IDAHO SPECIAL EDUCATION MANUAL 2007

Division of Student Achievement
and School Accountability
Idaho State Department of Education

Tom Luna
Superintendent of Public Instruction

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STATE DEPARTMENT OF EDUCATION

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TOM LUNA
STATE SUPERINTENDENT
PUBLIC INSTRUCTION

INTRODUCTION

A message from Superintendent Tom Luna:

One of the most important things we do at the state Department of Education is support the work done at the local level by our teachers, administrators and other school staff. We offer that support by providing technical expertise and assistance in a variety of areas.

The *Idaho Special Education Manual, 2007*, is designed to help you understand the provisions of the Individuals with Disabilities Education Improvement Act and meet the guidelines contained within the law. To receive federal funds available under the IDEA, districts must adopt and implement appropriate special education policies and procedures. Those policies and procedures. must be approved by the State Department of Education (SDE) consistent with state and federal laws, rules, regulations, and legal requirements.

To help you, this manual contains a sample set of approved policies and procedures that boards of trustees may adopt if they choose to do so. The appendices in this manual are meant to clarify and assist you in adopting policies; they should not be viewed or adopted as policies in and of themselves.

To the extent possible, we try to make the process of understanding state and federal regulations as easy as possible. If you have questions or comments about this manual or any service offered by the department, I hope you will take the time to contact us.

Sincerely,

Tom Luna
Superintendent of Public Instruction

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ACRONYMS AND ABBREVIATIONS

Section 504	Section 504 of the Rehabilitation Act of 1973
ABS	American Association on Mental Retardation Adaptive Behavior Scale
ADA	Americans with Disabilities Act
A.D.A.	Average Daily Attendance
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
ADR	Alternative Dispute Resolution
APR	Annual Performance Report
ASD	Autism Spectrum Disorder
ASHA	American Speech/Language Hearing Association
AT	Assistive Technology
ATRC	Assistive Technology Resource Center
AU	Autism
AYP	Adequate Yearly Progress
BIP	Behavioral Intervention Plan
CALP	Cognitive Academic Language Proficiency
CAP	Corrective Action Plan
CBM	Curriculum-Based Measurement
CDC	Child Development Center
CEC	Council for Exceptional Children
C.F.R.	Code of Federal Regulations
CI	Cognitive Impairment
CIP	Continuous Improvement Plan
CLD	Culturally or Linguistically Diverse
Co-Ad	Comprehensive Advocacy, Inc.
CS	Consultant Specialist (ends June 30, 2006)
DB	Deaf-Blindness
DD	Developmental Delay
DDA	Developmental Disabilities Agency
DHW	Department of Health and Welfare
DJC	Department of Juvenile Corrections
DMA	Direct Math Assessment
DOC	Department of Correction
DP	Due Process
DSM	Diagnostic Services Manual
DWA	Direct Writing Assessment
ECR	Early Complaint Resolution
ECSE	Early Childhood Special Education
ED	Emotional Disturbance
ENT	Ear, Nose and Throat
ESEA	Elementary and Secondary Education Act
ESL	English as a Second Language
ESY	Extended School Year

FAE	Fetal Alcohol Effect
FAPE	Free and Appropriate Public Education
FAS	Fetal Alcohol Syndrome
FBA	Functional Behavioral Assessment
FERPA	Family Educational Rights and Privacy Act
GED	General Education Development
GEPA	General Education Provisions Act
GPA	Grade Point Average
GRPA	Government Performance Review Act
G/T	Gifted/Talented
HI	Health Impairment
HH	Hard of Hearing
HOUSSE	Highly Objective Uniform State Standard of Evaluation
IAA	Idaho Alternate Assessment
IAES	Interim Alternative Educational Setting
IASA	Improving America's School Act
IATP	Idaho Assistive Technology Project
IBEDS	Idaho Board of Education Data System
IBI	Intensive Behavioral Interventions
IC	Idaho Code
IDAPA	Idaho Administrative Procedures Act
IELS	Idaho Early Learning Standards
IDEA 2004	Individuals with Disabilities Education Improvement Act 2004
IDELR	Individuals with Disabilities Education Law Report
IDVR	Idaho Division of Vocational Rehabilitation
IEE	Independent Educational Evaluation
IELS	Idaho Early Learning Standards
IEP	Individual Education Program
IFSP	Individual Family Services Plan
IN	Individual (Medicaid Service Code)
IPUL	Idaho Parents Unlimited, Inc.
IQ	Intelligence Quotient
IRI	Idaho Reading Indicator
ISAT	Idaho Standards Achievement Test
ISBOE	Idaho State Board of Education
ISDB	Idaho School for the Deaf and Blind
ISEAP	Idaho Special Education Advisory Panel
ITC	Idaho Training Clearinghouse
ITP	Infant and Toddler Program
JDC	Juvenile Detention Center
LD	Learning Disability
LEA	Local Education Agency
LEP	Limited English Proficiency
LI	Language Impairment
LD	Learning Disability

