.301 ( c )).

The exceptions to the 60 day rule are: 1. If the child enrolls in LCSD2 from another public agency after the parent has provided consent and before the determination of eligibility LCSD2 must ensure a prompt completion of the evaluation. 2. If the parent of a child with a disability repeatedly fails to produce the child for the evaluation.

Within five days of receiving a referral, CF will contact parent, gain input regarding the evaluation and send Procedural Safeguards. CF will contact team to create Multidisciplinary Evaluation Plan. Prior to completing the MEP, coordinate assessment activities and completion dates with your school psychologist, and other participants of the evaluation process. The MEP should contain anticipated completion dates. CF will then send “Prior Written Notice and Consent for Evaluation” to parent, this will include a description of the evaluation process.

1. CF will notify team immediately upon receipt of consent from parent.
2. Complete all planned assessments within 35 days of the consent-received date.
3. Conduct Staffing within 40 days. All information should be summarized for the team at this time.
4. Conduct MDT meeting within 45 days (this includes a completed Psycho-educational Report or Speech Language Report; a completed “Evaluation

Report and Eligibility Determination” [form E 3]; and applicable “Eligibility Criteria” forms.

### **Determination of Eligibility:**

Initial Evaluation Determination: 34 C.F.R. 300.305 (a) (2) (i) (A)

1. Does the child have an IDEA disability?
2. Does the Child need special education and related services?

Please note that out of state transfers require an evaluation to determine eligibility.

Upon completing the administration of tests and gathering evaluation materials, a team of qualified professionals and the parent(s) of the child must determine whether the child has a disability at an MDT meeting. An IEP may or may not be developed at this time, depending upon the eligibility determination.

The child may not be determined to be eligible if the determinant factor for that eligibility determination is: a). A lack of appropriate instruction in reading or math; or b). Limited English proficiency.

The district will evaluate a child with a disability before determining that the child no longer has a disability. The evaluation is not required before the termination of a child’s eligibility due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under Wyoming State law.

In interpreting evaluation data for the purpose of determining if a child has a disability and establishing the educational needs, the team shall: draw upon information from a variety of sources, including aptitude and achievement tests, parental input, classroom teacher recommendations, physical condition, social or cultural background and adaptive behavior; ensure that information obtained from all of these sources is documented and carefully considered; and if a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child.

The school must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent, including filling out the “eligibility criteria” form for initial eligibility under the specific category of disability.

The MDT team must ensure that evaluation materials and strategies are administered so as not to be discriminatory, are 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 (unless it is not feasible to do so).

LCSD#2 will utilize only trained and knowledgeable personnel for the administration of evaluation materials.

The school psychologist (or SLP in the case of a speech only evaluation) is responsible for the following:

1. Gathering all evaluation materials
2. Ensuring that tests are administered in a manner in which they are valid and reliable and are administered in accordance with the instructions provided by the publisher.
3. Conducting a Parent Interview
4. Interpreting, summarizing, and explaining all data and evaluation results to the multidisciplinary team or, when appropriate, assigning other qualified team members to do the same. This includes the requirement of a written

evaluation report that shall be complete for review by the multidisciplinary team at the IEP meeting. A copy of this report shall be provided to the parents of the child with disability.

See Appendix A for Wyoming Severe Discrepancy Formula.

A student must meet eligibility criteria in one of the following disability categories:

Autism Spectrum Disorder \*see procedures below if considering this classification.

Cognitive Disability

Deaf-Blindness

Developmental Delay

Emotional Disability

Hearing Impairment, Including Deafness

Multiple Disabilities

Orthopedic Impairment

Other Health Impairment

Specific Learning Disability

Speech or Language Impairment

Traumatic Brain Injury

Visual Impairment, Including Blindness

Complete details on eligibility criteria can be found in Wyoming Chapter 7 Rules Governing Services for Children with Disabilities section 4, 7-3 through 7-17.

\*In general, the LCSD2 District Autism specialist should be contacted and consulted by the building principal, BIT team, MER/IEP team when Autism might be the suspected disability: (initial evaluation or change of eligibility).

1. For Initial Evaluations, or Reevaluations where a change in eligibility is being discussed, and the team is considering eligibility under the classification of “**Autism**,” the following procedures should be followed:
  - a. Prior to determining the assessment plan: The Compliance facilitator will contact the district Autism specialist (Staci Horsley) to participate in assessment planning with the appropriate staff. This planning process should include the Autism specialist conducting an observation of the child and an interview of relevant team members.
  - b. For assessment planning: When the suspicion is Autism, the building team must decide if it is capable of completing the assessments needed to determine eligibility, and/or 1.) If LCSD2 staff with specific expertise in other buildings are needed to participate and/or 2.) If an outside evaluation is needed to generate data. (The Director of Special Services should be notified when outside evaluations are considered.)
  - c. Prior to staffing for an MER: Autism specialist will work with the team to provide input, recommendations, and guidance regarding eligibility and potential programming/accommodations. The information provided by the Autism specialist will be considered at the staffing when determining the team’s proposal.
  - d. MER Meeting: The Autism specialist should be invited to attend the MER meeting, although would not always be required to attend.
    - If the team determines that providing the parent with more information and training would benefit the student, the Autism specialist should be consulted.

The specialist will guide the team in determining if this should be a service (ie parent training) provided through the IEP.

### **Determining and documenting the existence of a specific learning disability**

A child may be determined to have a specific learning disability (SLD) if the child's parents and a team of qualified professionals which must include:

1. The child's regular teacher; or
2. If the child does not have a regular teacher, then a regular teacher qualified to teach children of that age;
3. For a child of less than school age, an individual qualified by the State to teach children of his/her age; and
4. At least one person qualified to conduct individual diagnostic evaluations of children such as a school psychologist, speech-language pathologist or remedial reading teacher.

Determine that the student meets the criteria set forth below.

1. The child does not achieve adequately for the child's age or to meet grade level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or to meet grade level standards:

- a. oral expression
  - b. listening comprehension
  - c. written expression
  - d. basic reading skill
  - e. reading fluency skill
  - f. reading comprehension
  - g. mathematics calculation
  - h. mathematics problem solving
2. The child does not make sufficient progress to meet age or state approved grade level standards in one or more of the areas above when using a process based on the child's response to scientific, research based intervention; or
  3. The child exhibits a pattern of strengths and weaknesses in performance, achievement or both relative to age, grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of an SLD, using appropriate assessments.

The findings of this section are not primarily the result of:

- a. a visual, hearing or motor disability;
  - b. mental retardation;
  - c. emotional disturbance;
  - d. cultural factors;
  - e. environmental or economic disadvantage; or
  - f. limited English proficiency.
4. The group must ensure that the underachievement is not due to a lack of appropriate instruction in reading or math and consider:
    - a. Data that demonstrate that prior to or as part of, the referral process the child was provided appropriate instruction in regular ed. settings, delivered by qualified personnel; and

- b. Data-based documentation of repeated assessments of achievement at reasonable intervals reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

The school must promptly request parent consent to evaluate if, prior to referral, the child has not made adequate progress after an appropriate period of time when provided instruction.

Specific documentation for the eligibility determination for a child with SLD must contain a statement of:

1. Whether the child has a specific learning disability;
2. The basis for making the determination, including an assurance the determination was made in accordance with Federal and State regulations.
3. The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
4. The educationally relevant medical findings, if any;
5. Whether the child does not achieve adequately for his/her age or to meet grade level standards; and does not make sufficient progress to meet age or grade level standards; or
6. The determination of the group concerning the effects of visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level.

If the child participated in a process that assessed the child's response to intervention (RtI):

1. The instructional strategies used and the student centered data collected;
2. Documentation that the child's parents were notified about LCSD2's policy regarding the amount and nature of student performance that would be collected and the general education services that would be provided;
3. Strategies for increasing the rate of learning; and
4. The parent's right to request an evaluation.

Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

#### **Wyoming Chapter 7 Rules Governing Services for Children with Disabilities**

( C ) Eligibility under the IDEA.

( i ) Consistent with 34 C.F.R. 300.8, to be eligible for special education and related services under the IDEA a child must meet the criteria for one (1) or more of the disability categories listed, and the disability must adversely affect the student's educational performance such that the student needs special education, as defined in 34 C.F.R. 300.39, and related services, as defined in 34 C.F.R. 300.34.

( ii ) Limitation: Speech Language Impairment is the only disability category that would be considered either:

( A ) A special education service if eligibility criteria is met, or

( B ) A related service if the eligibility criteria for one (1) of the other disabilities categories are

satisfied.

**Initial consent for services.** The CF must obtain informed consent from the parent before the initial provision of special education and related services to the child. If a parent refuses consent for the initial provision of services the district will not seek consent through due process procedures.

### **Reevaluation:**

To reevaluate your child for the continued need for special education and related services. 34 C.F.R.

§300.300(c) (An evaluation after the initial evaluation.)

A Re-evaluation may be completed anytime the team, including parent, agrees that such a re-evaluation is warranted. The district may determine that educational or related service needs, including improved academic achievement and functional performance, of the child warrants a reevaluation. A re-evaluation will be conducted if the parents or teacher requests a reevaluation. A reevaluation must be conducted within three years of the previous eligibility determination date unless the parent and district agree that a re-evaluation is unnecessary.

A reevaluation will not be conducted more than once per year unless the parent and district agree otherwise. Vision and Hearing Screenings should be part of a re-evaluation process. You may use the beginning of year screening results. If the student was not screened within the school year or if you have reason to suspect that the child's hearing or vision has diminished over the course of the school year, a new vision or hearing screening should be conducted. At the beginning of the school year, CF's should provide the school nurse and SLP with a list of student's who will be due for their 3-year re-evaluations during the school year.

**Three-year reevaluations** that are due before November 1 are to be completed by the current team in the spring. Three-year reevaluations that are due on or after November 1, are to be completed in the fall by the receiving team.

**Consent:** CF must obtain informed consent prior to a re-evaluation when additional assessments are required. If the parent refuses consent, the district may utilize due process hearing procedures to seek consent, but does not violate it's obligation if it declines to pursue the re-evaluation. Informed consent need not be obtained if: The district made reasonable (documented) efforts to obtain consent, and the parent failed to respond.

The district may not utilize due process procedures to seek consent for a re-evaluation for students who are home schooled or in (parentally placed) private schools when the parents fail to respond to requests for consent.

LCSD#2 may not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit or activity, except as required in regulation.

*C.F.R. 300.300 parental consent*

Although informed consent is required prior to a reevaluation with additional assessments, the district may re-determine eligibility using existing data without parental consent.

An “eligibility criteria” form is not completed for re-evaluations. The criteria may be used as a reference, but the form is not to be completed as part of the re-evaluation process and the student does not need to meet the stated criteria on a re-evaluation.

Re-evaluation Determination: 34 C.F.R. 300.305 (a) (2) (i) (B)

1. Does the child **continue** to be a child with an IDEA disability?
2. Does the child **continue** to need special education and related services?

A re-evaluation of each child is conducted if conditions warrant a reevaluation or if the child’s parent(s) or teacher(s) request a reevaluation, but at least once every three (3) years.

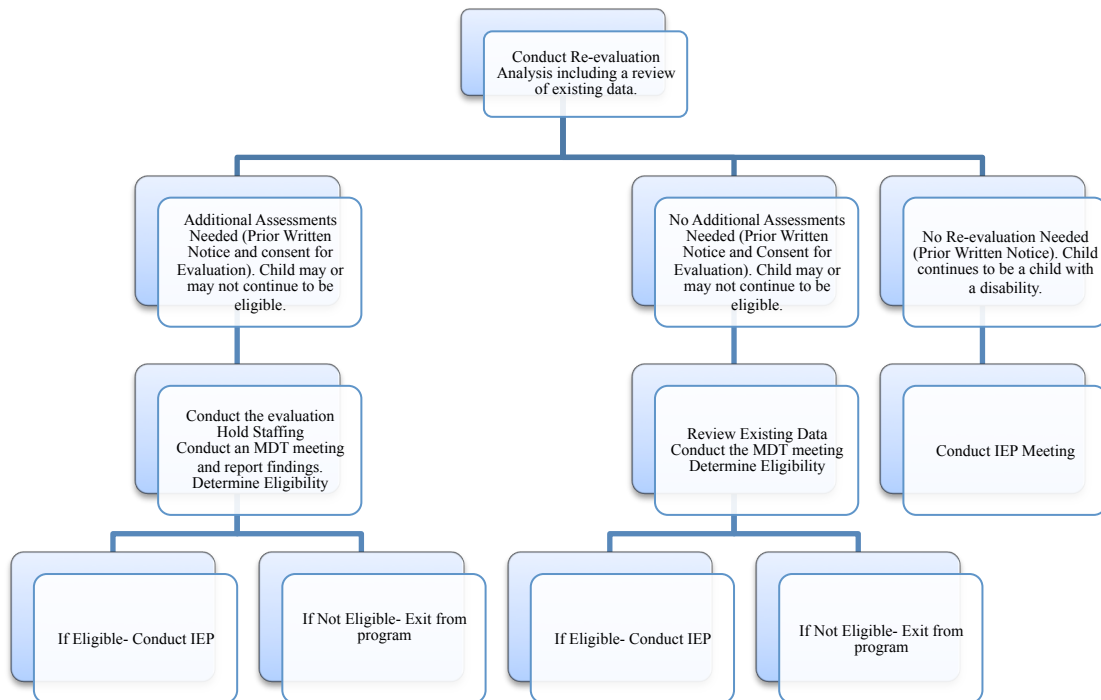
The team has three (3) options to consider upon the 3-year re-evaluation date:

1. Conduct additional assessments as part of the re-evaluation.
2. No additional assessments are needed, the team will use existing data (including but not limited to: state and district assessments, CBA, work samples, informal observations, teacher report, parent and student input) to support continued eligibility.
3. No Need to Reevaluate (this option is for students with significant disabilities who clearly continue to have the disability and no further evaluation is necessary. This could include students identified as having a cognitive disability.) If the team chooses this option, it must be documented to show that a re-evaluation was considered at least once every three years. It is the Compliance Facilitator’s responsibility to document this.

Procedures and practices for reevaluation with additional assessments are inherent in the general evaluation procedures.

The flow chart on the following page illustrates our three re-evaluation procedures:





When a re-evaluation results in a change of eligibility classification: —

The student must meet initial criteria in the “new” eligibility classification.

The “eligibility criteria” form must be completed (used only for “initial” criteria in a classification.)

On the PWN & Consent for Evaluation- it is a re-evaluation.

On page 3 of the “Evaluation Report & Eligibility Determination” it is a “Re-evaluation.” Because it was a re-evaluation that led to the classification change.

You should tell the story in the documents.

**Termination of eligibility:** LCSD#2 will evaluate a child before determining that the child is no longer a child with a disability except when the termination is due to graduation with a regular high school diploma or completion of the school year in which the student turns 21 years of age. “Eligibility Criteria” sheets are not used when a student is exited from special education. The criteria may be referenced if the team feels this is helpful, but they are not used as criteria for exit.

## **Organization of Evaluation Forms and Information:**

All **test protocols** are copyright protected. Protocols are strictly protected for the purpose of preserving the integrity and validity of the assessment. School districts and school staff have a professional responsibility to protect the confidentiality of all test protocols. The following procedures shall be followed:

1. Following each IEP meeting, for the purpose of reviewing assessment results and determining eligibility, the school psychologist or speech pathologist shall send all test protocols to the district's Special Services Secretary.
2. The district's Special Services Secretary shall immediately file these protocols in a supplemental file, under the student's name, in the district office special education file system. This file shall be locked and secured at all times.
3. Parents may request access to the test protocols. Access to parents shall be granted under the following circumstances:
  - a. The test protocol shall not be copied, except as required through a court order.
  - b. The test protocol shall not leave the district office, except as required through a court order.
  - c. Parents may have access to and review their student's test protocol in the presence of a certified school psychologist.

**Classroom observation** forms and all related data and summaries for the current evaluation/reevaluation shall be located in the current IEP file with the "Eligibility Determination" form.

**Parent interview** forms may be kept in the student's supplemental file that is located at the district office (with the test protocols) or in the IEP file. A summary of the information from these forms must be included in the Evaluation Report(s).

The special education file shall contain the following: Prior Written Notice and Consent for the Evaluation (or documentation of no-need option), Psychologist or Speech Pathologist Report, "Eligibility Criteria" Form (for initial evaluation or change of classification only), and "Evaluation Report and Eligibility Determination" (for initial and re-evaluations).

## **Independent Educational Evaluation:**

If a parent or adult student requests an independent educational evaluation, the person receiving the request must notify the district's Director of Special Services within 24 hours of the request. The district's Director of Special Services shall respond to the parent's request within 10 calendar days. Prior Written Notice explaining the school's position must be sent to the parents. The district's response must be in accordance with part 2, section 2 of the Wyoming Rules Governing Services for Children with Disabilities.

## Denial of Consent or Does Not Qualify

---

**Denial of consent for evaluation:** If a parent declines consent to have a student evaluated follow these steps: (note that “Procedural Safeguards” would have been distributed when the consent went out.)

Ask the parent to check the box which states that they do NOT give consent to evaluate and sign and return the “Prior Written Notice and Consent to Evaluate” form (WDE form E-2) to the compliance facilitator. If this form is returned with the box indicating no consent, the referral and this signed form should be returned to the special services office and a note should be made in electronic format indicating what happened. The Compliance Facilitator shall prepare Prior Written Notice and indicate that the referral process has been closed/stopped due to parental denial of consent to evaluate. The PWN should state that the student may still receive interventions that would be provided for an general education student and that the parent may request an evaluation at any time if they change their mind regarding the evaluation.

1. If the CF is unable to secure a signed copy of the “Prior Written Notice and Consent to Evaluate” form as indicated above, the district must send out Prior Written Notice:
  - a. If the parent verbally stated that they will not give consent or the parent has verbally stated that they have changed their mind and will not give consent (and the CF can’t secure a parent signature) then PWN should indicate that the parent has verbally declined consent to test and that the district therefore intends to cease the evaluation process and not move forward with assessments. Again, a note should be added to the electronic IEP program.
  - b. If the CF is not able to get any response from the parent, then PWN notice should indicate the dates and types of attempts to contact the parent. PWN should include a statement that without consent, the district will cease the evaluation process and not move forward with assessments. In addition, a note should be added to the electronic IEP program.
2. The referral and either signed consent or Prior Written Notice should be returned to the special services secretary for retention of record.
3. The BIT team should be notified of parent’s refusal for evaluation.
4. “Referred not Placed” should be indicated on electronic format program and the student should be “inactivated”. CF should clearly articulate the specific circumstances that occurred within the “notes” section of electronic program.