LG	Large Group, 3 or more (Medicaid Service Code)
LOA	Letter of Authorization (ends June 30, 2006)
LRE	Least Restrictive Environment
MD	Multiple Disabilities
MDT	Multidisciplinary Team
NAEP	National Assessment of Educational Progress
NCLB	No Child Left Behind Act
O & M	Orientation and Mobility
OCR	Office of Civil Rights
OI	Orthopedic Impairment
OMB	Federal Office of Management and Budget
OSEP	Office of Special Education Programs
OSERS	Office of Special Education and Rehabilitation Services
OT	Occupational Therapy
PBIS	Positive Behavioral Interventions and Supports
PBS	Positive Behavioral Supports
PERC	Parent Education Resource Center
PGI	Performance Goals and Indicators
PIR	Plan for Improving Results
PLOP	Present Levels of Performance
PSR	Psycho-Social Rehabilitation
PT	Physical Therapy
PTI	Parent Training and Information Center
PWN	Prior Written Notice
RTI	Response to Intervention
SBI	Serious Bodily Injury
SBE	State Board of Education
SBR	Scientifically-Based Research
SD	Standard Deviation
SDE	State Department of Education
SEA	State Education Agency
SEAP	Special Education Advisory Panel
SG	Small Group, 2 (Medicaid Service Code)
SI	Speech Impairment
SIG	State Improvement Grant
SLP	Speech-Language Pathologist
SOP	Summary of Performance (secondary)
SP	Services Plan
SPP	State Performance Plan
SS	Standard Score
TBI	Traumatic Brain Injury
VI	Visual Impairment
VI B	Entitlement dollars that are allocated to a state based on the number of children with disabilities that are reported to OSEP.

GLOSSARY

Academic achievement. A student's level of performance in basic school subjects, measured either formally or informally.

Accommodation. Changes in the curriculum, instruction, or testing format or procedures that enable students with disabilities to participate in a way that allows them to demonstrate their abilities rather than disabilities. Accommodations are generally considered to include assistive technology as well as changes in presentation, response, timing, scheduling, and settings that do not fundamentally alter the requirements. Accommodations do not invalidate assessment results.

Adaptation. Changes to curriculum, instruction, or assessments that fundamentally alter the requirements, but that enable a student with an impairment that significantly impacts performance an opportunity to participate. Adaptations include strategies such as reading the reading portion of a test, using spell/grammar check for language arts assessments, and substituting out-of-level testing. Adaptations invalidate assessment results and provide noncomparable results.

Adaptive behavior. Behavior that displays an age-appropriate level of self-sufficiency and social responsibility which includes the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, direction, functional academic skills, work, leisure, health, or safety.

Adverse Educational Impact. Any harmful or unfavorable influence that a disability has on a student's educational performance in academic (reading, math, communication, etc.) or non-academic areas (daily life activities, mobility, pre-vocational and vocational skills, social adaptation, self-help skills, etc.)

Adult student. A student with a disability, age 18 or older, to whom rights have transferred under the IDEA 2004 and Idaho Code.

Age-appropriate activities. Activities that typically-developing children of the same age would be performing or would have achieved.

Age of majority. The age at which, by law, a child assumes the responsibilities of an adult. In Idaho, the age of majority is 18.

Aggregated data. Information that is considered as a whole. In this manual, the term refers to collective data on all students, including students with disabilities.

Alternate assessment. A specific assessment, developed by the state in lieu of statewide assessments or by the district in lieu of districtwide assessments, designed to measure functional skills within the same domains required by the regular statewide or

districtwide assessments. It is designed for students who are unable to demonstrate progress in the typical manner and who meet the state-established criteria.

Alternative Authorization/Teacher to New Certification. One of the State Board of Education's alternative routes to teacher certification as outlined in the Idaho Certification Manual distributed by the Idaho State Department of Education. Effective July 1, 2006.

Alternative or supplementary curriculum. Curriculum not based on or drawn directly from the general education curriculum.

Alternative school. A public school placement option that may be utilized for students who are not succeeding in the traditional school environment but may benefit through the use of modified curriculum or flexible programming.

Articulation. The ability to speak distinctly and connectedly.

Articulation disorder. Incorrect productions of speech sounds, including omissions, distortions, substitutions and/or additions that may interfere with intelligibility.

Assessment. The formal or informal process of systematically observing, gathering, and recording credible information to help answer evaluation questions and make decisions. It is an integral component of the evaluation process. A test is one method of obtaining credible new information within the assessment process. Assessment data may also include observations, interviews, medical reports, data regarding the effects of general education accommodations and adaptations and interventions, and other formal or informal data.

Assistive technology device. Any item, piece of equipment, or product system whether acquired commercially, off a shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of a student with a disability. Excludes surgically implanted medical devices.

Assistive technology service. Any service that directly assists a student with a disability with the assessment, selection, acquisition, or use of an assistive technology device.

Attention deficit disorder (ADD). A biologically based mental disorder that has these typical characteristics: short attention span; distractive behavior; difficulty following directions and staying on task; and an inability to focus behavior. The disorder compromises many skills needed for academic success, including starting, following through with, and completing tasks; moving from task to task; and following directions.

Attention deficit hyperactivity disorder (ADHD). A biologically based mental disorder in which a person has inappropriate degrees of inattention, impulsiveness and hyperactivity.

Audiologist. A licensed health care professional who diagnoses hearing loss and selects and fits hearing aids.

Autism. An IDEA 2004 disability category in which a developmental disability, generally evident before age 3, significantly affects verbal and nonverbal communication skills and social interactions and adversely affects educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Behavioral intervention plan (BIP). A plan comprising practical and specific strategies designed to increase or reduce a definable behavior. These strategies address preventative techniques, teaching replacement behaviors, how to respond or resolve behaviors, and crisis management, if necessary.

Benchmark. A major milestone which describes the progress the student is expected to make toward annual goals within a specified period of time. Similar to an objective.

Braille. A tactile system of reading and writing, used by students who are blind or visually impaired, with an official code composed of Braille characters or cells that consist of various patterns of raised dots that correspond to alphabetic letters, punctuation marks and other symbols.

Business day. A workday (Monday through Friday) except for federal and state holidays, unless specifically included.

Case manager. A member of the evaluation and/or IEP team (usually the special education teacher) who is designated to perform administrative functions for the team, including: (1) setting up meetings; (2) ensuring appropriate forms are completed; (3) ensuring timelines are met; and (4) notifying participants of the times and dates of meetings.

Change of placement. Removal of a child with a disability from the child's current educational placement. When the removal is for disciplinary purposes, regulations apply, 34 CFR §300.536.

Change of placement for disciplinary reasons. A removal from the current educational placement for more than 10 consecutive school days or a series of removals that constitute a pattern when they total more than 10 school days in a school year. Factors such as the length of the removal, the proximity of the removals to one another, and the total amount of time the student is removed are indicators of a pattern.

Charter School within a District. A publicly funded, nonprofit, nonsectarian public school that is created by a formal agreement (charter) between a group of individuals and the board of trustees of the local school district and operates independently within the district. It is governed by the conditions of its approved charter and federal and state laws. It is the

responsibility of the local district to ensure that students attending such charter schools receive appropriate services as required by IDEA 2004, section 504 and the ADA.

Charter School LEA. A publicly funded, nonprofit, nonsectarian public school that operates as its own local education agency or district. Charter LEAs do not have an agreement with the local school district within whose boundaries they operate. Charter LEAs must be authorized by the Idaho Public Charter School Commission and are required to provide services in accordance with IDEA 2004, section 504 and the ADA.

Child. An individual who has not attained age 18.

Child Find. A process to locate, identify, and evaluate students who reside in the district and may be in need of special education.

Civil action. A judicial action that any party who is aggrieved by the final decision of a due process hearing officer may bring in either a federal district court or a state court of competent jurisdiction (as designated by the state).