**Revocation of consent for evaluation:** A parent may revoke consent while an evaluation is in progress (note that “Procedural Safeguards” would have been distributed when the consent went out.)

If parent indicates desire to discontinue the evaluation process, members of the team will ensure the parent understands the evaluation process and clarify the request. If the parent

wishes to stop the evaluation process, the Compliance Facilitator will ask the parent to provide a written request. When received, the Compliance Facilitator shall prepare Prior Written Notice and indicate that the referral process/evaluation has been closed/stopped due to parental withdrawal of consent to evaluate. The PWN should state that the student may still receive interventions that would be provided for an general education student and that the parent may request an evaluation at any time if they change their mind regarding the evaluation.

**Parental Denial of Consent for Placement in Special Education Services:** If the district evaluates a student and determines that there is a disability and the school believes that the student does need specially designed instruction, but the parent refuses consent for special education services:

1. Prior to the determination:
  - a. The district must schedule and conduct a meeting to review evaluation results with the parent(s), provide an opportunity for parent input, and make a determination of eligibility.
  - b. Regarding SLD: Please note that this is different than agreeing or disagreeing with a finding of “Specific Learning Disability”. Please see SLD Eligibility section of this handbook for protocol when a team member disagrees with the team’s findings re: SLD eligibility. If the team proposes that a student is eligible under SLD despite a team member’s written response disagreeing with the conclusion, this is a separate issue from agreeing to or declining services. (For example, if a parent disagrees with the SLD finding, but the team still finds the child eligible, the team is obligated to present an offer of services, at which point the parent may consent or not consent to the provision of those services.)
  - c. The “Evaluation Results & Eligibility Determination” form (WDE form E-3) should reflect the team’s proposal (including parent input). “Eligibility Criteria” form(s) (WDE form(s) E) should be completed for all areas of suspected disability evaluated.
2. Following the review of evaluation results (regardless of eligibility category) and proposed IEP, if the parent does not consent to special education services:
  - a. On the form “Prior Written Notice & Consent for Initial Provision of Services” (WDE form I-3) Parent’s not wishing to provide consent should check the box stating: “I DO NOT CONSENT to the initial provision of special education and related services” and sign the form. In order to be clear, the CF shall provide PWN stating that the student will not be receiving SPED services due to parental denial of consent for the provision of SPED services. The PWN should also state that supports may be provided to the child as they would for any general education student.
  - b. Another copy of procedural safeguards should be provided and noted.
3. The CF shall send all paperwork generated to the special services secretary.
4. The special services secretary will add a statement to the power-school flag that says that the records are available upon request from the district special services office.

5. A note should be made on the electronic IEP program explaining the circumstances and decisions.
6. “Parent Refused Placement” should be indicated on the demographics page of the electronic program and the student should be inactivated in the program.
7. The CF will notify the BIT team of the team/parent decision.

**Student does not meet eligibility criteria for special education services:** If the student does not qualify for services (does not meet eligibility and/or does not need special education) following an evaluation:

1. Prior to the determination:
  - a. The district must schedule and conduct a meeting to review evaluation results with the parent(s), provide an opportunity for parent input, and make a determination of eligibility.
  - b. The “Evaluation Results & Eligibility Determination” form (WDE form E-3) should reflect the team’s proposal (including parent input). “Eligibility Criteria” form(s) (WDE form(s) E) should be completed for all areas of suspected disability evaluated. Parents should again be provided with “Procedural Safeguards”.
2. The CF will complete “Prior Written Notice” (WDE form G-2) indicating that the student was evaluated and did not meet eligibility requirements. It should also be noted on PWN that the student is being referred to the Building Intervention Team (BIT team) and that the BIT team will make decisions regarding possible 504 considerations or general ed. interventions if necessary.
3. The CF will copy the referral and the “Evaluation Results & Eligibility Determination” form and provide it to the building administrator with the “Not Eligible/Exited Letter to Admin” (Appendix G of this handbook).
4. The original copies will go to the special services secretary for retention at the district office.
5. The special services secretary will add a statement to the power-school flag that says that the records are available upon request from the district special services office.

A Note should be entered in the electronic file and the demographics box “Did Not Qualify” should be checked. Student should then be “inactivated” in the electronic program.

## Exit from Special Education Services

---

### Exit from Related Service—while continuing on an IEP

- Always starts with a review of data. This review of information requires a team approach through communication and sharing of information between the CM, CF and related service provider as soon as a team member

proposes that the student is ready to be exited from the related service.

- Based on the existing data- the school-based team may decide if more data (ie evaluation) is needed. CF would obtain consent if needed.
- Once school team is in consensus on considering this proposal- parent input should be sought and considered prior to the IEP meeting or drafting of an IEP amendment.
- For an IEP Amendment, if all are in agreement, the IEP Amendment should include a discharge report, and PWN stating the decision to exit from services.
- For IEP meetings, after the final decision of the IEP team, the IEP needs to include a discharge report and PWN stating the decision to exit from services.

### Revocation of Consent

**Revocation of consent for Special Education and Related Services 34 C.F.R. 300.9(c)(3) & 300.300 (b)(4)**

- **Parents or adult students have the right to unilaterally revoke consent for special education and related services.**
- **Revocation must be in writing (but does not have to be on the specific state form).**
- **Parents/adult students DO NOT have to give a reason.**
- **Tell CF immediately if you get such a request verbally or in writing.**
- **CF's will alert special education director and develop a prior written notice to notify parents of a cessation of services within 10 days of receiving a request for revocation of consent.**

### **When parents revoke consent, the district's duty to provide FAPE ends**

Once consent to revoke is received in writing....,

The school district:

1. Is not required to convene an IEP team meeting or develop an IEP.
2. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide further special education and related services.
3. May not seek to use consent override procedures such as mediation or due process procedures to obtain an agreement or a ruling that services may be provided to the child.
4. May not continue to provide special education and related services to the child, but must provide **Prior Written Notice** before ceasing the provision of special education and related services. Services will cease 5 business days after notice.
5. Is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.
6. CF will provide above mentioned Prior Written Notice to parent.
7. CF will exit student on electronic program and send hard file to special services department.

After revocation, the child may be placed in any classroom where other general education students are placed.

Any future request for an evaluation shall be treated as a new referral and initial evaluation for special education eligibility.

Once consent is revoked, the student is considered a general education student and the compliance facilitator shall refer the student to the school Building Intervention Team to consider tiered interventions if warranted. BIT referrals and interventions are available to any general education student demonstrating need. In addition, the BIT team may consider a need for a 504 plan. However parents/adult student need to know that once revocation for special education occurs the student is not automatically entitled to services under Section 504.

**Discipline procedures** after revocation. 109 LRP 41915 If parents revoke their consent to special education, their child becomes subject to regular disciplinary procedures and is no longer entitled to protections under the Procedural Safeguards.

## **Graduation and Program Completion**

To earn a regular high school diploma from Lincoln County School District #2, students with disabilities must complete all board-approved graduation requirements that are specific to the school of attendance. IEP teams are not authorized to alter graduation requirements, standards, or levels of proficiency.

Students with disabilities who do not meet Lincoln County School District #2 graduation requirements shall receive a certificate of completion if the IEP determines that a particular child's attendance and participation was satisfactory based on the unique individual circumstances of the child. IEP teams may issue a certificate of completion when or any time after a student's class graduates.

All students with disabilities will participate in graduation ceremonies, if they are receiving a diploma or an IEP certificate of completion. Students with disabilities shall participate in graduation ceremonies only once. This avoids students, who have not earned a diploma, from participating in graduation ceremonies for several consecutive years.

All special education students are eligible for services until the end of the school year in which they turn 21, unless they have earned a regular diploma before their 21<sup>st</sup> birthday. An eligible special education student may continue to receive services after receiving a certificate of completion and participating in a graduation ceremony. If a special education student completes the requirements for a diploma before age 21, the student will receive the diploma, even if the student has already received a certificate. Once a student meets all graduation requirements and receives a regular high school diploma, he/she is no longer eligible for special education and related services, and shall be exited from the program.

When a special education student graduates or ages-out (reaches the end of the school year in which he/she turned 21), prior written notice for a change in placement shall be provided to parents and adult students with disabilities within a reasonable time before special education and related services cease. This notice of change in placement may occur within the Prior Written Notice that is provided with the Summary of Performance as long as it is provided within a reasonable time before the cessation of services.

Prior to termination of eligibility (through graduation with a diploma or reaching the age of 21 within that school year), the compliance facilitator will provide the parent and/or adult student with a “Summary of Performance” form completed by the case manager and “PWN: termination of eligibility” form that has been completed by the CF.

Should a student decide to exit/leave school with a Certificate of Completion “only,” before reaching 21 years of age – the school will follow Child Find Procedures until the student reaches 21 years of age. The high school level compliance facilitator (or case manager in Cokeville) will keep the students file and send an annual Child Find letter until the student has aged out of services.

### Return to Regular Placement

When any or all team member(s) feels that the student may be ready to exit special education services, the first step is to communicate with the parent or adult student and the school team.

1. An evaluation plan should be considered, which will include a review of existing data and may include additional assessments. If additional assessments are indicated, the CF should obtain parental consent for evaluation.
2. Conduct evaluation and meet with parent or adult student to review results and make decision, considering if the student continues to meet eligibility and considering if the student continues to need special education. The Evaluation Report and Eligibility Determination form should be used. Note that an “eligibility criteria” form is only completed for initial eligibility and therefore not used for return to regular placement.

Upon completion of the eligibility determination meeting, if the team feels that the student no longer meets eligibility and/or no longer needs special education services, then the student is exited and returned to regular placement once the following the steps are completed:

For Parents (or adult student):

1. “Evaluation Results & Determination of Eligibility Form” is completed during the meeting and provided to the parent.
2. CF prepares Prior Written Notice indicating that student will be exited from special education service, and provides copy to parent.
3. A copy of procedural safeguards is provided to parent.

School and District:

1. Provide a copy of the “Evaluation Results & Eligibility Determination” and “PWN” along with the “Not Eligible- Exited” letter to building administrator for BIT referral. The BIT team will determine if a 504 team referral is recommended.



- The BIT team will also determine when a student should be exited from the BIT process.
2. We do not need to refer a newly released student to BIT if there were no academic supports in place when the student was on an IEP and there are no concerns upon release. (Most commonly occurs when a student was seen for articulation services without any other services.)
  3. Exit student on electronic format IEP and choose “return to regular placement” option.
  4. Send hard copy special education file to district special services secretary.
  5. The special services secretary will add a statement to the power-school flag that says that the records are available upon request from the district special services office.

## Assistive Technology

---

Lincoln County School District #2 shall provide assistive technology (AT) to students with disabilities when necessitated by the IEP, in order for the student to receive a Free and Appropriate Public Education (FAPE). AT evaluations shall be provided based on IEP team member referrals and parental consent. AT services shall then be provided pending recommendations of the AT and IEP teams.

Assistive Technology Team:

The district shall maintain a functioning Assistive Technology Team consisting of at least one speech and language pathologist, an occupational therapist, and at least one special education teacher. Other qualified staff may be invited to participate in various team functions as needed. Members of the Assistive Technology Team shall receive training on specific strategies, skills, programs, and procedures relating to Assistive Technology evaluation and implementation. The purpose of the Assistive Technology Team is to act as a resource to IEP teams for the evaluation and implementation of Assistive Technology with students with disabilities.

The following AT procedures shall be observed:

1. IEP teams will consider Assistive Technology needs for all students when proposing a draft of an initial/annual IEP. The team will use the AT Consideration Guide (see Appendix J) to determine what, if any, needs are evident and whether those needs can be met through IEP accommodations, trialing AT devices, or if an Assistive Technology Evaluation is necessary. A statement regarding how identified needs will be addressed should be included in the PLAAFP of the IEP draft. The AT Consideration is included in the SEAS packet and will be part of the IEP packet in the student’s compliance file.

2. IEP teams may prescribe the use of low tech AT (i.e. communication boards, tangibles, tactile objects, PECS) and low-cost or preexisting technologies (i.e. spell checkers, computer software, switches, etc.) prior to or without an assistive technology evaluation. Such AT may be written into the IEP as an accommodation or as a condition of a goal, objective, or benchmark. If the team determines that such AT may be necessary at most or all times to facilitate a child's communication, learning or other life skill area, then the IEP team shall request an AT evaluation and make an appropriate referral to the district's AT team.
3. Before an IEP team may determine the need for an assistive technology device or service (other than those mentioned above) and related parent and staff training, an assistive technology evaluation must be completed by the district's AT team.
4. If low-tech devices and/or available resources and equipment are not successful, the case manager may contact the AT team chairperson for consultation. At that time, if an AT assessment is determined necessary; the case manager will request an AT assessment.

### Assistive Technology

#### *Pre- assessment process*

Case Manager consults with AT building representative before submitting a referral for an assessment. AT building representative will consult with team to determine if AT evaluation is necessary. (It is recommended that CM inform Compliance Facilitator of any consideration for referral.)

Case Manager makes two copies of completed Request for AT Consideration form. (One for sped student file and one for AT chairperson) Then sends one form to the AT Chairperson.

The Request for AT Consideration form is available online on the district website. You will need to go to the staff link once you are on the LCSD2.org site in order to access AT section.

Compliance Facilitator makes a note in student file/ SEAS that referral has been sent. AT chairperson will then notify the CM if it is decided that an assessment is needed and let the CM/ CF know whom the assessment team lead will be.

Compliance Facilitator makes up packet with parent letter, permission to photograph form and permission to test form. (Parent letter, permission to photograph print off from the district website and the permission to test form print off from SEAS)

Compliance Facilitator then sends packet to parent(s). (Note in file/SEAS when sent)

Compliance Facilitator contacts AT team leader as soon as signed permission is received from parent. (Check to make sure all paperwork has been signed). Send copies to AT team leader.

#### *Assessment Process*

Case Manager sends a copy of the student's schedule, teacher(s) and paras' availability times for interviews.

Case Manager plans with team leader for the assessment day. (AT chairperson will let you know who the team leader for the assessment is) Be sure to cc this info to your Compliance Facilitator.

Case Manager collects work samples prior to the assessment day.

Case Manager needs to let the student, teachers, paras and principal know what to expect. Also let them know the day and time that the assessment will take place. (THIS IS A VERY IMPORTANT PART OF THE ASSESSMENT)

*Expectations:*

- The team will consist of 3 to 4 people.
- Observations will take place in multiple settings.
- Interviews will be conducted with all people involved with student.
- Student will be pulled for trials.

Case Manager needs to call the parent(s) to confirm that student will be in school on the assessment day. Confer with AT team leader, if needed.

If student will not be in school for any reason please notify the assessment leader as soon as possible. It is very important to get this information to them prior to the assessment team's arrival.

*Brainstorm Session*

Case Manager now needs to set up time, place, and contact all participants. Parents, case manager, classroom teacher, and team leader. May also include principal, student, and others as needed. (This will be held immediately following assessment if possible. It is the responsibility of the Case Manager to contact participants for brainstorm. If this session cannot be held right after assessment then a separate time will need to be set up.) Brainstorm session held and ATAP is filled out. Case Manager implements trials and completes implementation log. (Case Manager will receive the log from team leader at the brainstorm session.)

*Final steps*

AT team leader sends final report to Compliance Facilitator. She/he then sends report to parents, and shares with Case Manager and other service providers as appropriate.

Compliance Facilitator uploads report and documents in SEAS.

After trials are completed and data is collected on trials, Case Manager consults with IEP team to determine if addendum will be completed to document AT needs, or if IEP will be convened to document AT needs.

Procedure/Policy for AT Check-Out:

AT equipment contained in the Lincoln County School District #2 Loan Bank is available to all students enrolled in the district. First priority for checkout of equipment will be provided to LCSD#2 students. If equipment is available, it may be checked out to neighboring school districts, or community agencies.

Please refer to inventory list for equipment available for checkout. Equipment can be checked out for thirty days at a time. Equipment may be kept longer if needed, and if there are no other pending requests. Responsible party will fill out the "Assistive Technology Check-out and Use Agreement" form.

**When a CM needs equipment, training, etc. they will need to put the request on help desk. This will help the AT team keep track of what needs to be done. Please be as specific as possible about what you need so that the AT team understands your needs.**

If the IEP team determines that the child requires assistive technology device use in the home or other settings, it may be decided that school purchased devices will be used for this purpose.

For a complete listing of AT equipment available in the district, please contact the AT representative for your building.

3 Year Re-evaluations: Case managers are responsible for going to the website and printing off 3 forms: “Parent Survey”, “Student Survey”, and “Staff Survey”. These forms need to be completed and turned in to the AT building representative one week prior to the MER meeting. The building representative will combine the surveys and write up a summary to be presented at the MER meeting. The summary should also be included in the PLAAFP section of the most current IEP that occurs following the MER.

Exit Procedures for AT: It is the IEP team that makes the decision about whether a student continues to need assistive technology services. The case-manager is vital in providing good information and recommendations to the team. If the case manager feels that a student no longer requires assistive technology, the reasons for this should be explained in the Present Levels of Academic and Functional Performance section of the IEP (or an amendment if you are releasing prior to an IEP meeting). The CM will notify the AT building representative that the student is no longer receiving AT services if the team makes this decision. The CF will write the release of AT services into Prior Written Notice for the parent and file(s).

## Transfer Students

---

Per federal regulations 34 § CFR 300.323 (e)(f) and Wyoming Chapter 7 rules: Lincoln County School District #2 must provide FAPE to children who transfer from a school district or public agency whenever the child transfers to another school district or public agency within State or from another State who enrolls in a new school within the same school year and had an IEP that was in effect in a previous public agency or school district. Upon receipt of a file or information that a transfer student may have been receiving special education, the secretary of the school or SPED department will contact the appropriate Compliance Facilitator (CF).

If complete information was not sent, the CF will contact the sending school and request additional information needed.

The CF will review the information and provide the information to a case manager. The case manager will review all existing data and discuss options with CF.

CF will then contact parent (and document this consultation).

### **If the child transfers from within the state of Wyoming use the following procedures:**

In consultation with the parents the school district must decide:

- a. To implement the IEP as developed from the previous school or public agency, or
- b. To convene an IEP team meeting to develop a new IEP. Prior the

development of the new IEP comparable services based on the IEP will be provided to ensure that the child receives a free appropriate public education (FAPE).