Cognitive Academic Language Proficiency (CALP). A test to determine a student's appropriate language dominance/usage.

Cognitive impairment. An IDEA 2004 disability category in which subaverage intellectual functioning exists concurrently with deficits in adaptive behavior. These deficits are manifested during the student's developmental period and adversely affect the student's educational performance. The term "mental retardation" was previously used to refer to this condition.

Comparable benefit. The IDEA 2004 requirement that obligates districts to ensure that private school students with disabilities receive benefits that are comparable in quality, scope, and opportunity for participation in special education services funded by the IDEA 2004 to those students with disabilities enrolled in public schools.

Compensatory education. Educational services which are above and beyond those normally due a student under his or her state's education law. The principle is acknowledged by most courts that have considered the issue to be an appropriate remedy when a student has been denied free appropriate public education.

Compensatory remedy. A judicial order or administrative action intended to redress a violation of the rights of a student with a disability who has suffered a loss as a result of the wrongful or negligent act of another and to restore the student to the position he or she would have been in if the wrongful or negligent act had not occurred. The remedy may include the award of monetary reimbursement or other corrective actions as appropriate to the needs of the student.

Complaint. A formal written statement submitted to the Idaho State Department of Education by an individual or organization that contains one or more allegations and the facts on which the statement is based that a district or agency has violated a requirement of Part B of the IDEA 2004.

Consensus. Has two common meanings.

(1) A general agreement among the members of a given group or community, each of which exercises some discretion in decision making and follow-up action.

(2) A decision-making process that not only seeks the agreement of most participants, but also to resolve or mitigate the objections of the minority to achieve the most agreeable decision.

Consensus is usually defined as meaning both: a) general agreement, and b) the process of getting to such agreement. Consensus decision-making is thus concerned primarily with that process.

Consent. Voluntary, written approval of a proposed activity, as indicated by a parent/adult student signature. The parent/adult student must be fully informed in his or her native language or other mode of communication and must understand all information relevant to the activity to make a rational decision.

Conservator. A person appointed by the court to handle financial decisions for a person who is incapacitated or debilitated. In Idaho the conservator has all of the powers conferred in Idaho Statute 15-5-424 and any additional powers conferred by law on trustees in this state. In addition, a conservator of the estate of an unmarried minor under the age of eighteen (18) years, as to whom no one has parental rights, has the duties and powers of a guardian of a minor described in section 15-5-209 of this code until the minor attains the age of eighteen (18) or marries, but the parental rights so conferred on a conservator do not preclude appointment of a guardian as provided by part 2 of this chapter. Idaho Statute 15-5-424

Consultant Specialist (CS). The SDE may issue a Consultant Specialist letter of approval to use a highly and uniquely qualified individual in an educational position that normally requires formal certification. This provision expires June 30, 2006.

Controlled substance. Any drug so designated by law whose availability is restricted; i.e., so designated by federal Controlled Substances Acts. Included in such classifications are narcotics, stimulants, depressants, hallucinogens, and marijuana.

Core Academic Subjects. These include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under the ESEA (NCLB).

Corrective Action Plan (CAP). A plan that orders a district as a result of an IDEA 2004 complaint to take corrective actions to resolve legal deficiency as found by the SDE.

Critical life skill. Skills that lead to independent functioning. Development of these skills can lead to reduced dependency on future caretakers and enhance students' integration with nondisabled individuals. Skills may include such things as toileting, feeding, mobility, communication, dressing, self-help, and social/emotional functioning.

Dangerous weapon. A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.

Data-based decision making. The collecting of information that can be charted or graphed to document performance over time followed by an analysis of the information to determine needed changes in policies, programs, or procedures.

Day. Refers to a calendar day unless otherwise indicated as a business or school day.

Deaf-blindness. An IDEA 2004 disability category in which a student demonstrates hearing and visual impairments, and where the combination of these two disabilities causes such severe communication and other developmental and educational needs that the student cannot be accommodated with special education services designed solely for students with deafness or blindness.

Deafness. An IDEA 2004 disability category in which a hearing impairment is so severe that the student, with or without amplification, is limited in processing linguistic information through hearing, which adversely affects educational performance.

Detained youth. Anyone aged 3 through 21 who is being held for a crime regardless of whether or not that person has appeared before the court.

Developmental achievement. Gains a student makes which follow the pedagogic theory that all children learn in the same basic way and in the same sequence, although at different rates.

Developmental delay. An IDEA 2004 disability category used only for students ages 3 through 9 for whom a significant delay exists in one or more of the following skill areas: receptive/expressive language; cognitive abilities; gross/fine motor functioning; social/emotional development; or self-help/adaptive functioning. The use of this category is optional for districts.

Disaggregated data. Information that is reported and/or considered separately on the basis of a particular characteristic. In this manual, the term refers to data on special education

students as a group that is reported and/or considered separately from the same data on all students in a school, district, or state.

Discipline. A set of rules or techniques designed by a district for the purpose of minimizing disruption and promoting positive interaction.

Disclosure. The access to or the release, transfer or other communication of education records, or personally identifiable information contained in these records by oral, written, electronic, or other means.

Discrepancy formula. A method of determining the difference between a student's expected level of academic achievement and intellectual ability used to establish eligibility for special education under the category of learning disability.

Disproportionality. A disparity or inequality. In this manual, the term refers to a statistical range of data where students of a specific race or ethnicity are identified in either greater or fewer numbers than expected when compared to the representation of that race or ethnicity within the general school population. The areas addressed in the IDEA 2004 are: (1) identification as a student with a disability; (2) identifications a student with a specific category of disability; and (3) placement in a particular educational setting.

Dropout. A student who has left an education system before completion of requirements and is not known to be enrolled in any other educational program.

Dual enrollment. A child of school age who is enrolled in a nonpublic school or a public charter school and enrolled in a public school to participate in public school programs and activities, Idaho Statue 33-203.

Due process hearing. An administrative hearing conducted by an SDE-appointed hearing officer to resolve disputes on any matter related to identification, evaluation, educational placement, or the provision of a free appropriate public education.

Early Intervening Services. Services for students who need additional academic and behavioral support to succeed in a general education environment. These students have not been identified has having a disability.

Education record. A student's record maintained by an educational agency or institution, or by a party acting for the agency or institution, which may include, but is not limited to print, handwriting, computer media, video or audio tape, film, microfilm, and microfiche, but is not within the exceptions set out in FERPA.

Educational services agency, other public institution or agencies. (1) An educational service agency, as defined in 34 CFR §300.12; and (2) Any other public institution or agency having administrative control and direction of a public elementary school or secondary

school, including a public nonprofit charter school that is established as an LEA under State law.

Elementary school. The term `elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law, 34 CFR §300.13. An elementary school includes a grade configuration of grades one (1) through eight (8) inclusive, or any combination thereof, Idaho Code 33-119.

Emotional disturbance. An IDEA 2004 disability category in which a student has a condition exhibiting one or more of five behavioral or emotional characteristics over a long period of time, and to a marked degree, that adversely affects educational performance. The term *does not* include students who are socially maladjusted unless it is determined they have an emotional disturbance. The term emotional disturbance *does* include students who are diagnosed with schizophrenia.

Essential Components of Reading Instruction. The term means explicit and systematic instruction in (a) phonemic awareness, (b) phonics, (c) vocabulary development, (d) reading fluency, including oral reading skills, and (e) reading comprehension strategies.

Evaluation. A term that means using all required procedures to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Evaluation team. A group of people, including the parent/adult student, charged with the responsibility to make decisions regarding evaluation, assessments, and eligibility. This team includes the same membership as the IEP team (although not necessarily the same individuals) and other qualified professionals as appropriate. The evaluation team may conduct its business with or without a meeting. However, if requested by the parent/adult student, a team meeting will be held.

Expedited due process hearing. An administrative hearing conducted by an SDE-appointed hearing officer to resolve disputes concerning discipline for which shortened timelines are in effect in accordance with the IDEA 2004.

Expulsion. Removal of a student from school for an extended period of time. For general education students, services usually cease during an expulsion.

Extended school year (ESY). A program to provide special education and related services to an eligible student with a disability beyond the conventional number of instructional days in a school year and at no cost to the parents. An ESY program must be based on an IEP team decision and meet Idaho standards.

Extracurricular activities. Programs sponsored by a district that are not part of the required curriculum but are offered to further the interests and abilities of students.

FAPE (see Free Appropriate Public Education).

FERPA (see Family Educational Rights and Privacy Act).

Family Educational Rights and Privacy Act (FERPA). A federal law protecting the privacy of students and parents by mandating that personally identifiable information about a student contained in education records must be kept confidential. FERPA also contains provisions for access to records by parents, students, staff, and others.