- c. To conduct a new evaluation. Prior to the completion of that evaluation and determination of eligibility comparable services from the previous IEP will be provided.

The CF is responsible for providing the parent with Prior Written Notice (PWN) explaining which option will be implemented and outlining the description of comparable services if they are necessary. The CM and CF will collaborate to create a description of comparable services, including the components outlined below.

Service Start Date on Demographics for In-State Transfers with Current IEP and WY Eligibility: Student is already eligible and has a plan under WY. This means that initial consent was signed at some point in the past. **Service start date will be the same as the day the student was enrolled.**

**If the child transfers from another state (because other states may have differing eligibility criteria), use the following procedures:**

1. Psychologist or SLP will review all existing data including eligibility information provided by previous agency.
2. In consultation with the parent the following shall occur:
  - a. The CM, in collaboration with the CF will create a description of comparable services. (CF will send PWN outlining the comparable services to be provided)
  - b. Follow Initial Evaluation procedures- although the team may choose to use the evaluation results from the previous agency if the Psychologist or Speech Pathologist deems this is appropriate and the testing was done within a period of time that is reasonable. Evaluation Procedures must still be followed, the team would just use test results from the previous agency as part of the comprehensive evaluation.

Service Start Date on Demographics for Out-of-State Transfers: A comparable services plan does not count as service start date. "Service Start Date" means when the parent signs INITIAL consent for services, which would occur once it is determined that the student meets eligibility/need for services and a plan is presented. Therefore, there will be two "starting dates" on our demographics information:

1. The "enrollment date" is the day the student starts school in our district.
2. The "services start date" is when IEP services begin, IEP services for out-of-state student's can't begin until the evaluation process is completed and parent signs consent for initial services.

**A Comparable Services Description should include:**

The present level of performance, annual goals and benchmarks or short-term objectives from the previous school district or public agency

Special Education and Related Service: Amount, Frequency, Projected Start Date, Location and Duration.

### **Transfer of Student Education Records**

A. Within five days of student's enrollment in a school in LCSD#2 the school must notify the district in which the student was formerly enrolled and request the student's educational records. The school secretary will make the first request. If unsuccessful, the secretary will notify the CF. The CF will make a second attempt. If this remains unsuccessful, the director of special education will be notified.

B. Lincoln County School District #2 will transfer all requested student education records to the new school district no later than 10 days after receiving the request.

C. The education records transferred to the new school district must include any special education records relating to the particular student retained by the former school district.

D. The former school district must retain copies of student education records for the time periods and under the conditions described in the Wyoming School Districts Record Retention Schedule.

#### *Citations:*

*34 C.F.R. Part 99 FERPA*

*34 C.F.R. §300.323(b) Transmittal of records*

### **Students who transfer out of our district:**

If a child transfers out of our schools for any reason, the case manager must alert the compliance facilitator at once. The case manager/service providers may write up a progress summary if appropriate. When the student is exited from the school, the compliance facilitator will:

- Make a note on the electronic IEP file of the circumstances.
- Fill in the "exit date" and Check the reason" box on demographics page. (Note: This must be the same date and reason as reported on Powerschool.)
- Print SEEDS June Count Report. (Save as a PDF an Upload into web-based program Additional Documents.)
- inactivate the student on the computer automated IEP program.
- send the complete file to the district special education secretary. The district special education secretary is responsible for sending the file to a new location once it is requested and retaining a copy in our district.

## **IEP Process**

---

In special education, there is no process more important than the development and implementation of each child's Individualized Education Program (IEP). The IEP provides a framework of services, accommodations, modifications, and goals and objectives/benchmarks that are based on the unique learning styles, performance levels and characteristics of each child. The IEP is a legal document that guarantees each child with disabilities a free and appropriate public education.

Lincoln County School District #2 utilizes state approved forms and a computer based IEP system. All employees are provided with training and support to utilize this system.

## **Individualized Education Programs (IEP):**

Each school shall develop and implement an IEP, for each eligible child with a disability served by the school and ensure that an IEP is developed and made available for each eligible child placed in or referred to a private school or facility by the school district. Children with disabilities who transfer into kindergarten from a local Child Development Center shall have a current IEP in place at the beginning of the school year. Each school will participate with the local Child Development Center in transition planning conferences for children moving from preschool to kindergarten.

### **Wyoming Chapter 7 Rules Governing Services for Children with Disabilities**

#### **Section 5. part (d) Individualized Education Program (IEP) and placement decisions.**

- (i) School districts and public agencies shall develop, implement, review and revise IEPs consistent with 34 C.F.R. 300.320 through 300.328.
- (ii) IEP Teams shall make placement decisions in accordance with the rules herein and with the least restrictive environment provision at 34 C.F.R. 300.114 through 300.118

IEP's will be completed in the spring by the current team if the due date of the IEP is before October 1 of the next school year. If the due date is on or after October 1, the IEP will be conducted in the fall by the team that is receiving the student.

## **Preparation for the IEP meeting**

Preparation is essential for the development of an appropriate proposal to be discussed at the IEP meeting. Final decisions are always made at IEP meetings with consideration of parents' input and suggestions.

Measures should be taken to ensure that IEP's are authentic documents created during IEP team meetings.

Preparation prior to the IEP meeting should include the following:

- Staffings. These should be conducted prior to all initial IEP's. They also should occur whenever there is a likelihood of non-consensus, and any time a team member feels that such preparation is necessary. "Staffings" are informal meetings where district staff discuss data, parental requests, school team concerns/ideas, and proposals and recommendations.

It makes for a more productive IEP meeting when team members review information prior to the meeting.

The purpose of the IEP meeting is then to discuss those ideas and any ideas brought to the table by the parent, or members not present at a staffing, and develop an appropriate program for the student.

- Student Interviews. IDEA requires student input for all IEP's for students who are 16 and older. The philosophy of LCSD#2 is that student input should be sought for all IEP's where it is feasible. *One way to seek student input is to interview the student prior to the IEP meeting.*
- Parent Input. Parent input should be sought prior to IEP meetings in the form of parent input letters, interviews (by phone or in person) or emails.
- Collaboration. Collaboration between general ed, case-managers, and any related service personnel is essential to developing a thoughtful proposal for the student. This should occur prior to the IEP meeting and may occur during the staffing if one is conducted.
- Draft Proposal. Prior to the IEP meeting, the CF and case manager will work together to develop a draft proposal to be discussed at the IEP meeting. It is important to note, that this is to be used to guide discussions, but is not considered final until the entire IEP team (including parent) has had a chance to participate in the decision making. The draft proposal should follow guidance provided in the model IEP. A model IEP is provided at the beginning of each school year and is available on the computer based IEP program.

### **Organization of the IEP Meeting:**

All IEP meetings shall be conducted within one year of the current IEP's date of development.

IEP meetings shall be conducted in **locations** that are:

1. Mutually agreed upon by the school and parents
2. Quiet, confidential, and secluded from non-IEP team persons
3. Accessible to all persons including those with disabilities

The Essential Elements of an IEP Meeting in a Recommended Order: (CF's can adjust the order of these events/components when necessitated by extenuating circumstances.)

1. Introductions
2. Purpose of the IEP meeting
3. Strengths, Educational Concerns and Preferences/Interests
4. Present levels of educational and functional performance including a review of existing performance data and progress on all IEP goals.
5. General and Special factors
6. Determine if ESY is necessary for the student to achieve FAPE
7. Determine transition needs/services (if applicable)
8. Determine goals, benchmarks, and objectives for the new IEP
9. Determine placement
10. Accommodations and modifications
11. Procedural safeguards
12. Documentation of attendance or signatures



All sections of the state approved IEP forms must be completed and discussed at the meeting. Discussing and completing all sections in fullness ensures compliance with statutory requirements.

IEP related materials, reports and data should be prepared and ready for review at each IEP meeting. Proposed IEP content (PLEP, transition planning, goals and objectives/benchmarks) may be drafted in soft format on the IEP computer program. When IEP content is drafted, it shall be the responsibility of the compliance facilitator to inform parents and other team members that the content is proposed in draft format.

The compliance facilitator shall provide the parent (at no cost to the parent) with a copy of the IEP and PWN following all IEP meetings.

### **IEP Team Membership:**

The IEP team for each child with a disability shall include the following members:

1. If appropriate, the child.
2. The parents of the child.
3. At least one regular education teacher **of the child**. This needs to be a teacher who is knowledgeable in the general curriculum area(s) that are likely to be addressed in a particular child's IEP.
4. At least one special education teacher of the child, or if appropriate at least one special education provider of the child.
5. A school district (LEA) representative - the compliance facilitator and if appropriate the building principal, assistant principal, or the district's special education director.
6. An individual who can interpret the instructional implications of evaluation results.
7. Other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. Parental permission is required prior to inviting personnel that do not work for the district.

Input shall be sought from any other sources that may contribute to developing the best plan possible for the student as long as all confidentiality rules and regulations are adhered to.

If a student exhibits behavior challenges that require a behavior plan (informal or formal) and the student is transported on a school bus, the transportation department shall be involved in the discussion of behavior for the IEP. This may be through an invitation to part of the meeting, or through a transportation input form. The transportation department shall also be provided with information necessary for the consistent implementation of any behavior strategies required for the student to be safe on the bus.

### **Parent Participation / Scheduling IEP Meetings:**

Parent participation is essential at all IEP meetings. The following steps shall be taken to ensure the participation of one or both parents at IEP meetings:

1. IEP meetings shall be scheduled within a reasonable amount of time, prior to the expiration date of the current IEP, to allow for situations where meetings may need to be rescheduled due to various circumstances.

2. Meetings must be scheduled at a mutually agreed time and place. This may require a phone call before sending “Notice of Meeting.”
3. Notice of IEP meetings must be sent to parents early enough to ensure that he/she (they) will have an opportunity to attend.
4. Prior written notice of IEP meetings will comply with section 6(d) of the Chapter 7 Rules Governing Services for Children with Disabilities of the Wyoming Education Code.
5. If neither parent can attend, the IEP team shall use other methods to ensure parent participation, including individual or conference telephone calls.
6. A meeting may be conducted without a parent in attendance if the school is unable to convince the parent(s) that they should attend. In this case, the school must have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondences sent to the parents and any responses received; and detailed records of visits made to the parent’s home or place of employment and the results of those visits. If a parent fails to attend two consecutively scheduled IEP meetings, the compliance facilitator shall send a third notice of meeting via certified mail. This meeting will be conducted with or without the attendance of the parent(s).
7. The school shall take whatever action is necessary to ensure that the parent(s) understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

**Wyoming Chapter 7 Rules Governing Services for Children with Disabilities**

**Section 6. Procedural Safeguards.**

(a) Parent Participation and involvement. The parents of a child with a disability must be afforded an opportunity to participate in the special education process and examine records pursuant to 34 C.F.R. 300.501.

**Surrogate Parents:**

If a child’s parent cannot be identified or located, or if a child is a ward of the state under Wyoming state law, the school shall notify the district’s director of special services. The special services director shall be responsible to appoint a surrogate parent to represent the interests of the child.

**Wyoming Chapter 7 Rules Governing Services for Children with Disabilities**

**Section 6. Procedural Safeguards**

(f) Surrogate Parents. The procedures for appointment of a surrogate parent shall comply with 34 C.F.R 300.30 and 300.519.

### **IEP Meetings:**

The assigned compliance facilitator for each child with a disability is responsible for initiating, and conducting meetings for the purpose of developing, reviewing and revising the IEP. The compliance facilitator is also responsible for documentation and compliance with district, state and federal guidelines.

After the child is evaluated and determined eligible (see evaluation section for procedures and timelines), special education and related services are made available after the IEP team conducts a meeting.

A meeting to develop an IEP must be conducted within thirty (30) days of a determination that a child needs special education and related services.

A meeting does not include informal, unscheduled conversations regarding teaching methodology, lesson plans, service coordination or preparatory activities to develop proposals for a later meeting.

### **IEP Content:**

A Note about Methodology:

Lincoln County School District #2 determines methodology, teaching techniques and programs that are used to support mastery of IEP goals and objectives. Although it is necessary to write goals and objectives/benchmarks in each child's IEP, a statement of methodology is not required and shall not be included in the IEP, unless authorized by the district's Director of Special Services.

Teachers and related service providers shall use methods and programs that are supported by research to produce desired learning outcomes. Methodology shall support desired student outcomes (as defined through IEP goals and objectives/benchmarks). Student learning outcomes shall be monitored frequently (at least as often as regular education report cards are sent home). If student's fail to make educational gains over a reasonable amount of time, adjustments in instruction, methodology, and/or programs shall be considered.

Each IEP shall be constructed using district/WDE-approved forms. All applicable forms shall be completed and each IEP shall include the following content: [A model/sample IEP is available on the computerized IEP program]

1. The strengths of the child, concerns of parent and team, and the child's preferences and interests.
2. A statement of the child's **PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE (PLAAFP)**. PLAAFP statements should include, but may not be limited to the following:

- Statement regarding how disability impacts involvement/participation in Regular Classroom / General Curriculum.
- Summary of Key results from all most recent Evaluation Reports. (Note indicated areas of strengths, weakness, and recommendations.)
- Related Service Narrative if applicable.
- Most Current District / State Assessment Results (PAWS, CA's, MAP, other).
- Classroom performance (CBA's, grades, attendance, assignments, homework, other).
- Functional Performance. The student's Social, Emotional, Physical, Health, Advocacy and Independence, Organizational, Behavioral, and/or non-academic skills or activities.
- Progress towards goals of "current / ending" IEP being replaced/revised.
- List the areas of need the team considered. Services are based on need. Explain how your priorities will be addressed. Explain areas targeted in past evaluations or IEP's that are no longer a concern.
- Statement that justifies accommodations / modifications. Include current AT use or potential need.
- Summary of Post Secondary Transition Activities for students with PS IEP.

PLAAFP statements start with a review of most recent evaluation & reports as well as a review of Existing Data.

Tell Your Story on the child- Include anything else that helps the team understand the student. Please add strengths, Islands of competence, positive characteristics and habits as well as weaknesses and concerns.

PLAAFP guidance:

- Present levels must align with proposed goals/accommodations/services.
- Collaboration is essential for developing an appropriate present level section.
- PLAAFP's should be individualized by describing the child with specificity across environments and up to the moment. They should be a culmination of past and present performance.
- All information must be supported with data or a clear description of observations and presented in parent friendly language.
- Teams must consider **all** relevant domains of need across all settings.
- The baseline for the proposed goals should be stated on the Goal page(s).

3. A statement of measurable annual goals, and when necessary, short-term objectives or benchmarks, related to:
  - a. Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for non-disabled children), or

- for preschool children, as appropriate, to participate in appropriate activities; and
- b. Meeting each of the child's other educational needs that result from the child's disability.
4. A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports deemed necessary for school personnel that will be provided for the child:
    - a. To advance appropriately toward attaining the annual goals;
    - b. To be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and
    - c. To be educated and participate with other children, both disabled and non-disabled.
  5. An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities outlined in a, b and c above.
  6. A statement of any individual accommodations or modifications in the administration of state or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment. If the IEP team determines that the child will not participate in a particular state or district-wide assessment of student achievement (or part of an assessment), a statement of why that assessment is not appropriate for the child, and how the child will be assessed.
  7. The projected date for the beginning of the services and the anticipated frequency, location and duration of those services.
  8. A statement of how the child's progress toward the annual goals will be measured; and how the child's parent(s) will be regularly informed (through such means as periodic report cards), at least as often as parent(s) is (are) informed of their non-disabled children's progress, their child's progress toward the annual goals, and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.
  9. Consideration of special factors and **ESY recommendation**.

**IEP Special Considerations: In addition to a student's academic needs, the IEP team must also address any special needs the child may have.**

The IEP team shall consider and document, if necessary, on the IEP the following issues:

**CONSIDERATION OF SPECIAL FACTORS**

34 C.F.R. §300.324(a)(2)

- Does the student's behavior impede his/her learning or the learning of others?
- Does the child have communication needs?
- Does the student need opportunities for communication and direct instruction in

- the student's language and communication mode?
- Is the student blind or visually impaired?
- Does the student require orientation and mobility training?
- After an evaluation of reading and writing needs, learning media assessment, and need for future instruction in Braille, does the student require instruction in the use of Braille?
- Does the student require assistive technology devices or services?
- Has the student been determined to be Limited English Proficient?

**Any items answered "YES" must be addressed in the IEP.**

#### EXTENDED SCHOOL YEAR<sup>34</sup> C.F.R. §300.106:

Extended School Year (ESY) services must be provided if necessary for the student to receive FAPE. If ESY is a necessary component of FAPE, indicate the goal(s) to be implemented during ESY and the frequency, location and duration of services in the Services section. Each goal page will indicate whether the goal will be implemented during ESY by checking "yes", "no", or "N/A" (N/A is only checked when ESY is not recommended).

- Specialized Instruction- On IEP page titled A. Special Education Services, the frequency, duration, location, and start date for specialized instruction occurring during ESY shall be outlined on this page under the heading "ESY Services:"
- Related Services- On IEP page titled B. Related Services, related services projected for ESY should be documented.
  1. If the proposed frequency, duration, and location are the **same** during the calendar school year and the extended school year, the box will be checked next to the related service outlined. This indicates that the service frequency, duration, and location outlined include ESY.
  2. If the proposed frequency, duration, and location differ between the calendar school year and the extended school year, a separate box with the related service heading must be created and the box checked next to the related service outlined. This indicates the service frequency, duration, and location specific to ESY.

### Health Conditions and Medical Concerns:

Within the Present Levels of Academic and Functional Performance (PLAAFP), health concerns should be identified as part of the overall information presented. Any health concerns, limitations, or needs may be incorporated into the PLAAFP when it describes how it affects the child's participation in school and extracurricular activities. In addition, needs for support, accommodations, and equipment and other issues can be recorded in the PLAAFP. The specified needs must then be addressed in the IEP and outlined in the appropriate section of the IEP.

- If the student requires accommodations, those accommodations are referenced on the IEP section titled C. Supplementary Aids and Services.
- Some students with special health care needs have an emergency protocol, a specific outline of procedures, or a health care plan in place. This information should be referred to in the IEP section titled D. Program Modifications and Support for School Personnel.

## Amendment to an IEP process

When an IEP team is in agreement about minor changes to an IEP, an amendment without a meeting may be used. Major changes such as a change in placement or eligibility necessitates a meeting.