Fluency disorder. Stoppages in the flow of speech that are abnormally frequent and/or abnormally long. These interludes take the form of repetitions of sounds, syllables, or single syllable words; prolongations of sounds; or blockages of airflow and/or voicing in speech.

Free Appropriate Public Education (FAPE). A basic IDEA 2004 requirement which states that special education and related services are provided at public expense (free); in conformity with an appropriately developed IEP (appropriate); under public supervision and direction (public); and include preschool, elementary, and secondary education that meets the education standards, regulations, and administrative policies and procedures issued by the State Department of Education (education).

Functional achievement and performance. Gains made by a student which include programming in community living, reading, communication, self-care, social skills, domestic maintenance, recreation, employment or vocational skills. Also called independent living skills**.**

Functional behavioral assessment (FBA). A systematic process for defining problem behavior and gathering medical, environmental, social, and instructional information that can be used to hypothesize about the function of student behavior.

General education curriculum. The curriculum that is designed for all students, usually consisting of a common core of subjects and curriculum areas adopted by a district that are aligned to the Idaho Achievement Standards or district standards. The general education curriculum is defined by either the Idaho Achievement Standards or the district content standards if they are as rigorous.

General education interventions. Educational interventions designed to address 95% of the students using the core and supplemental curriculum interventions. Such interventions use whole-school approaches, scientifically based programs, and positive behavior supports, including accommodations and instructional interventions conducted in the general education environment. These interventions may also include professional development for teachers and other staff to enable such personnel to deliver scientifically based literacy instruction and/or instruction on the use of adaptive and instructional software.

Goal. A measurable statement that includes behavior, evaluation procedures and performance criteria and describes what the student is reasonably expected to accomplish from the specialized education program within the time covered by the IEP (generally one year).

Graduation. The point in time when a student meets the district requirements for receipt of a regular high school diploma.

Guardianship. A judicial determination under which a competent adult has the legal right and duty to deal with problems, make decisions, and give consent for an adult with a disability (at least 18 years of age) who cannot act on his or her own behalf. The court will specify the nature and scope of the guardian's authority.

Gun-Free Schools Act. Federal legislation enacted in 1994 requiring school districts and similar public agencies to adopt a policy generally requiring the expulsion from school for a period of not less than one year of any student determined to have brought a weapon to school, although permitting exceptions to be made on a case-by-case basis for students, including students with disabilities whose behavior is determined to be a manifestation of their disability.

Health impairment. An IDEA 2004 disability category in which a student exhibits limited strength, vitality or alertness, including heightened alertness to environmental stimuli that is due to chronic or acute health problems (such as asthma, ADD or ADHD, cancer, diabetes, epilepsy, Fetal Alcohol Syndrome, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette syndrome and stroke) to such a degree that it adversely affects the student's educational performance.

Health services. See "School health services".

Hearing impairment. An IDEA 2004 disability category in which a student has a permanent or fluctuating hearing loss that adversely affects the student's educational performance but is not included under the category of deafness.

Highly Objective Uniform State Standard of Evaluation (HOUSSE). A rubric developed by the State Department of Education that can be used by a district as one way to determine if a teacher meets the federal definition of being "highly qualified" to teach in a given core academic subject and grade level designation.

Highly Qualified. The standard which personnel must possess with the appropriate certification, endorsement, licensure, coursework, training, skills and qualifications to provide educational services to students.

High school. A high school is any school that contains grade twelve (12). IDAPA 08.02.03 c.iii.

Homeless children and youth. Children and youth who lack a fixed, regular, and adequate nighttime residence.

Honig Injunction. A court order to remove a special education student from school or current educational placement due to factors of dangerousness. Districts are required to continue with the provision of FAPE.

Illegal use of drugs. The unlawful use, possession or distribution of substances identified under the Controlled Substances Act, but does not include the use of a drug taken under supervision by a licensed health care professional.

Independent educational evaluation (IEE). One or more assessment(s) conducted by a qualified examiner(s) who is not employed by or contracted by the public agency or district responsible for the education of the student in question.

Individualized Education Program (IEP). A written document (developed collaboratively by parents and school personnel) which outlines the special education program for a student with a disability. This document is developed, reviewed and revised at an IEP meeting at least annually.