Process for an amendment:

- Person proposing amendment (CM or related service provider typically) to discuss proposed changes with school team (CM, related service providers, general ed. And compliance facilitator) to elicit input and consensus.
- If the school team is in agreement, the person proposing the changes should contact the parent/guardian and elicit input and consensus. This communication needs to be documented.
- If the parent/guardian is in agreement with the school, an amendment can be created. The CF will draw up the paperwork for the amendment with information provided from the person who is proposing the amendment and spoke with the parent.
- CF will guide the development of the IEP Amendment Page and any supporting IEP Pages attached. In most cases this should include verbal and written input from the appropriate SPED team members that the Amendment impacts.
- CF to fill out “Amendment to IEP” forms including any pages of the IEP that will reflect changes and Prior Written Notice.
- CF will mail a copy of the amendment to parent/guardian, make a copy for special ed. File, and provide one to CM.
- CM will provide copies of amendment and explain resulting changes in responsibilities to all school staff involved (general education, related services, potentially transportation department or behavior specialist) and follow procedures for staff to acknowledge their responsibilities for the IEP.
- CF will file and archive the amendment in computer automated system.

### Transition Services

Transition services are defined as a coordinated set of activities for a student with a disability, “designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation.”

IF the eligible child will turn 16 during the period the IEP will be in effect, the team must write a “transition IEP”. A “transition IEP” may be written for a younger child if it is determined to be appropriate by the IEP team. A transition IEP must contain the following components:

1. Input from the child. The school shall invite a child with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of the child’s transition services needs and/or the needed transition services for the child. If the child does not attend the IEP meeting, the school shall take other steps to ensure that the child’s preferences and

interests are considered. A statement of the child's desired post school activities must be included. This may include: Postsecondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living, and/or community participation

2. Invitations to transition agencies outside the district. In implementing the requirements, the school shall also invite a representative of any other school district or agency that is likely to be responsible for providing or paying for transition services. The school must obtain parental consent for such members to attend the meeting and all confidentiality regulations must be adhered to. If a school district or agency invited to send a representative to a meeting does not do so, the school shall take other steps to obtain participation of the other school or agency in the planning of any transition services. At least one representative from an outside transition agency shall be invited to each IEP for students ages 15 or older. A current directory of community services is available through the CF in each building. This directory has the names and addresses of agencies that may be invited.
3. Results of Age-Appropriate Transition Assessments. Assessments must be conducted in the areas of Education/Training, Employment and, if appropriate, independent living skills.
4. Measureable Post Secondary Goals. Based on age-appropriate transition assessments related to training and education, employment, and if appropriate, independent living skills. Clearly specify the activities, desired level of achievement and the timeline for achievement.

A Transition Reference Guide is available to assure that the process of transition over the course of all transition IEP's is followed. This document is available in the model IEP.

### **Transfer of Rights at the Age of Majority:**

Beginning **at least one year before** a child reaches the age of majority, the child's IEP must include a statement that the child has been informed of his or her rights that will transfer to the child upon reaching the age of majority.

When a child with a disability reaches the age of majority (except for a child with a disability who has been determined to be incompetent by a Wyoming court of law):

1. The child's IEP must include a statement that the child was informed of his or her rights prior to the child reaching the age of majority.
2. The school shall provide written notice to **both** the student and the parent(s) that all other educational rights accorded to the parent(s) transfers to the child. (See Appendix D of this handbook)
3. All other rights accorded to the parent(s) under these rules transfer to the child.
4. All rights accorded to the parent(s) transfer to children who are incarcerated in an adult or juvenile, state or local correctional institution; and
5. Whenever the state transfers rights, the school district or agency shall notify the individual and the parent(s) of the transfer of rights.



### **Extended School Year (ESY):**

Lincoln County School District #2 shall ensure that extended school year services are available as necessary to provide a FAPE.

Extended school year services must be provided only if a child's IEP team determines, on an individual basis, that the services are necessary for the provision of a FAPE to the child. All children with disabilities who have a current IEP must be considered for ESY services at least annually. Wyoming uses a multi-factor approach, and does **not** use a solely regression/recoupment model as some states do. Services will not be limited to a particular category or disability or unilaterally limited to the type, amount, or duration of services.

In implementing the requirements, a school may not:

1. Limit extended school year services to particular categories of disability; or
2. Unilaterally limit the type, amount or duration of those services.

Extended school year services means special education and related services that:

1. Are provided to a child with a disability beyond the normal school year of the school district or agency;
  - a. in accordance with the child's IEP;
  - b. at no cost to the parent(s) of the child; and
  - c. meet the standards of the State Education Agency (SEA).

Goals and Objectives are typically limited to those required to retain learned skills rather than acquire new skills.

### **Determining Factors for ESY Services**

*IDEA cannot be used to fund a level of educational benefit that exceeds the level of benefit to which regular education students are entitled*

**The question to ask is: IS THE STUDENT ON TRACK TO MEET GOALS IN IEP? Not based on grades, diploma, etc. It is based on IEP since the team has decided that is what FAPE looks like for that child.**

*Look at the following considerations:*

- Is the student at a critical point of instruction (to prevent loss of progress made toward a critical skill (self help, community, social, behavioral)?)
- Does the student show a pattern of Regression with difficulty with Recoupment? (Without ESY services a student will regress during a school break and will not recover the lost skills in a reasonable period of time after the break.)
- Consider the student's rate of progress: When, without ESY, the nature/severity of a student's disability is likely to prevent him/her from receiving **meaningful benefit** from the instructional program during the regular school year.
- Interfering Behaviors: When a student exhibits behaviors (stereotypic, ritualistic, aggressive, self injurious, etc) that impact and limit progress on goals.

Typically ESY is provided in summer months- but there is nothing that would limit the IEP team from providing ESY during other times (before or after school, etc)

ESY services and Summer School are not synonymous. However, ESY could be provided within a summer school setting if it met the individual needs of the child and addressed specific IEP goals. A child who simply needs accommodations to participate in and benefit from summer school, may not need ESY.

A child with an IEP may participate in Summer school and not ESY.

Each school must report, to the district's Director of Special Services, the provision of ESY services for each participating child **prior to May 15<sup>th</sup>** of each school year. This information is essential for the planning and staffing that is necessary in preparing for ESY services. The report for each child shall contain the following information:

1. The beginning and ending dates of ESY services.
2. The beginning and ending times of daily services.
3. Staffing ratios (recommended by the case-manager) that may be required to provide ESY services for each particular child
4. Related services that are included in the child's ESY program, including any transportation needs of the child.

Each IEP team shall determine the **Least Restrictive Environment** for the child following the guidelines outlined in the "Least Restrictive Environment" section of this handbook.

**Nonacademic services and settings:** LCSD#2 affords children with disabilities an equal opportunity for participation in nonacademic and extra curricular services and activities, including, as determined appropriate by the IEP team, the provision of supplementary aids and services. Nonacademic and extracurricular services & activities may include counseling, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by LCSD#2, referrals to agencies that provide assistance to individuals with disabilities and work experience.

Case Managers must ensure that each child with a disability participates with nondisabled children in nonacademic activities to the maximum extent appropriate to the needs of that child. This includes ensuring that the supplementary aides & services determined by the IEP team are provided to allow such participation. This may include meals, recess and other activities.

*Citation: CFR 300.107*

*CFR 300.117*

**Physical Education:** LCSD#2 makes regular physical education services available to children with disabilities to the same extent we provide those services to children without disabilities unless:

1. The child is enrolled full time in a separate facility; or

2. The child needs specially designed physical education as prescribed in the child's IEP
3. If a child is enrolled in a separate facility, LCSD#2 shall ensure that the child receives appropriate physical education services.
4. If special physical education is prescribed in a child's IEP, we provide for these services.

**Implementation of IEP Programs:**

Each school shall ensure that an IEP:

1. Is in effect before special education and related services are provided to an eligible child
2. Is implemented as soon as possible following an IEP meeting- including the provisions of specially designed instruction, LRE, and accommodations and/or modifications
3. Is accessible to each general education teacher, special education teacher, related services provider and other service provider who is responsible for its implementation; and

Each teacher and provider(s), of the child, is (are) informed of his or her specific responsibilities related to implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for the child in accordance with the IEP. It is the duty of the case-manager to carryout this responsibility. This notification shall occur each time a child(s):

1. IEP is modified.
2. Schedule is modified to include new teachers and/or providers. This is common at the beginning of new semesters at the secondary levels.
3. Transfers or transitions from one school or one classroom to another.

**Individualized Education Program – Accountability:**

Each school must provide special education and related services to a child with a disability in accordance with the child's IEP; and make a good faith effort to assist the child to achieve the goals and objectives listed in the IEP.

1. Once informed of the requirements of a child's IEP, each teacher and/or service provider of the child is responsible to carryout provisions of the IEP.
2. It is the responsibility of the case-manager to inform each teacher and/or service providers, of the child, of all applicable provisions of the student's IEP, including specific responsibilities associated with each provision.
3. The building principal is responsible to enforce this provision.

Although these rules do not require that any school, teacher or other person be held accountable if a child does not achieve the growth projected in the annual goals or objectives, NCLB does hold schools and school personnel accountable if students with disabilities, as a subgroup, fail to make adequate yearly progress.

When a parent requests an IEP meeting or the revision of an IEP, the compliance facilitator shall send “Notice of Meeting,” that clearly states the purpose of the meeting, and schedule the meeting within ten (10) calendar days of the parent’s request. If the parent feels that the school is not providing special education and related services in accordance with the child’s IEP, the parent has the right to invoke due process. To invoke due process, the district will encourage parents to submit a letter to the district’s Director of Special Services, requesting due process. This letter should disclose any complaint or concern that the parent may have with the school’s implementation of the child’s IEP. Upon receipt of a due process request, the district will:

1. Provide the parents with detailed information about the complaint management process and a copy of procedural safeguards.
2. Offer mediation as a means of resolving the complaint.
3. Provide the parents with names of persons and/or organizations that could serve as an advocate for the student.
4. Offer to meet with the parent(s) to discuss the complaint management process and options to resolve the complaint.
5. If the complaint cannot be resolved through mediation, the district will contact the Wyoming Department of Education and inform the compliance officer of the complaint.

Nothing limits a parent’s right to ask for revisions of the child’s IEP or to invoke due process procedures if the parent(s) feels that the school is not providing special education and related services in accordance with the child’s IEP.

A parent or adult child may also elect to revoke consent for special education services. Please see Revocation of Consent section of this handbook.

### **Review and Revision of the IEP:**

Each compliance facilitator shall ensure that the IEP team reviews the child’s IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved, and revises the IEP as appropriate to address:

1. Any lack of expected progress toward the annual goals, and in the general curriculum, and also if appropriate;
2. The results of any reevaluation conducted;
3. Information about the child provided to or by the parents; and
4. The child’s anticipated needs or other matters.

When the IEP team meets to review or revise a child’s IEP, the team shall review “special considerations” listed in “IEP Content” above.

### **IEP Management System:**

All personnel will utilize the IEP management system adopted by LCSD#2. The district will provide training and support for the use of this system. If additional support is needed, contact the special education director.

### Responsibilities of Case Managers/Service Providers and Compliance Facilitators:

Compliance Facilitators are ultimately responsible for the IEP process and IDEA compliance. Case-managers are ultimately responsible for the implementation of the IEP, the provision of specially designed instruction, and parent communication. CF's, CM's, and other service providers share much of the responsibilities of each child's IEP and must work together to make the entire process work well for students.

The following table describes the responsibilities of the compliance facilitator, case manager, and other service providers. Many responsibilities are shared, in some way, between the CF, CM and/or other service providers (SP). A black ✓ indicates main or ultimate responsibility and a grey ✓ indicates some level of shared responsibility. Please note that this is not an all-inclusive list.

Responsibility	CF	CM	SP	Notes
Oversees evaluations including new referrals and reevaluations.	✓	✓	✓	CF completes an Evaluation Analysis, an Evaluation Plan, sends applicable Notice and Consent forms, and initiates all evaluation activities. CM and other service providers complete assessment activities as indicated by the assessment plan. CM works with classroom teacher(s) to conduct CBA and collects work samples and existing data.
Schedules IEP/MDT meetings and staffings.	✓			CF will notify all IEP team members via email within 2 weeks of the IEP/MDT meeting. 2 weeks notice shall apply to all initial IEP's and annual reviews. Emergency meetings may be conducted when necessary without providing 2 weeks prior notice. Each school shall determine protocol for staffings. Staffings are intended to share information between staff and generate options and/or ideas to be discussed with the IEP team. Decisions regarding a student's IEP are not to be made during staffings.
Sends Notice of Meeting and Parent Input form.	✓			The "Notice of Meeting" form is sent to parents and any other participant that cannot be notified via e-mail. Parent input form is sent to parent.
Prepares the IEP document.	✓	✓	✓	CM and related service providers prepare the present levels of performance sections, LRE, accommodations/modifications and goals. CM's also make decisions re: the proposal for special factors and state & district assessments. All CM portions must be complete 3 business days prior to the IEP. CF

Responsibility	CF	CM	SP	Notes
				initiates the IEP in the automated system and prepares all other parts of the IEP document. CF will also prepare Prior Written Notice documents following an IEP or changes to an IEP.
Prepares the MDT documents.	✓	✓	✓	School Psychologists and other service providers, responsible for the administration of assessment activities, shall complete and submit all required documentation, paperwork, and reports 3 business days prior to the MDT meeting. CF prints and organizes all required paperwork for the MDT meeting.
Facilitates the IEP/MDT meeting and serves as the LEA.	✓			CF prepares the agenda and facilitates the meeting. Serving as the LEA, the CF authorizes resources and determines the district's position pertaining to the offer of services, the provision of FAPE, and the provision of specially designed instruction. CM will continue to be an active participant in the IEP/MDT meeting. When appropriate, CM will elicit parent input and concerns, review PLP and goals, and address issues regarding the student's educational performance and behavior.
Creates final version of IEP following meeting and saves/documents final version for special ed. file and computer management system.	✓			CF completes all file/archive/demographic changes/updating information required by the state on IEP management system and for reports to the state; organizing and maintaining all necessary forms in the special education file (including the IEP and all progress reports, Evaluation and Eligibility information as well as correspondence with parents and others) and assuring that all information is kept confidential and secure and that appropriate documents are signed to share information with others
Provides the parent(s) with a copy of the IEP/MDT paperwork.	✓			CF provides the parent with a copy of the IEP and/or MDT report, procedural safeguards, and relevant notices. The IEP must be provided to parent prior to implementation of the IEP.
Prepares and disseminates necessary IEP information/training	✓	✓	✓	This is a school-based decision and should be a coordinated effort between the CF, CM, and other service providers. Although it is the responsibility of the CF to make sure that this

<b>Responsibility</b>	<b>CF</b>	<b>CM</b>	<b>SP</b>	<b>Notes</b>
to teachers and service providers.				process meets the provisions of IDEA, it is the responsibility of the CM working with the child to collaborate with and inform other staff of their responsibilities in implementing the IEP.
Implements the provisions of each IEP and provides specially designed instruction.		✓	✓	CM coordinates the various human resources that are available (aides, related service providers, teachers, job coach, etc.) to implement the IEP.
Establishes and maintains the LRE for each student as per the IEP.		✓		CM uses support staff and engages in a high degree of collaboration with general classroom teachers and related service providers to facilitate the least restrictive environment for the child.
Monitors student progress, collects and organizes student performance data and prepares progress reports.		✓	✓	This is an integral part of the instructional process and should be an ongoing process. All student performance data shall be updated and entered into SEAS, and provided to the CF for review 3 days prior to the progress reporting date. . Any narrative information that is integrated into the progress report shall also be submitted to the CF at this time. At the end of the last grading period in the school year, all information needs to be updated and ready for dissemination within 2 days prior to the last day of school. The format of progress reports shall be determined by each school's SPED department.
Prints and disseminates student progress reports.	✓	✓	✓	CF will coordinate this effort. SPED paraprofessionals may be used to help with this task. The method of delivery shall be determined by each school's SPED department.
Supervises paraprofessionals.		✓		SPED teachers in each building work with their building principal and when appropriate the Director of SPED to determine assignments for SPED staff and the supervision of SPED aides.
Parent Contact.	✓	✓		The CF is responsible for parent contact regarding scheduling meetings, Assessment plan input, and procedural issues. Parents are encouraged to contact the CM for most other purposes. When the CM talks to the parent concerning critical IEP related information, the dialogue shall be summarized and entered into SEAS Notes. When the CM

Responsibility	CF	CM	SP	Notes
				sends or receives correspondence, a copy of the correspondence is sent to the CF and will be filed appropriately in the IEP. This system establishes good communication between the CM and the CF while maintaining compliance.
Conducts weekly staff meetings and in-service training	✓	✓	✓	CM works with other SPED professionals in the building to determine responsibilities for staff meetings and in-service training. CF attends staff meetings when an agenda item requires their attendance. Monthly, the CF shares information and/or provides training on topics as assigned by the director of SPED.

Any LCSD#2 employee who learns of a student with a disability moving in or out of the district, a request for revocation of consent, a request to evaluate, or review records has the responsibility to inform the compliance facilitator of this information.

## Goal Writing Guidance

---

### A goal must contain:

- Student Name
- Baseline
- A description of assessment conditions & materials\* (see examples in guidance)
- Clearly Defined Target Behavior
- Mastery criteria requiring performance at a particular level demonstrated over time or across multiple trials
- Method of measurement

### Short Term Objectives (STO) & Benchmarks:

STO's or benchmarks are REQUIRED for students that will take alternate State or District Assessments

STO's or benchmarks are optional for students who will participate in regular State and District assessments; however, they should be considered when incorporating them with a goal enhances the effectiveness of the child's educational program.

Goals should be ambitious yet reasonable. A goal needs to be calculated for the student to be able to accomplish the goal within the time frame of the IEP. Goals must be individualized statements that are precisely aligned to the student's present levels of performance.

At its core, a measurable goal contains three parts – baseline (current skill level), target behavior (clearly defined behavior to be attained), and method of measurement. Simply



including a percentage in the goal does not automatically confer measurability. IEP's that do not contain these elements or are not measurable may result in a denial of FAPE.

When Progress reports are sent, the goal page will stand-alone. For this reason, the baseline must be included on the goal page.

#### WDE TA Assistance Feedback from 2010/2011:

##### Quality Goals:

- Sufficiently use objective criteria for measuring progress.
- Need to be specific.
- Must consider the unique needs of the child.
- Include baseline, target and method of measurement.

##### Problematic Goals:

- Are lacking one or more components to ensure measurability.
- Are broad or vague to permit clear measurement of the student's progress.
- Do not consider the unique needs of the child.
- Ignore relevant areas of the PLAAFP.
- Describe expectations for all students in the class, not targeting the specific needs of the child (“Johnny will pass all core classes with 70% or better”).

##### Practice Tip:

The statement of present levels and annual goals should pass the “Stranger Test.” Can the unfamiliar reader understand the student's current skill level, the skill to be attained in the annual goal, and how progress will be measured?

#### Goal Writing Guidance from LCSD2 2010 PowerPoint

At minimum, a good goal must include:

The child's name

Baseline

A clearly defined behavior

- Must be observable and measurable
- Use words like “writes, says, prints, types, reads orally”, etc.
- Do not use words like understands, knows, recognizes, discovers, etc.

Performance criteria (must include)

- Criterion level (usually expressed as a percentage or a rate)
- Consistency and/or maintenance indicator (usually expressed through a number of consecutive trials or demonstration over a period of time.)

Better goals include all of the elements of a good goal plus...

- A description of the assessment material
  - Grade or reading level of the material
  - Quantity of problems or length of passages
  - Type of material

The Best goals adds the following:

- A description of the full assessment condition

- Describe the materials used for assessment
- Describe the setting of the assessment
- Describe the accommodations, if any, that are provided during the assessment

“Materials Examples”:

“grade or instruction level text”

quantity and type of problems- “Given 10 random two-digit multiplication problems”

“Given a 3 paragraph, 5th grade level reading passage”

“Given a passage at an 800 lexile level”

Note: Materials does NOT refer to specific programs.

**For Specific guidance and examples on goals-- please refer to the model IEP and the district goal-writing rubric, both of which are available on our electronic IEP program and in hard copy from your CF.**

## **Monitoring Student Progress**

---

The Measurement of Progress is key to determining whether a student with a disability is receiving an educational benefit from the district in accordance with the obligation to provide FAPE.

Progress Reports must be complete and submitted to the CF for review at least 3 days prior to the progress reporting date.

Measurable goals must have “sufficiently objective criteria” for measuring progress. You may also have subjective data.

2006 IDEA Part B 34 CFR 300.320 (a) (3):

- Every IEP must include a description of how the child’s progress toward meeting the annual goals will be measured and
- When periodic reports on the progress the child is making toward meeting the annual goals will be provided.

Progress reports will be provided at least tri-annually or quarterly, depending on the school. Progress is always reported at least as often as progress is indicated to parents with students that are not on IEP’s. Progress may be reported more frequently if the IEP team determines this will be the case.

Goals are prescriptive statements indicating what a student should be able to do within the curriculum within a years time. Indicators of progress should be found through an analysis of the students’ performance within the curriculum.

**Data must be specific to the goal.**

In addition to gathering and reporting data towards specific IEP goals, other data should be analyzed regularly for a broader perspective of student growth. Data should be

gathered from a variety of sources. Data should be current (within 2 weeks) with the reporting cycle.

Sources of Data may include, but are not limited to the following:

*SPED gathered Data* from programs such as Dibels, Aims Web, specific probes, other. This may include criterion-referenced and norm-referenced data.

*Teacher Created Probes/Assessments:* If your goal is “Given a set amount of money and a price for an item, Student will make change to the nearest dollar by subtracting the price from the amount given with 80% accuracy over 3 consecutive data days.” Your data may be a “+ or o) on a data log indicating trials of attempting this task and whether Student was able to correctly make change to the nearest dollar or not on those trials. If She achieved 8/10, 9/10 and 10/10 on consecutive days- she met the goal.

*Pre- and post- tests:* When using Pre- and post- testing, both tests must measure the same specific skill set.

Examples: Classroom wide Vocabulary may be measured this way with the same words- to see how many the students know at the beginning and end of each term. You can do a pre-test for grade level multi-step math computations and then a post-test with similar, but not the same exact problems.

Be sure that you can report progress as often as progress is reported to parents of regular ed. Peers (trimesters or quarters depending on school).

*Criterion-Referenced Assessment:* Criterion-referenced assessment measures what a student understands, knows, or can accomplish in relation to a specific performance objective. It is typically used to identify a student's specific strengths and weaknesses in relation to an age or grade level standard. It does not compare students to other students.

*Curriculum-Based Measurement (CBM):* CBM is an approach to measurement that is used to screen students or to monitor student progress in mathematics, reading, writing, and spelling. With CBM, teachers and schools can assess individual responsiveness to instruction. When a student proves unresponsive to the instructional program, CBM signals the teacher/school to revise that program. CBM is a distinctive form of CBA because of two additional properties: (1) Each CBM test is an alternate form of equivalent difficulty; and (2) CBM is standardized, with its reliability and validity well documented.

*Classroom Based Assessments* (a wide range a sources not just one type of comprehension source or fluency source or math source, but from a variety of sources so as to compare each quarter/semester)

*State and District Assessments:* This data is available for all students. This will provide information relative to state content standards.

*Classroom Grades:* Grades are the result of many factors that may not be included in your goal. A poor grade in math may indicate poor work completion rather than an inability to perform calculations. For this reason- grades are not data towards your specific IEP goals. Grades should be reviewed and examined for a broader perspective of student needs and growth.

### **Lack of Adequate Progress**

If a student is not making adequate or appropriate progress, time is of the essence to address the issue. Children should not remain month after month with less than effective results. It is important to investigate the reasons for a child's lack of adequate progress and explain the reasons to justify the adjustments that are made in the child's IEP. Any IEP team member can raise concern about progress. It is the responsibility of the case manager and service providers to investigate the cause and recommend action. Adjustments may occur any time there is a concern. However, adjustments are required if the student is not making progress for two consecutive reporting periods or is not on track to meet the annual goal within one year's time.

Steps to take if there is a lack of progress:

1. Investigate, including a review of data and communication.
2. Parent Contact to explain lack of progress. Document this on SEAS.
3. Staffing if needed
4. IEP Amendment if needed
5. IEP Team Meeting if needed

Types of Actions: Continue with plan, document explanation of circumstances (this is not an option if the student has gone two marking periods with the lack of progress. This would only be used under special circumstances, such as death in the family, etc. - with the anticipation that the student will get back on track.), Adjusting Specially Designed Instruction (Type, Frequency, Duration, Location) Adjusting Service, Supports (including Behavior), Accommodations, or adjusting Goals.

**Progress Reporting for Behavior data:** If a student is on a behavior intervention plan, data must be gathered to show the effectiveness of the interventions. If a student has a behavior goal, progress must be reported on the specific goal. If a student has behavior marked as a special factor, but no goal—the case manager must write a brief summary of progress each reporting period. This should include what is being done, if it is working or not, and what has or will change if the plan is not being successful as possible. Recommendations for continued support should also be included. A copy of this narrative shall become part of the progress report that is provided to parents and part of the electronic and hard copy IEP progress report. The CF's will make copies of all behavior progress and send these to the district behavior specialist for review.

**Progress Reporting for Assistive Technology data:** If Assistive Technology is marked as a special factor, you must report how Assistive Technology is being used for the student at progress reporting time. As with Behavior, if there is a goal specific to AT use, report progress on the goal. If there is no goal, the CM will write a brief narrative summary of current assistive technology use and its impact. This should include what has been trialed, what works and doesn't and recommendations for continued assistive technology use or trials. As with behavior progress reporting, this information shall be included with the progress report to both the parent and the IEP files (electronic and hard copies).

**Progress Reporting for In-state Transfer Students:**

If we have accepted an in-state IEP from a different district and therefore the IEP is not in the web-based IEP program—the CM will write progress on the hard copy and make a copy for parents and a copy for the IEP file.

If we have an in-state student on a comparable services plan, we do need to report progress to parents if the reporting period comes before the IEP meeting is held. Every effort should be made to draft a new IEP as soon as possible or evaluate as soon as possible if evaluation is necessary.

**Progress Reporting for Out-of-state Transfer Students:**

If we have an out of state student on a comparable services plan, and progress comes due prior to the completion of the evaluation, there is no requirement to report. Best practice would indicate that the CM would provide to parents a write-up of how the student is doing towards the goals (comparable) outlined in the comparable services plan along with a narrative and data about what the school is doing for the student.

## **Special Education Records, Access, and Confidentiality**

---

### **Confidentiality of Student Records**

The school district will keep confidential any personally identifiable data, information and records collected or maintained on a child with a disability, protecting the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. The director of special education in LCSD#2 is designated to assume responsibility for ensuring the confidentiality of any personally identifiable information.

The Compliance Facilitator will assume responsibility for ensuring the confidentiality of any personally identifiable information contained in the special education file.

All persons collecting or using personally identifiable information shall receive training or instruction regarding the policies and procedures governing records and confidentiality of personally identifiable information in accordance with applicable laws and regulations. This training is conducted each year in each building.

Special education staff should provide reminders of confidentiality when exchanging information with others working with the student and as needed throughout the year.

Given the range of technology to disseminate information, all SPED staff should be vigilant to maintain confidentiality.

When using technology to share information with other team members, best practice would be to provide a confidentiality notice with your communication.

Special care should be taken when utilizing shared printers to print confidential information.

The special education department will maintain a list of the names and positions of those employees within the district who may have access to personally identifiable information. The school district will provide parents on request a list of the types and locations of education records collected, maintained, or used by the school district or public agency. The director of special education will be contacted if such a list is requested.

Compliance facilitators will obtain parental consent before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If a child is enrolled, or is going to enroll in a private school that is not located in the boundaries of LCSD2, and the parents residence is LCSD2, parental consent must be obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and LCSD2.

Parental consent must be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under FERPA.

All parents of students enrolled in LCSD#2 receive annual confidentiality notice in accordance with FERPA regulations. This includes informing parents of their right to:

1. Inspect and review the student's education records;
2. Request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the student education record rules authorize disclosure without consent;
4. File with the U.S. Department of Education a complaint concerning alleged failures by the school district or public agency to comply with the requirements of the Family Educational Rights and Privacy Act; and
5. Obtain a copy of the school district's or public agency's Student Education Records Policy.

Additionally, all parents and adult students who are eligible and receiving special education services, also receive procedural safeguards at least annually. This document serves to inform parents of confidentiality requirements under Federal Regulations (IDEA) *34 C.F.R. §300.612*.

This includes but is not limited to the following information:

1. The procedure for exercising the right to inspect and review education records;
2. The procedure for requesting amendment of records; and
3. If the educational agency or institution has a policy of disclosing education records to other school officials without consent, a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

### **Access Rights**

LCSD#2 will provide to the parents of a student with a disability or an adult student with a disability the opportunity at any reasonable time to review their educational records. If a parent or adult student requests to inspect and review the records pertaining to the student the compliance facilitator shall be notified immediately. The compliance facilitator shall notify the special education director and shall make the records available to the parent or adult student for review. This shall occur without unnecessary delay and before any IEP meeting, due process hearing, or resolution session, and in no case more than 45 days after the request has been made.

LCSD#2 will presume the parent has authority to inspect and review records relating to their child unless we have been advised to the contrary by legal proceedings.

LCSD#2 will provide parents on request a list of the types and locations of education records collected, maintained or used.

Test protocols containing personally identifiable information are education records to which parents must have access. If a parent requests access to test protocols, the employee receiving the request shall immediately notify the director of special education. The director shall make arrangements for the parents to review the records in the District Office building. Test protocols are strictly copyright protected and may not be copied unless required by a court order.

LCSD#2 may charge a fee for copies that are made (if the fee does not prevent the parents from exercising their right to review records), however no fee will be assessed to cover costs for searching and retrieving records.

*Citations:*

*34 C.F.R. Part 99 FERPA*

*34 C.F.R. §300.613 Access rights*

*34 C.F.R. §300.615 Records on more than one child*

*34 C.F.R. 300.616 Lists of types and locations of information*

*34 C.F.R. 300.617 fees*

### **Record of Access**

The compliance facilitator must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA. This shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. Exception: Access by parents and other authorized employees of the school district does not need to be recorded.

If any education record includes information about more than one child, the parents of those children have the right to inspect only the information relating to their child.

*Citations:*

*34 C.F.R. Part 99 FERPA*

*34 C.F.R. §300.613 Access rights*

*34 C.F.R. 300.615 records on more than one child.*

### **Prior Consent to Disclose Information**

LCSD2 must obtain signed and dated written consent from the parent or adult student before permitting personally identifiable information to be disclosed to anyone other than officials of participating agencies collecting or using information for the purposes of the activities described in these procedures and only where the disclosure is consistent with all applicable federal statutes. LCSD2 must obtain written consent before personally identifiable information is disclosed to officials of participating agencies providing or paying for transition services.

If a child is enrolled in a private school that is not located in the child's resident school district or public agency, parental consent must be obtained before any personally identifiable information is released between the resident school district or public agency and the school district or public agency in which the private school is located.

Case managers should refer these instances to the compliance facilitator. The compliance facilitator will prepare the necessary consent forms.

LCSD2 does not release information from education records without parent consent unless permitted under an authorized exception.

*Citations:*

*34 C.F.R. Part 99 FERPA*

*34 C.F.R. §300.622 Consent*

### **Exceptions to Consent to Disclose Personally Identifiable Information**

LCSD2 will disclose personally identifiable information from a student's educational record if the disclosure is:

To school officials and teachers within the school district or public agency who have legitimate educational interests in the student as described in the school district's or public agency's records policy;

A contractor, consultant, volunteer, or other party to whom a school district or public agency has outsourced services or functions may be considered a school official under this paragraph provided that the outside party:

Performs an institutional service or function for which the school district or public agency would otherwise use employees;

Is under the direct control of the school district or public agency with respect to the use and maintenance of education records; and

Is subject to the requirements of 34 C.F.R. §99.33(a) governing the use and re-disclosure of personally identifiable information from education records.

To school board members during executive session;

To officials of another school, school system, institution of postsecondary education, education service district, state regional program, or other educational agency that has requested the records and in which the student seeks or intends to enroll, or is enrolled in or receives services from this agency. The term "receives services" includes, but is not limited to, an evaluation or reevaluation for purposes of determining whether a student has a disability

To authorized representatives of government agencies;

To accrediting organizations to carry out their accrediting functions;

To parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986;

Based on a judicial order or lawfully issued subpoena. The school district or public agency may disclose information under this section only if the school district or public agency makes a reasonable effort to notify the parent or adult student of the order or subpoena in advance of compliance;

In connection with a health or safety emergency to law enforcement, child protective services, and health care professionals, and other appropriate parties if knowledge of the information is necessary to protect the health and safety of the student or other individuals. A "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a student who may be a victim of kidnap, abduction, or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect; or,

Information the school district or public agency has designated as "directory information" in the school district's or public agency's record policy, if the school district or public agency has given annual public notice to parents of students in attendance and adult students in attendance of:

The types of personally identifiable information that the educational agency or institution has designated as directory information;

### **Destruction of Information**

Lincoln County School District #2 informs parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child.

The District maintains student IEP records for one-year after a student completes (graduates or ages-out) his/her enrolment in Lincoln County School District #2. If a student moves, the records are maintained for 3 years beyond the exit date. If a student drops-out, records will be maintained for one year following the students 21<sup>st</sup> birthday. If a student passes away, the records are kept for one-year post date of death.

Prior to the destruction of these records, the district sends a letter through the US mail to the home indicating that the records will be destroyed unless requested. If a parent requests the records, any test protocols are removed prior to providing the records to the parent. This is because these items are copyrighted.

Parents will be given 30 days from the date of notice to request the records. Destruction of the records may occur anytime thereafter.

Lincoln County School District #2 will destroy student IEP records upon parent request. This applies only to students who have exited and who are no longer eligible for SPED services. If a parent requests IEP records to be destroyed, they must submit a written request to the district special services director. A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

### **Student teachers and other teachers in training.**

A teacher in training, outside of a LCSD2 student teaching placement, may request permission to observe an IEP meeting / planning process to meet coursework requirements, but is not guaranteed this opportunity. In addition to having this observer sign a confidentiality form, the CF will notify the parents of the request and obtain consent from parents for the observer to attend the IEP meeting. (CF's/CM's should use best judgment in identifying IEP meetings to allow an observer. Parents always have the right to say "no," and LCSD2 staff should respect the parents' decision without question.)

A student teacher placed through LCSD2 is considered the same as the teacher of record and should participate and attend to the IEP process, as their role requires. A Student teacher is



required to sign a confidentiality form at the start of their placement (CF/CM should be vigilant about this). Student teachers will be listed on Notice of Meeting forms as appropriate. This will give parents notice of attendance at the IEP meeting.

## IEP File

---

- Information contained in both the hard copy and electronic formats of an Individualized Education Plan file is covered by both FERPA and IDEA confidentiality restrictions. All people accessing this information must conform to confidentiality policy outlined by LCSD#2.
- As of Fall 2012, LCSD2 will maintain hard copy formats of the special education file, while piloting electronic storage in a secured web-based system. The original, hard copy files remain with the compliance facilitators and may be checked out by people with access rights.
- IEP Access. In addition to the primary hard copy file, LCSD2 currently uses a web-based system for writing and (secondary) storage of IEP's.
  - Access to web-based records is provided to case-managers, related service personnel, compliance facilitators, and special education administration.
  - Currently we are providing hard copies of the IEP documents to general education staff that have responsibility for implementing some part of the IEP (we now utilize a "Red Binder" system so that materials are easily accessed by the teacher, while being kept confidential). Our goal, in the near future, is to pilot a program to allow general education access to this documentation through our web-based electronic format.
  - We provide paper copies of IEP documents to all parents. However, upon parent request, we have the ability to provide electronic versions of the IEP documents. The following procedure must be adhered to when providing a parent or guardian with IEP documents in electronic format:
    - The CF or Special Education Administrators are the only people who can send this information electronically.
    - A preliminary email must be sent asking the parent to verify that this is the e-mail address that they would like confidential information sent to regarding their child. The parent must respond to the "CF" email with a statement that they wish to have the documents sent by e-mail to "this address."
    - Following the confirmation noted above, the CF or administrator may send an electronic version of IEP information with a confidentiality notice attached to the bottom of the email.

**\*CONFIDENTIALITY NOTICE\***

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have

received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer.

- Storage of IEP Files: It is our goal to improve the current storage of IEP Files by separating those specific files that require a secure location to protect student confidentiality from those “files” that are really a collection of student work that does not require secured storage. This allows for a more efficient system to store, transfer, and provide to parents only those forms that require confidentiality.
  - CFs keep all IEP Forms (All WDE IEP Forms, Evaluation Reports, Communication, Consents, Progress Reports, and any other documentation that would require confidentiality based on possible disclosure of the disability or need for special education services) in a secured file system. CMs and providers maintain student work within their own file system as they would for any student.
  - Progress Reports:
    - Collection of classroom work / data would be considered student work and maintained with CM. If this is communicated to parents, a note in SEAS notes is acceptable to document this.
    - Progress Reporting on IEP Goal Pages and additional documentation (examples, data, graphs,) that are directly needed to support the Progress Report is provided to the CF for storage.
- In-District Transfer of Files: Students who are transitioning to a new school within our district:
  - Sending CF delivers to receiving CF prior to end of school year only IEP forms and supporting documents as noted above.
  - Blue Folders should also be transferred between CFs (These will go to the CM once the school year starts because it is both a supporting document to the IEP and a working document).
  - Working folders are not transferred by CFs.
    - Student work and data (non-IEP forms) that could potentially disclose a disability, should be destroyed by the sending CM, provided the receiving CM does not want these.
    - Student work and data (non-IEP forms) that do not make such a disclosure should be disposed of in the same way as any other classroom work if the receiving CM does not want these.
  - Related Service providers follow procedures outlined by director for transfer of student logs.

## **Procedural Safeguards**

---

The Notice of Procedural Safeguards brochure explains rights available to a parent or child under the Individuals with Disabilities Act (IDEA) of 2004.

One of those rights is to be informed, in writing and in the parent’s native language or other mode of communication, of the procedural safeguards available to parents and/or

students with disabilities.

A copy of this notice must be given to parents only one time a school year (this is typically done at the annual IEP meeting) except that a copy must also be given to the parents at certain additional times listed below:

1. Upon initial referral or parent request for evaluation;
2. Upon receipt of the first State complaint under 34 C.F.R. §§300.151 through 300.153 and upon receipt of the first request for due process hearing under §300.507 in a school year;
3. When a decision is made to take a disciplinary action that constitutes a change of placement; **and**
4. Upon parent request. [34 C.F.R. §300.504(a)].

For a copy of Procedural Safeguards in English or Spanish, please go to the following website: [www.edu.wyoming.gov](http://www.edu.wyoming.gov).

*The following Federal Regulation Citations are covered in Procedural Safeguards:*

***PRIOR WRITTEN NOTICE 34 C.F.R. §300.503***

***ELECTRONIC MAIL 34 C.F.R. §300.505***

***PARENTAL CONSENT 34 C.F.R. §300.300***

***INDEPENDENT EDUCATIONAL EVALUATIONS 34 C.F.R.***

***§300.502 CONFIDENTIALITY OF INFORMATION***

***NOTICE TO PARENTS 34 C.F.R. §300.612***

***ACCESS RIGHTS 34 C.F.R. §300.613***

***RECORD OF ACCESS 34 C.F.R. §300.614***

***RECORDS ON MORE THAN ONE CHILD 34 C.F.R. §300.615***

***LIST OF TYPES AND LOCATIONS OF INFORMATION 34 C.F.R. §300.616***

***FEES 34 C.F.R. §300.617***

***AMENDMENT OF RECORDS AT PARENT'S REQUEST 34 C.F.R. §300.618***

***OPPORTUNITY FOR A HEARING 34 C.F.R. §300.619***

***HEARING PROCEDURES 34 C.F.R. §300.621***

***RESULT OF HEARING 34 C.F.R. §300.620***

***CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE***

***INFORMATION 34 C.F.R. §300.622***

***SAFEGUARDS 34 C.F.R. §300.623***

***DESTRUCTION OF INFORMATION 34 C.F.R. §300.624***

***AUTHORITY OF SCHOOL PERSONNEL 34 C.F.R. §300.530***

***CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS 34 C.F.R. §300.536***

***DETERMINATION OF SETTING 34 C.F.R. § 300.531***

***APPEAL 34 C.F.R. § 300.532***

***PLACEMENT DURING APPEALS 34 C.F.R. §300.533***

***PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED***

***SERVICES 34 C.F.R. §300.534***

***REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES 34 C.F.R.***

***§300.535***

***ADOPTION OF STATE COMPLAINT PROCEDURES 34 C.F.R. §300.151***

**MINIMUM STATE COMPLAINT PROCEDURES 34 C.F.R. §300.152**  
**FILING A COMPLAINT 34 C.F.R. §300.153**  
**MEDIATION 34 C.F.R. §300.506**  
**MODEL FORMS 34 C.F.R. §300.509**  
**FILING A REQUEST FOR DUE PROCESS HEARING 34 C.F.R. §300.507**  
**REQUEST FOR DUE PROCESS HEARING 34 C.F.R. §300.508**  
**THE CHILD'S PLACEMENT WHILE THE DUE PROCESS HEARING IS PENDING 34 C.F.R. §300.**  
**RESOLUTION PROCESS 34 C.F.R. §300.510**  
**IMPARTIAL DUE PROCESS HEARING 34 C.F.R. §300.511**  
**HEARING RIGHTS 34 C.F.R. §300.512**  
**HEARING DECISIONS 34 C.F.R. §300.513**  
**FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW 34 C.F.R. §300.514**  
**TIMELINES AND CONVENIENCE OF HEARING AND REVIEWS 34 C.F.R. §300.515**  
**CIVIL ACTIONS 34 C.F.R. §300.516**  
**ATTORNEYS' FEES 34 C.F.R. §300.517**  
**Requirements for Unilateral Placements by Parents of students in Private School at Public Expense.**  
**GENERAL 34 C.F.R. §300.148**  
**Revocation of consent for Special Education and Related Services 34 C.F.R. 300.9(c)(3) & 300.300 (b)(4)**

#### **Amendment of records at parent's request**

A parent who believes that information in the education records collected, maintained or used by the agency is inaccurate or misleading or violates the privacy or other rights of the child may request to amend the information. The director of special education shall be notified and shall gather information and decide whether to amend the information in accordance with the request in a reasonable time period of receipt of the request. If the district refused to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing under 300.619.

#### **Opportunity for a hearing**

LCSD2 shall, on request, provide an opportunity for a hearing to challenge information in educational records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

#### **Result of a hearing**

If, as a result of a hearing, LCSD2 decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must do so accordingly and so inform the parent in writing. If as a result of a hearing, the decision is made that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with our decision.

## **Dispute Resolution Procedures**

---

Lincoln County School District #2 shall adhere to all dispute resolution procedures adopted by the Wyoming Department of Education (WDE). The Dispute Resolution Procedures are outlined in detail in the WDE Policy and Procedures for Special Education Manual adopted July 1, 2010. Please see this document for complete details. This document is available on the WDE website at [www.k12.wy.us/se](http://www.k12.wy.us/se). The following are outlined in the manual:

- **Mediation Procedures.** WDE offers parties to disputes involving any matter arising under Part B of the IDEA, an opportunity to resolve the dispute through mediation. This is voluntary and at no cost to the parties. Parties may request mediation by submitting a request to WDE or contacting the dispute resolution facilitator. WDE maintains a roster of qualified, impartial mediators. A mediator is appointed, sessions scheduled and held according to rules stated in the policy and procedure manual. If settlement is reached, the parties will execute a legally binding agreement setting forth its terms.
- **State Complaint Procedures.** Individuals or organizations alleging that the school district has violated a requirement of Part B of IDEA or Federal or Wyoming Statutes or Rules, may file a written complaint with WDE. The information required, timelines, where to send the complaint, exceptional circumstances and process for complaints are spelled out in the Policy and Procedure manual noted above. In the event that WDE finds a failure to provide FAPE, WDE shall issue a corrective action plan. The decision of WDE is final, however if a party (school district or parent) has the right to request a due process hearing, and that party disagrees with WDE's decision, the party may initiate a due process hearing provided the subject of the state complaint involved an issue about which a due process hearing can be filed. The request for a due process hearing must comply with 34 C.F.R. 300.507 and 300.508.
- **Due Process Hearing Procedures.** A parent or school district may request a due process hearing on any matter relating to identification, evaluation, educational placement, or the provision of FAPE to a child with a disability. WDE is responsible for conducting these hearing pursuant to 34 C.F.R. 300.507-300.532. The procedures for this are spelled out in the policy and procedure manual.

## **Parent Communication**

---

Lincoln County School District #2 espouses a philosophy of partnerships with parents. Most parents have a vision of what they want for their child and the capacity to support his learning. Building trust is a key element of creating partnerships between families and schools. Family participation is crucial in providing the best education for students with disabilities. By inviting families and working collaboratively with them to address student difficulties, we will have a much greater effect on students.

If there are conflicts with parents, start by deflecting blame and focusing on solutions. Talk about your shared goals and responsibility for the child's performance. Make sure you keep all discussions positive and offer concrete examples of your concerns.

One overarching theme of the 2006 final IDEA Part B regulations is fostering better

communication, not only between parents and districts, but between everyone involved in the education of a student with special needs.

The 2006 final Part B IDEA regulations say:

1. Districts are required to take any action necessary to ensure parents understand the IEP meeting proceedings, "including arranging for an interpreter for parents with deafness or whose native language is other than English."
2. The IDEA requires districts to keep a record of its attempts to involve a parent in an IEP meeting. The new regulations offer the following examples:

Detailed records of telephone calls made or attempted and the results of those calls.

Copies of correspondence sent to the parents and any responses received.

Detailed records of visits made to the parent's home or place of employment and the results of those visits.

**Documentation of Parent Communication:** All parent communication, including attempts to schedule meetings; discussions of behavior; parent or school concerns, positive calls to parents when a student is doing well; etc., should be documented. For most students, the primary method of documentation will be the automated computer system. For some students, a home to school note-book, email or other methods will be used. There is not a need to duplicate documentation. If a log or home notebook is used, there is no need to also put that information in the special education file. Each file will contain a form stating the primary means of parent communication for that student. If a notebook or log is used, these items must be checked in with the CF at the end of the school year. If the log is complete, it will become part of the supplemental file for that student. If a CM wishes to continue using the notebook, it may be checked out again. The CF will log that the communications book was checked in and then out. If email is used, staff can determine whether it is more efficient to print the email and provide it to the CF for the SPED file, or log the contents in the automated computer system.

Each person that communicates with the parent is responsible to document the communication in some form.

The CF is responsible for parent contact regarding scheduling meetings, Assessment plan input, and procedural issues.

Parents are encouraged to contact the CM for most other purposes. When the CM talks to the parent concerning critical IEP related information, the dialogue shall be summarized and entered into the computer automated system. When the CM sends or receives correspondence, a copy of the correspondence is sent to the CF and will be filed appropriately in the IEP. This system establishes good communication between the CM and the CF while maintaining compliance.

## **Behavior and Discipline**

---

Lincoln County School District #2 constantly strives to provide a safe and positive environment for all students.

Each school has a system of positive behavioral supports and a system for discipline of students within the building. Staff is provided with training and guidance on the use of these systems. Additionally, special education staff is provided with training on the MANDT system.

### **MANDT**

The Mandt System is based upon the philosophy that all people have a right to be treated with dignity and respect. Mandt recognizes and considers the behavior of people as a form of communication. The Mandt approach to relationships with people requires that we proactively meet the needs of others striving to improve relationships. Mandt teaches: Building Healthy Relationships, Proactive Interaction, and The Crisis Cycle. Mandt teaches strategies for de-escalating, resolving, and preventing conflict, aggression, and violence between people within their agencies and programs.

### **Functional Behavior Assessments and Behavior Intervention Plans**

A Functional Behavioral Assessment is a strategy to determine why certain students engage in behaviors that disrupt their learning or the learning of others. A Functional Behavioral Assessment (FBA) leads to a hypothesis regarding the function (or purpose) of the behavior and guides the creation and implementation of a Positive Behavior Support Plan (PBSP).

The underlying assumption of FBA's is that ALL behavior is purposeful and that the functions of behavior can be identified through evaluation. There are three general types of functions of behavior; to avoid or escape something, to gain something, and to regulate self (which is really a subset of gaining something).

Many students exhibit some disruptive or problematic behaviors that negatively impact their ability to access the general curriculum or the ability of their peers to access the same curriculum. Not all of these students need a formal evaluation or plan to address their behavioral deficits or excesses. Students whose behaviors do not respond to typical classroom and school wide discipline or behavior management techniques may need more in depth planning. Often these students exhibit behaviors which: consistently disruptive to themselves or others, consistently interfere with work completion or participation, are inconsistent but of a severe nature where they potentially put themselves or others at risk.

As a provision of each student's IEP, the IEP team shall consider whether a student's behavior impedes his learning or the learning of others. If a student's behavior does in fact interfere with learning, the IEP team shall determine supports and/or interventions that are designed to change or manage the student's behavior.

Functional Behavior Assessment (FBA) and Behavior Intervention Plans (BIP's) may be implemented for students who demonstrate behavior problems in school. The need for such intervention shall be determined through the IEP process. A Behavior Intervention Plan may be implemented independent of a Functional Behavior Assessment unless otherwise required. Lincoln County School District #2 strongly encourages teachers and

IEP teams to use positive behavior supports and interventions as a primary means of managing and modifying student behavior.

If formal assessment is required, the following steps shall be followed.

Step 1: Identification of problem by case-manager or administrator.

- Case manager or administrator identifies that student is engaging in a problem behavior that puts his/her academic placement at risk.
- Is the problem behavior a disciplinary infraction or “safe schools” violation that may result in a change of placement (weapons violation, illegal drug possession, serious injury to others)?

If the answer to the above question is “no”- follow these steps:

Step 2: Case manager alerts compliance facilitator of the need for formal assessment. The compliance facilitator will contact parent and obtain parental consent and contact behavior specialist if needed.

Step 3: Initial interviews and record review by case manager.

- Case manager creates operational definition of the problem behavior and gathers relevant information about the educational environment.
- Case manager conducts interviews with the student, parent/guardian, and other relevant teachers/administrators.
- Case manager/administrator conducts a record review of student’s academic file to determine assessments that have been conducted and interventions that have been utilized in the past.

Step 4: Case manager conducts functional assessment (with or without consultation by behavior specialist)

- Case manager collects data (either through direct observation by the case manager or by direct observation by others) on the occurrence of the problem behavior.
- Case manager collects data on features of the academic environment that may be contributing to the occurrence of the problem behavior.
- Case manager/ behavioral specialist summarizes information gathered, determines behavioral function, and writes up Functional Assessment Report using Functional Assessment Form.

Step 5: Case manager/behavior specialist creates draft Behavior Intervention Plan (BIP) to address problem behavior.

- Based on information from the functional assessment, the case manager develops a BIP and a data collection system to track the effectiveness of the plan.
- Case manager alerts compliance facilitator of the need for a meeting with parents.

Step 6: Parent meeting.

- Parents review the proposal and provide input. A final plan is drafted.
- Any necessary amendments to IEP are made.



- Compliance facilitator documents the meeting and the plan in special education file and computer IEP management system.

Step 7: Implementation/Evaluation of BIP.

- The case manager provides training to all staff involved of the correct implementation of the BIP.
- Staff will also be trained on how to collect data on implementation of the plan and the effectiveness of the plan.
- After some period of time, data on the effectiveness of the plan are summarized and evaluated.
- See Section "monitoring student progress" -behavior data- for details on reporting progress to parents.
- When necessary, modifications to the plan are made (with parent input) based on data collected.

Effective plans need to be reviewed periodically to; assess the effectiveness of the plan, to identify problems or concerns, to modify the plan as needed. It is recommended that each plan be reviewed AT LEAST once per month. More frequent meetings may be necessary, especially at the beginning of an intervention. Plans that are not reviewed on a regular basis are prone to failure and will only serve to frustrate everyone involved.

The data that is collected during the implementation of the plan will assist the team in determining if the plan is meeting its goals. Data can also serve to document the effectiveness of the plan for teachers, students, and parents. Finally, without data there is no proof that the intervention was ever implemented.

If the answer to the question posed in step one is “yes”, follow the steps below.

Step 2: Compliance facilitator schedules a “Manifestation Determination Meeting” with all appropriate parties, including inviting the director of special education.

- Case manager and compliance facilitator fill out required paperwork for the manifestation meeting.
- Parent is provided with procedural safeguards. The team, including parent reviews all data and makes a determination about whether the behavior is a manifestation of the student’s disability.
- The compliance facilitator completes final draft of paperwork and provides parent with prior written notice and copy of manifestation paperwork.

If the behavior is found to be a manifestation, a functional assessment process begins. If the student already has a BIP in place, it is reviewed and modified as necessary. No Functional Assessment would be required in that scenario.

If there is no existing BIP, Follow steps two through seven in the proceeding section to create a BIP.

If the team determines that the behavior was not a manifestation, the student may be placed in an alternate educational placement per district policy- no functional assessment is required. The team can determine if a functional assessment is warranted.

If a student is removed, state guidelines and procedures will be followed to continue to provide FAPE to the student. The compliance facilitator shall schedule all necessary meetings and documentation to facilitate this process.

### **Discipline**

A student with an IEP may only be suspended from school (without services) for a total of 10 school days in a school year. In cases where a student has been suspended from school as a disciplinary action and the number of days of suspension exceeds eight (8) in a school year, the school shall initiate a Functional Behavior Assessment (FBA). Upon completion of the FBA, the IEP team shall meet to discuss, develop, and/or implement a Behavior Intervention Plan (BIP). If a student is suspended for a 10<sup>th</sup> day in a school year, the Director of Special Services shall be notified. A Manifestation Determination Hearing and an IEP shall be conducted to review placement and the provision of services for the child. A student's educational placement shall not be manipulated in any way before a Manifestation Determination Hearing and an IEP meeting are conducted, when the change of placement is a result of disciplinary action.

Building Administration shall alert compliance facilitators and case-managers of any suspensions of students who are receiving special education services. The information conveyed must include if the student is suspended from the bus, school, or both and if it is partial or full days. (CF logs the suspension in SEAS to track "10 FAPE Free Days.")

### **Manifestation Determinations**

A Manifestation Determination is required for students with disabilities removed for more than 10 consecutive (or pattern) school days (not calendar) for disciplinary reasons. Covered in Discipline Procedures (SS 300.530-536)

- If the disciplinary removal is for less than 10 school days in a school year the student may be excluded from placement without obligation to provide FAPE and treated the same as a student without a disability.
- Within 10 school days of any decision to change a child's educational placement for disciplinary reasons for more than 10 days, the school district, the parent and the relevant members of the IEP team shall meet for a Manifestation Determination Meeting and:
  - a. Review all relevant information in the student's file, including the IEP and any teacher observations and relevant information provided by parent.
  - b. Determine if the conduct in question was caused by or had a direct and substantial relationship to the child's disability and determine if the conduct in question was the direct result of the school district's failure to implement the IEP.

The CF should be notified of all suspensions or expulsions or potential suspensions/expulsions of students receiving special education services.

CF Role in Manifestation Determination Meetings:

- Hold a staffing and review relevant information. Make sure all staff is on same page.

- Schedule Manifestation Determination Meeting (LEA, Parent and “Relevant members of IEP team” The director of special education should always be invited to these meetings. Additionally, you may invite: a regular ed. teacher, principal, psychologist, behavior specialist, and case manager as appropriate.)
- Send notice of meeting and procedural Safeguards to parent.
- Prepare paperwork.
- The CF or CM may seek parent input as agreed upon by both parties.
- Hold meeting- See Manifestation Determination Paperwork. Provide parents with copy of MD and PWN. May need to make placement decisions during meeting, or you may need a separate meeting for alternate interim placement decision and services decision.

#### CM Role in Manifestation Determination Meetings:

- Gather information and data regarding the student’s behavior and implementation of the IEP.
- Complete section C- Summary of information reviewed on Manifestation Determination Forms.
- Participate in staffing and meeting as appropriate
- The CM or CF may seek parent input as agreed upon by both parties.

#### IF THE TEAM DETERMINES THAT THERE IS **NO** MANIFESTATION:

- Student may be disciplined as any other student.
- You must provide FAPE during the time of discipline. Section 300.530: The child must continue to receive educational services so that the child can continue to participate in the gen. curriculum (although in another setting), and progress toward meeting the goals in the child’s IEP. ED; “we believe the act MODIFIES the concept of FAPE in these circumstances to encompass those services necessary to enable the child to continue to participate in the general curriculum and to progress towards IEP goals. An LEA is **not** required to provide these students with exactly the **same services they were receiving prior** to the imposition of discipline.
- Extent of services depends on each child’s needs.
- It is the IEP team that determines setting and services after removal. 300.530 (d) (5)
- Services must start on 11<sup>th</sup> cumulative day.
- If the discipline results in a change of placement, the parents must be notified of the change of placement and provided with Procedural Safeguards. If the parents disagree, they may request a hearing. A resolution must happen within 7 days of receiving a complaint notice.

#### IF THE TEAM DETERMINES THE BEHAVIOR IS A MANIFESTATION:

- Conduct a FUBA and Implement a BIP (or review and modify an in place BIP) to address Behavior.
- Return child to his/her previous placement (Stay put) unless:
- The school district and parent agrees to a change of placement as part of the modification of BIP.
- One of three “Special Circumstances” (see below).

- If the school wants a change of placement even though the behavior was a manifestation and parents do not agree- the school can request a due process hearing to seek a change of placement.

#### SPECIAL CIRCUMSTANCES:

- A child with a disability may be removed even if it is a manifestation if it is a drug, weapon or serious bodily injury offense as outlined in the Wyoming Rules and Regulations.
- These removals are limited to not more than 45 school days unless extended by a hearing officer. Hearing officer would be involved if it was felt that returning the child to his original placement would be substantially likely to cause injury to him or to others.

#### PARTICIPATION IN STATE AND DISTRICT ASSESSMENTS:

- The requirement that all children participate in State & District Assessments applies to children with disabilities who have been placed in an interim alternate education setting, or another setting, or who are suspended.
- The only public school children with disabilities enrolled in public settings who are exempted from participation in State & District Assessments under NCLB are children with disabilities convicted as adults under State law and incarcerated in adult prisons.

## **Seclusion & Restraint**

---

**It is the policy of Lincoln County School District #2 to regulate the use of seclusion and restraint with students pursuant to W.S. '21-2-202(a) (xxxii), W. S. '21-3-110 (a) (xxxi), and Chapter 42 of the Wyoming Department of Education rules. This policy and the regulation that accompanies it shall govern all regulated use of seclusion and restraint. See LCSD#2 Procedure Manual for specific procedures.**

## **Professional Development**

---

### **Whole District In-service:**

Depending upon the training/subject area, attendance at district in-services will be optional; however, the SPED Director may make in-services mandatory for all or some members of the staff.

### **Special Education Professional Development:**

The special education department will use a variety of techniques to identify staff development needs. This may include a survey of staff, discussions with SPED teams in individual buildings, Research by the Special Education Leadership Team (SPELT), Data analysis, and seeking parent input. Any staff member with ideas regarding in-service needs is encouraged to discuss these needs with their compliance facilitator or the director of special education.

The special education department will conduct an in-service at the beginning of each school year for all special education staff with important information for the school year. Further trainings will be provided at least tri-annually.

In order to be compliant with state procedures, special education staff will be provided with trainings on the use of state forms as often as needed. The SPELT team will provide this training and provide staff with a “model IEP” explaining each section of the IEP. The special education department will provide training in the use of the automated IEP system in use by the district. If a staff member has specific questions or issues with the system, they should first ask the CF in their building, and then go to the district appointed technical assistance provider for this program if the CF cannot resolve the issue.

District training will be held either during school hours with substitutes for professionals and aides or after school. When necessary meetings may be held on Saturdays.

### **Out of District Professional Development:**

Personnel may attend out of district conferences in areas pertaining to their job to become more specialized or to keep up with changing techniques or practices.

Staff who receive information on conferences are encouraged to notify district SPED staff via e-mail about the conference.

All SPED staff have the opportunity to attend conferences during the year. Priority for staff development planning will be based upon:

1. The teacher’s Professional Development Plan.
2. Staff development priorities based on the SPED Staff Development Plan and the Needs Assessment.
3. Staff Development that is necessary to support the IEP of a particular student or any group of students.
4. The availability of funds.
5. Professional Development history will be considered.

Attendance at a conference that is assigned by an administrator will not disqualify staff from future requests.

Sharing of information with colleagues is encouraged and may be required by the SPED Director.

### **Collaboration:**

Collaboration is required of all SPED professional staff. Collaboration is necessary for the implementation of student IEPs. SPED professionals will inform the SPED Director of their plan for collaboration at the beginning of the school year. Collaborative activities will be monitored through special educator evaluations.

If it is necessary to meet with aides and other paraprofessionals after their contract hours they will receive financial reimbursement or comp time. These times must be pre-approved by the SPED Director.

Time to collaborate with staff from different schools during late start or separately scheduled meetings will be provided. Such meetings will be scheduled by the staff members involved. If this type of collaboration requires a substitute it will have to be approved by the SPED Director.

### **Parent Participation in Professional Development:**

Parents of SPED students may be involved in in-service professional development when appropriate. The Director of Special Services may inform parents of in-service opportunities by means of the local newspaper, radio, email, and notices sent home with children.

Parents may be included in out of district staff development when appropriate and when funding is available.

Parent training may be written into a student's IEP if the training is required for a student to receive educational benefit from his/her IEP. Case-managers shall receive authorization from the district's Director of Special Services prior to writing such services into a student's IEP.

### **MANDT Training:**

All employees of Lincoln County School District #2, who work primarily with students with disability, shall complete and maintain MANDT certification. MANDT certification and recertification training is offered to all SPED staff members and SPED transportation staff at no cost to the employee.

### **School-based In-service/Staff Meetings:**

Each school is to conduct a weekly in-service/staff meeting that is mandatory for all special education teachers and aides. This meeting is not mandatory for school psychologists and related service providers unless they are asked to present or participate in a specific staff development activity. The purposes of weekly in-service/staff meetings are as follows:

1. Provide specific program-based in-service.
2. Provide specific student-based in-service to facilitate implementation of IEP's.
3. Elicit feedback and discussion regarding program systems and procedures.
4. Analyze student data and engage the staff in collaborative problem solving activities to improve instruction.
5. Provide training on various disabilities and other special education related issues to build capacity to provide each student with FAPE.

In order to compensate classified staff (aides) for their attendance at these weekly meetings, their working hours are to be reduced by 15 minutes, four days per week. This allows for a one-hour staff meeting, once per week, where aides are fully compensated for their attendance. The supervising teacher is responsible to determine the beginning and ending time for each aide. Schedules between staff members can differ as needed to

cover the arrival and dismissal of students. Once established, schedules should be consistent day in and day out for each employee, with the exception of the weekly in-service.

Elementary aides are paid to work 33.75 hours per week. They should work 6 hour and 30 minute shifts four times per week and one 7 hour and 45 minute shift on the day of the weekly in-service.

Secondary aides are paid to work 36.25 hours per week. They should work 7 hour shifts four times per week and one 8 hour and 15 minute shift on the day of the weekly in-service.

Please keep in mind that every aide is to receive a 30-minute duty-free lunch every day. Please build this into your scheduling.

Weekly in-service/staff meetings are to be a top priority for all SPED staff. Canceling or rescheduling these meetings should only be considered when school-wide activities, that require the attendance of the SPED staff, conflict with the regular meeting schedule.

Each school shall file a copy of the agenda and attendance record for each meeting. The Director of Special Services will monitor each school's compliance with this mandate.

## **Affidavit of Time and Effort and Time and Effort Logs**

---

All SPED staff are required to complete and sign an affidavit twice annually indicating the percentage of time and effort allocated working with students with disabilities. Affidavits shall be signed in January and May of each school year.

Special education staff fall in one of the two following employment categories:

1. Are assigned to work exclusively with students with disabilities who are being served under an IEP.
2. Are assigned to work with students with disabilities during part of the day or week and to work with regular education students during the other part of the day or week.

If special education teachers or specialists are spending any time outside of SPED, it is the responsibility of the special education professional to maintain an accurate time and effort log. If SPED aides are spending time outside of SPED, it is the responsibility of the supervising teacher/specialist to maintain an accurate time and effort log for the aide. School staff members are considered to be spending time outside of SPED if they are doing any of the following:

1. Working primarily with regular education students (not attending to a specific SPED student or group of SPED students).

2. Recess, lunch, or bus duty that extends in duration or frequency beyond what is typical for other school staff (unless you are assigned specifically to a SPED student).
3. Performing clerical duties that are in no way related to meeting the needs of students with disabilities.

SPED teachers, specialists and aides must have authorization from the district's Director of Special Services before they are permitted to spend time and effort outside of SPED. If an employee does not have proper authorization, 100% of his/her time and effort shall be allocated to meet the educational needs of students with disabilities as prescribed by each student's IEP.

Time and effort logs shall be submitted to the district's Director of Special Services at the mid-year and again at the end of each school year.

In addition to the log, special education staff members must sign an affidavit representing the actual amount of time that was spent working with special education students. This provides the district with a basis for monitoring services and for compliance with state and federal reporting.

Staff who spend all (100%) of their time and effort primarily with students with disabilities are not required to keep time and effort logs. This means that during all instructional times, there is at least one SPED student in the immediate environment to whom the staff member is assigned. When there are other, non-disabled students in the environment who may be receiving incidental benefit from the SPED staff member, the SPED staff member must keep the primary focus on serving the SPED student(s).

Staff who spend some time and effort engaged in regular education assignments that are not directly related to the provision of SPED and/or related services for children with disabilities must keep a time and effort log that indicates the distribution of time and effort spent between services provided for SPED and regular education students. Data from the time and effort log becomes the basis for the statement of services provided on the affidavits.

There are two exceptions to this procedure. First, a SPED staff member can be assigned extra duty assignments that may include recess, lunch, and bus duty, as long as the duration and frequency of the assignment is comparable to that of all other staff members. The second exception includes extra duty assignments that go beyond regular hours and are paid through the general budget. In either case, the SPED staff member does not need to claim such time and effort on a time and effort log, nor does this time need to be reflected on the affidavits.

## **Related Service Logs and Procedures**

---



The IDEA mandates that a student's IEP contain "a statement of the specific education and related services... ..to be provided to or on behalf of the child." 34 CFR 300.320(a)(4). In addition, the IEP must include "the projected date for the beginning of the services... ..and the anticipated frequency, location, and duration of those services and modifications." 34 CFR 300.320(a)(7)

Discussion supporting the 2006 regulations highlight that the related services in the IEP must be "clearly stated in a manner that can be understood by all involved in the development and implementation of the IEP." 71 Fed. Reg. 46,667 (2006).

Related Service Providers (employed by the district and contracted by the district ) will meet with the Director of Services prior to the start of each school year to review a process of keeping logs / reports (of both direct services and consultative services) for each student as outlined by the IEP as well as setting a set schedule to provide those logs of services routinely to the District Special Services Office to account for the implementation of those services in support of the IEP.

## **Assessment**

---

All students in assessed grade levels, including those with the most profound disabilities, shall participate in state and district assessments. The IEP team determines how students will participate in state and district assessments.

### **Assessment Options:**

The following assessment options are available for students with disabilities:

1. Students may participate in regular state and district assessments without accommodations. Students who do not have specific accommodations listed in their IEP's will be tested in the same way as their non-disabled peers.
2. Students may participate in regular state and district assessments with allowable accommodations. Students who have specific accommodations written into their IEPs shall be tested according to their IEP.
3. Students who qualify may participate in alternate state and district assessments. Alternate assessments measure student progress on Wyoming Academic Content Standards.

### **Accommodations and Modifications:**

IEP teams determine what accommodations are necessary for a child to participate in state and district assessment. Modifications are not allowed on the current state assessment because they invalidate the test.

**Accommodations** are adaptations in the way a test is administered, tools and materials

that are available for a child during a test, and/or in the way a student responds to test items. Accommodations that are implemented appropriately do not change the construct of any test items, thus preserving the validity of the test.

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

Accommodations reduce or eliminate the effects of a student's disability and do not reduce learning expectations.

Accommodations are used for: classroom instruction, classroom assessments, and state & district assessments.

It is the case manager's responsibility to assure that the appropriate use of accommodations and to monitor the efficacy of the accommodations for the student. IEP teams must choose accommodations based on student strengths, weaknesses and need. All accommodations must be justified based on these factors.

All persons involved in administration of state level assessments shall know the accommodations that must be provided to the individual student. Only accommodations listed on the IEP may be used on state and district level assessments. A copy of allowable accommodations is available on the Wyoming Department of Education website.

**Modifications** are adaptations in the content, structure, scoring, and/or criteria of a test. Accommodations that change the construct of a test in any way are also modifications to the test. Modifications compromise the validity of a test and shall only be used for students who cannot participate in a given assessment without the implementation of modifications. Students who are granted the use of modifications on district testing will receive the lowest score on the test, despite their performance. It is important that IEP teams consider this before writing such modifications into IEP's. Modifications may result in the student not being able to attain graduation standards to receive a diploma.

### **Alternate Assessment:**

Students who are not able to participate in regular state and district assessments, with or without accommodations, participate in alternate assessment. The alternate assessment is specially designed for those students with the most significant cognitive disabilities who are working on the Wyoming Academic Content Standards (alternate standards). The IEP team determines whether a child participates in regular state and district assessment or alternate state and district assessment. Before the IEP team makes a determination to have a child participate in the PAWS-Alt, the team should review the criteria provided by the WDE to determine whether the child qualifies (See Appendix F). The participation requirements can be found on the WDE website at <http://www.edu.wyoming.gov> under Wyoming Assessments, PAWS-Alt. Alternate assessments measure how well students are learning the Wyoming Academic Content Standards. Alternate achievement standards describe what students should know and be able to do in language arts, science and mathematics. It is the responsibility of the school team to inform parents of possible consequences resulting from an IEP team's decision to have a child participate in the PAWS-Alt and/or a program of study aligned to alternate achievement standards. Parents should be informed of the impact that such a program of study can have on a student's ability to meet the district's criteria for graduation.

All personnel involved in administering the state level alternate assessment must complete state-mandated trainings and adhere to all guidelines governing the administration of the alternate assessment.

## **Students with IEP's transitioning to a new school within the district**

---

Please observe the following guidelines when transitioning students with IEP's:

- IEP's of transitioning students will be completed in the spring by the current school of enrollment (the sending school) if the due date of the IEP is before October 1 of the next school year. If the due date is on or after October 1, the IEP will be conducted in the fall by the school that is receiving the student.
- A representative from the receiving school should be invited to attend IEP's of transitioning students that are conducted after April 1 of the current school year. Attendance by the receiving school CM is optional.
- **Three-year reevaluations** that are due before November 1 are to be completed by the sending school in the spring. Three-year reevaluations that are due on or after November 1, are to be completed in the fall by the receiving school.
- For perspective **Kindergarten students transitioning in from a CDC** please review our existing transition agreement between LCSD#2 and LUCDA. This is available through the special education office in the district office.
- Each school will follow transition protocols created at each level for students transitioning to new buildings within our district (4<sup>th</sup> grade, 7<sup>th</sup> grade, 9<sup>th</sup> grade). These protocols include a transfer of information in written form (copy of IEP's and "Passport" information), observations, and a scheduled meeting with both schools and the parents invited to attend. Please see compliance facilitators in the receiving school for protocols for these transitions.
- If a student is transitioning out because of **graduation** or because a student is aging out, complete a Summary of Performance document. Please see "graduation and program completion" section of this handbook for complete instructions.
- **Related Service Transitions:**
- **When students transition to a new related service provider within our district, the current provider relays information about the student to the new provider. Psychologists, speech pathologists and occupational therapists communicate this information to the receiving providers. Occupational Therapists do not have a specific form.**
- **Psychologists and Speech Pathologists use the following form in addition to informal communication:**

- **Confidential**

- **Transition Form**

- **Student Name:**

- 

- **Current Grade:**

- 

- **Current School:** \_\_\_\_\_ → **Coming to** \_\_\_\_\_

- 

- **Current provider:**

- 

- **IEP: Yes No                      RtI: Yes No**

- 

- **Approx. amount of time of service:**

- 

- **Current goals/needs:**

## **Purchasing Procedures**

---

### **Petty Cash**

Each school has a petty cash fund that can be used for purchasing smaller items (valued \$25 or less) that are needed for the daily operation of school. Such items include but are not limited to school supplies, batteries, food and kitchen items for life skills, and reinforcers. Any purchased item must be used exclusively for school purposes. The SPED petty cash fund in each building is not to exceed \$100.00 of cash on hand.

One SPED teacher in each building will manage the petty cash fund. When a SPED staff member uses petty cash, he/she will request the necessary amount or an amount slightly larger than the projected cost of the needed item(s) and communicate the need including the items that will be purchased to the petty cash manager. If the request meets the provisions of this procedure, the petty cash manager will provide the staff member with the requested amount from the petty cash fund. After the purchase has been made, the staff member will:

1. Complete a petty cash voucher for the purchase.
2. Attach the original receipt to the petty cash voucher.
3. Provide the petty cash voucher, receipt and any cash change resulting from the purchase to the petty cash manager. Petty cash vouchers need to be signed by an administrator. This can be a building level administrator or it can be the director of SPED.

The petty cash manager signs the petty cash voucher and records the amount and the account balance on the petty cash voucher log following each transaction. When the petty cash fund dips below \$20 of cash on hand, the manager reconciles the amount of cash on hand with the petty cash voucher log and submits the petty cash voucher log with all vouchers and receipts to the special services secretary. The special services secretary reviews the petty cash voucher log including the attached vouchers and receipts. When everything is reconciled, the special services secretary attaches the petty cash voucher log with the attached vouchers and receipts to a district voucher for payment and submits these items to the director of special services. The director reviews all information to ensure that petty cash expenditures meet the provision of this procedure and signs a voucher for an amount equal to the total of the petty cash vouchers.

Individual items that are valued above \$25 cannot be purchased through petty cash and must be purchased through a purchase requisition.

### **Purchase Requisitions**

SPED teachers and specialist can submit an electronic purchase requisition for supplies, materials, or equipment that are required for the provision of special education and related services. Supplies and materials can be purchased through the department of SPED only when they are items that are not usually purchased through the school building budget for all teachers. When completing an electronic requisition, the following guidelines are to be followed:

1. Complete all sections of the electronic requisition form. The formatting of the electronic form must not be altered.
2. Attach the electronic form to an email message. In the body of the message the sender must include:
  - a. A clear summary of need
  - b. Vendor information including address, phone, and fax numbers
3. Send the message with the attached file to the special services secretary.

Upon receipt of the electronic requisition, the special services secretary will upload the information into the district's electronic management system where the requisition will go through a formal administrative approval process before it is converted to a purchase order. Once the purchase order is finalized, the requested item can be purchased.

All purchases, except those administered through petty cash, require preauthorization through the aforementioned process. When a SPED staff member makes a purchase with their own personal money, he/she cannot be reimbursed for the purchase unless preauthorization is provided through an electronic requisition.

## APPENDIX A: Wyoming Severe Discrepancy Formula

Step 3: Follow the row determined in Step 2 to the column with the correlation value closest to the correlation between the chosen measures of intellectual functioning and achievement or to a correlation of .65 if a specific correlation coefficient is not known.

Ability Score	Table A: Correlation Coefficient Between Ability and Achievement Test Scores											Ability Score
	0.4	0.45	0.5	0.55	0.6	0.65	0.7	0.75	0.8	0.85	0.9	
	Expected Achievement Score with Correction for Regression Toward the Mean											
130	112	114	115	117	118	120	121	123	124	126	127	130
129	112	113	115	116	117	119	120	122	123	125	126	129
128	111	113	114	115	117	118	120	121	122	124	125	128
127	111	112	114	115	116	118	119	120	122	123	124	127
126	110	112	113	114	116	117	118	120	121	122	123	126
125	110	111	113	114	115	116	118	119	120	121	122	125
124	110	111	112	113	114	116	117	118	119	120	122	124
123	109	110	112	113	114	115	116	117	118	120	121	123
122	109	110	111	112	113	114	115	117	118	119	120	122
121	108	109	111	112	113	114	115	116	117	118	119	121
120	108	109	110	111	112	113	114	115	116	117	118	120
119	108	109	110	110	111	112	113	114	114	116	117	119
118	107	108	109	110	111	112	113	114	114	115	116	118
117	107	108	109	109	110	111	112	113	114	114	115	117
116	106	107	108	109	110	110	111	112	113	114	114	116
115	106	107	108	108	109	110	111	111	112	113	114	115
114	106	106	107	108	108	109	110	111	111	112	113	114
113	105	106	107	107	108	108	109	110	110	111	112	113
112	105	105	106	107	107	108	108	109	110	110	111	112
111	104	105	106	106	107	107	108	108	109	109	110	111
110	104	105	105	106	106	106	107	108	108	109	109	110
109	104	104	105	105	105	106	106	107	107	108	108	109
108	103	104	104	104	105	105	106	106	106	107	107	108
107	103	103	104	104	105	105	105	105	106	106	106	107
106	102	103	103	103	104	104	104	105	105	105	105	106
105	102	102	103	103	103	103	104	104	104	104	104	105
104	102	102	102	102	102	103	103	103	103	103	104	104
103	101	101	102	102	102	102	102	102	102	103	103	103
102	101	101	101	101	101	101	101	101	102	102	102	102
101	100	100	101	101	101	101	101	101	101	101	101	101
100	100	100	100	100	100	100	100	100	100	100	100	100
99	100	100	100	99	99	99	99	99	99	99	99	99
98	99	99	99	99	99	99	99	99	98	98	98	98
97	99	99	99	98	98	98	98	98	98	97	97	97
96	98	98	98	98	98	97	97	97	97	97	96	96
95	98	98	98	97	97	97	97	96	96	96	96	95
94	98	97	97	97	96	96	96	96	95	95	95	94
93	97	97	97	96	96	95	95	95	94	94	94	93

Ability Score	Table A: Correlation Coefficient Between Ability and Achievement Test Scores											Ability Score
	0.4	0.45	0.5	0.55	0.6	0.65	0.7	0.75	0.8	0.85	0.9	
	Expected Achievement Score with Correction for Regression Toward the Mean											
92	97	96	96	96	95	95	94	94	94	93	93	92
91	96	96	96	95	95	94	94	93	93	92	92	91
90	96	96	95	95	94	94	93	93	92	92	91	90
89	96	95	95	94	93	93	92	92	91	91	90	89
88	95	95	94	93	93	92	92	91	90	90	89	88
87	95	94	94	93	92	92	91	90	90	89	88	87
86	94	94	93	92	92	91	90	90	89	88	87	86
85	94	93	93	92	91	90	90	89	88	87	86	85
84	94	93	92	91	90	90	89	88	87	86	86	84
83	93	92	92	91	90	89	88	87	86	86	85	83
82	93	92	91	90	89	88	87	87	86	85	84	82
81	92	91	91	90	89	88	87	86	85	84	83	81
80	92	91	90	89	88	87	86	85	84	83	82	80
79	92	91	90	88	87	86	85	84	83	82	81	79
78	91	90	89	88	87	86	85	84	82	81	80	78
77	91	90	89	87	86	85	84	83	82	80	79	77
76	90	89	88	87	86	84	83	82	81	80	78	76
75	90	89	88	86	85	84	83	81	80	79	78	75
74	90	88	87	86	84	83	82	81	79	78	77	74
73	89	88	87	85	84	82	81	80	78	77	76	73
72	89	87	86	85	83	82	80	79	78	76	75	72
71	88	87	86	84	83	81	80	78	77	75	74	71
70	88	86	85	84	82	80	79	78	76	74	73	70

## **APPENDIX B: Child Find Letter for Students Not Attending**

<Inside Address>

Dear Mr. And Mrs. <last name>:

It is my understanding that <student's name> has either dropped out of school or is participating in a home school program and is no longer attending school in Lincoln County School District #2. Since <student's name> has been identified as having a disability, <he/she> is still eligible to receive special education and related services. Our records show <he/she> was receiving <describe the services>.

Lincoln County School District #2 has an Individualized Education Program (IEP) in place for <student's name>. If at any time you wish to access special education and related services for <student's name> as outlined in <his/her> IEP, please contact me and we can make arrangements for services. If you would like the IEP team to meet to review <student's name> IEP please contact me and I will make arrangements for an IEP meeting.

Sincerely,

<your name>

Compliance Facilitator

<Name of your school>



## **APPENDIX C: Summary of Performance. C1: Notice of Graduation & C2: Age Out**

APPENDIX C1: Summary of Performance/Notice of Graduation letter.

( School name & address)

Subject: Summary of Performance and Prior Written Notice

Date:

Dear \_\_\_\_\_ and Parent or Guardian,

The school is providing a Summary of Performance and Notice regarding entitlement for special education services to students with IEPs anticipating graduating \_\_\_\_\_.

The Summary of Performance is a reference for student to use with post – secondary planning and services in the areas of education/training, employment, and independent living.

The Prior Written Notice informs the student, that eligibility for IEP services under the Individuals with Disabilities Act (IDEA) ends at the time of graduation with a regular diploma.

This information is not a guarantee or notice of graduation. Should the student need credit recovery or additional time (semester) to meet graduation requirements, then the student is still entitled to services as outlined in their current IEP.

Sincerely,

(name)

Compliance Facilitator

Ph. (307) 885-            E-mail:

## APPENDIX C2 Summary of Performance- Age Out.

Summary of Performance / End of Services - Age Out  
 (School Name)  
 (School Address)

Subject: Summary of Performance and Prior Written Notice

Date:

Dear \_\_\_\_\_(Parent / Guardian)\_\_\_\_\_ ,

The school is providing a Summary of Performance and Notice regarding entitlement for special education services to students with IEPs who have reached the age of 21 during the school year which ends on \_\_\_\_\_. (Last Day of school for the year the student turns 21 or the Last Day of the current year if the student turns 21 during the summer).

The Summary of Performance is a reference for student to use with post – secondary planning and services in the areas of education/training, employment, and independent living.

The Prior Written Notice informs the student, that they have reached the age limit of eligibility for IEP services under the Individuals with Disabilities Act (IDEA).

Sincerely,

(Name)

Compliance Facilitator

Ph. (307) 885-(XXXX)

E-mail: \_\_\_\_\_

## APPENDIX D: Transfer of Parental Rights at Age of Majority

### Lincoln County School District #2 Parental Notice: Transfer of Parental Rights

---

Student's Name: \_\_\_\_\_

Date: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Parent / Guardian Name: \_\_\_\_\_

School: Star Valley High School

Dear \_\_\_\_\_, (Parent / Guardian)

Your child will soon reach age 18. Under Wyoming state law, all rights accorded to parents of students with disabilities under the Individuals with Disabilities Education Act transfer to your child on his or her 18<sup>th</sup> birthday, unless you have been granted legal guardianship of your adult student.

At age 18, the student will be responsible for making all decisions regarding future educational services. The brochure *Parental Rights in Special Education*, identifies the rights that transfer to your child. The district will continue to provide you with Notice of IEP Meetings unless otherwise requested by your child.

If you have any questions you, please feel free to contact your child's Case Manager or me.

Sincerely,

(name), Compliance Facilitator

Phone: \_\_\_\_\_

---

\_\_\_\_\_  
Previously you received a copy of your procedural safeguards rights in a brochure about *Special Education Rights for Parents and Children*. If you would like another copy of this information, please refer to the contact information provided below. (Initials) \_\_\_\_\_

\_\_\_\_\_  
A copy of the procedural safeguards notice is enclosed. (Initials) \_\_\_\_\_

A copy of the procedural safeguards notice is available at [www.k12.wy.us](http://www.k12.wy.us) If you do not have access to the internet or would like the school district or public agency to provide you with a copy of the procedural safeguards notice please contact the person listed above.

## APPENDIX E: WDE CHECKLIST FOR CONSIDERATION OF PAWS ALT

Criteria To Determine Participation in the PAWS-ALT	
<input type="checkbox"/>	The student's access to the Wyoming Content and Performance Standards is provided by the grade-level linked, extended Academic Content Standards for students with the most significant cognitive disabilities and standards which are reduced in breadth and depth at less complex levels with extensively modified instruction.
AND	
<input type="checkbox"/>	Decisions are made by each student's IEP team by persons who are most familiar with the student's individual needs, not an administrative decision.
AND	
<input type="checkbox"/>	The student demonstrates a significant cognitive disability which results in performance that is substantially below grade-level achievement expectations even with the use of accommodations and modifications.
AND	
<input type="checkbox"/>	The student's proficiency levels are appropriately measured against Alternate Academic Achievement Standards.
AND	
<input type="checkbox"/>	The student's IEP goals and objectives are based upon the grade-level linked, extended Academic Content Standards, which are reduced in breadth, depth, and complexity as compared to the Wyoming Content and Performance Standards.
AND	
<input type="checkbox"/>	The student's IEP goals and objectives are based upon the grade-level linked, extended Academic Content Standards and define appropriate level of challenge given the student's present levels of performance, historical data, and rate of progress.
AND	
<input type="checkbox"/>	Proficiency determined by Alternate Achievement Standards does not under challenge the student or limit the educational opportunity of the student.
AND	
<input type="checkbox"/>	The student cannot participate in the PAWS with or without accommodations, as appropriate, based on his or her IEP.
AND	
<input type="checkbox"/>	The request for alternate assessment for each student is to ensure the provision of a Free Appropriate Public Education (FAPE) as determined and documented by the IEP team.

**APPENDIX F: Not Eligible/Exited Letter to Admin.**

Dear Administrator,

Date:

The attached information pertains to a student that was evaluated to determine Wyoming Eligibility and need for special education services.

This information is confidential and access to this information should adhere to both FERPA and IDEA regulations.

- This student did NOT meet eligibility requirements.
- This student is being EXITED from special ed. services.

More detailed information is available in a special education file housed in the special services department at the district office.

---

Recommendations:

**This student is referred to the Building Intervention Team. The Building Intervention Team will determine whether this student requires interventions, which may include section 504 accommodations.**

---

CF

## **APPENDIX G: G1: CONFIDENTIALITY FORM FOR STAFF AND G2: CONSENT FOR OBSERVATION .**

G1: CONFIDENTIALITY FORM FOR STAFF.

LINCOLN COUNTY SCHOOL DISTRICT #2  
SPECIAL EDUCATION  
STATEMENT OF CONFIDENTIALITY

I understand that I am working in a program for students with special needs. I will be working with personally identifiable and sensitive information relating to children with disabilities. I understand that this information is strictly confidential and must be protected at all times. I agree to attend to this information for the sole purpose of assisting in the delivery of special education and related services for children with disabilities. I understand that each student has a protected right to confidentiality. I agree that I will not share, in any form, any identifiable information regarding students. My supervisor has discussed confidentiality with me. Violation of confidentiality may be grounds for termination.

Signature: \_\_\_\_\_ Printed Name \_\_\_\_\_

Date: \_\_\_\_\_ School \_\_\_\_\_

Please return this form to District Special Education secretary.

## G2: CONSENT FOR OBSERVATION.

Student: \_\_\_\_\_

(Staff Name), an employee of Lincoln County School District #2, is working toward certification in the area of special education. As part of the course of study, this staff member is required to attend IEP meetings, observe students and discuss educationally relevant information with teachers. These requirements are essential in preparation to become a certified special education teacher.

The district is asking for your parental consent to allow (Staff Name) to observe your child during instruction, attend an upcoming IEP meeting, access your child's IEP, and discuss your child's educational program with teachers.

- I give consent for (Staff Name) to participate in these IEP-related activities involving my child. I understand that this person is bound by confidentiality and will not disclose information relating to my child.
- I don't give consent for (Staff Name) to participate in these IEP-related activities involving my child.

---

 Parent Signature

---

 Date

## APPENDIX H: Referral for Special Education Evaluation

School District/Public Agency	<h3 style="margin: 0;">Referral - Special Education</h3> <p style="margin: 0;">34 C.F.R. §300.301(b)</p>
Lincoln County School District #2	

Name of Student	WISER ID	DOB	Grade	Date
Name(s) of Parent or Guardian	Name(s) of Parent or Guardian			
Address (City, State & Zip)	Address (City, State & Zip)			
Contact Information		Contact Information		
H:	C:	H:	C:	
W:	Email:	W:	Email:	

### A. Reason for Referral

<p><b>State reason(s) you believe that the child has a disability and needs special education and related services. Explain in detail the child's academic and nonacademic performance. Include any important medical, emotional or other health related information. (IF PARENT Referral: Attach the written and signed request. If RTI Process: REFER TO ATTACHED RTI PAPERWORK)</b></p>

<p><b>Discuss and detail any interventions, services or other programs used to address the child's needs. Include information about the duration of the interventions, services or programs that were attempted and the effects of the interventions on the child's performance, to the extent known.</b></p>





## Appendix I: Non-sped evaluation consent form

In an effort to support your student’s educational success, the school requests your permission to conduct assessments on your child that are not given routinely to all students. Additional information may include the review and interpretation of existing school records, including anecdotal evidence, observations, prior testing, grades, standardized test scores, behavior rating scales, discipline records, and interviews.

Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Grade: \_\_\_\_\_ School/Teacher: \_\_\_\_\_  
 Parent(s)/Guardian(s): \_\_\_\_\_ Phone: \_\_\_\_\_  
 Referral by: \_\_\_\_\_ Date of Referral: \_\_\_\_\_

Reason for Referral: \_\_\_\_\_

The following intervention issues and assessments are recommended:

**Intervention Issues**

**Assessments**

- Classroom behavior
- Emotional adjustment
- School-wide behavior
- Social/peers
- Academic progress
- Motivation
- \_\_\_\_\_
- Organization/study skills
- \_\_\_\_\_
- Other \_\_\_\_\_

- Attention Scales
- Academics
- Cognitive
- Sleep Inventory
- Functional Behavior
- Other
- \_\_\_\_\_
- Other

Comments: \_\_\_\_\_  
 \_\_\_\_\_

If you have any questions, please contact the school psychologist/counselor.



Please check one:

\_\_\_\_\_ I give permission for my child to receive the assessment(s) described above.

\_\_\_\_\_ I do not give permission for my child to receive the assessments(s) described above.

Parent Signature \_\_\_\_\_ Date \_\_\_\_\_

# APPENDIX J: AT CONSIDERATION GUIDE

## AT Consideration Guide

Student's name: \_\_\_\_\_

AT Needs Criteria

Date \_\_\_\_\_ Team members \_\_\_\_\_

- 1 Student completes task with IEP accommodations (not AT).
- 2 Student's needs are being met with AT and/or AT is being trialed (AT menu).
- 3 Consult with building AT representative for trials and/or AT evaluation.

Area/s of Need?			Level of need			What AT is being used?
Yes	No		1	2	3	
		Writing				
		Reading				
		Math				
		Communication				
		Vision				
		Hearing				
		Behavior				
		Organization				
		Mobility				
		Positioning and Seating				
		Daily Living				

AT in use without evaluation? \_\_\_\_\_

AT evaluation already complete? Date: \_\_\_\_\_

AT evaluation needed?

AT evaluation update required?

No AT needs at this time.

If any area is checked yes then summarize in present level.

If level of need is a "2" and/or "3" then check "yes" on AT question in Special Factors on IEP.