Individualized Education Program (IEP) Team. A team established by the IDEA 2004 and comprised of the student's general education teacher, a special education teacher, a district representative, parents, the student when appropriate, and other knowledgeable persons. The team is responsible for developing an IEP, determining placement, and reviewing and revising the student's IEP and placement at least annually.

Individualized Family Service Plan (IFSP). A written individualized plan for an infant or toddler with a disability that is developed by a multidisciplinary team, including the parents, reference Public Law 108-446, Section 636(C).

Initial provision of service. The first time that a child with a disability is provided special education services. This is also referred to as the "initial placement" and means the first time a parent is offered special education and related services for their child after an initial evaluation.

In-lieu of transportation. Alternate method of transporting students to and from school.

In-school suspension. A disciplinary technique, considered a less restrictive alternative to sending a student home, that involves excluding the student from the regular classroom and assigning him or her to a temporary location where students work and receive a minimum amount of privileges.

Instructional intervention. An action or strategy based on an individual student's problem that is designed to remedy, improve, or eliminate the identified problem.

Intensive Behavioral Intervention (IBI). Individualized, comprehensive, proven interventions used on a short-term, one-to-one basis that produce measurable outcomes which diminish behaviors that interfere with the development and use of language and appropriate social interaction skills or broaden an otherwise severely restricted range of interest. Students who may be eligible for IBI display self-injurious, aggressive or severely maladaptive behavior and severe deficits in the areas of verbal and nonverbal communication, social interaction or leisure and play skills.

Interagency agreement. A written document that defines the coordination between the state and/or public/private agencies and/or districts with respect to the responsibilities of each party for providing and funding programs and services.

Interim alternative educational setting (IAES). The educational setting in which a district may place a student with a disability, for not more than 45 school days, if the student while at school, on school premises or at a school function carries a weapon or possesses a weapon; possesses, uses, sells or solicits the sale of drugs or controlled substances; or has inflicted serious bodily injury upon another person. An IAES may also be ordered by a due process hearing officer based upon evidence that maintaining the current placement is substantially likely to result in injury to the student or others.

Interim IEP. A short-term IEP with all the components of a standard IEP developed by the IEP team. It may be used for students transferring from other districts pending the development of the standard IEP.

Interpreting services. Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and special interpreting services for children who are deaf-blind. (34 CFR §300.34.4.i)

Intervention Plan (I-Plan). An individual intervention plan designed by a team to improve a student's academic performance or behavior through general education interventions. This plan must be documented, and include the development, implementation and monitoring of the plan.

Itinerant specialist. A teacher who normally travels and provides services to students in different schools or in the home or consults with teachers and administrators.

Joint custody. A court order awarding custody of a minor child to both parents and providing that physical and/or legal custody shall be shared by the parents.

Joint legal custody. A court order providing that the parents of a child are required to share the decision-making rights, responsibilities, and authority relating to the health, education, and general welfare of the child.

Joint physical custody. A court order awarding each of the parents significant periods of time in which a child resides with or is under the care and supervision of each of the parents. The actual amount of time is determined by the court.

Language impairment. An IDEA 2004 disability category in which a delay or disorder exists in the development of comprehension and/or the uses of spoken or written language and/or other symbol systems and which adversely affects the student's educational performance. A language impairment may involve any one or a combination of the following: the form of language (morphological and syntactic systems); the content of language (semantic systems); and/or the function of language in communication (pragmatic systems).

Learning disability. An IDEA 2004 disability category in which a specific disorder of one or more of the basic psychological processes involved in understanding or in using spoken or written language may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations, adversely affecting the student's educational performance. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include a student who has needs that are primarily the result of visual, hearing, or motor disabilities; cognitive impairment; emotional disturbance; or environmental, cultural, or economic disadvantage.

Least Restrictive Environment (LRE). The IDEA 2004 requirement that students with disabilities, including those in public or private institutions or other care facilities, be educated with students who are nondisabled to the maximum extent appropriate.

Limited English proficient (LEP). Students from language backgrounds other than English who need language assistance services in their own language or in English in the schools and who meet one or more of the following conditions: (1) the student was born outside of the United States or his or her native language is not English; (2) the student comes from an environment where a language other than English is dominant; or (3) the student is American Indian or Alaskan Native and comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency. The student also has sufficient difficulty speaking, reading, writing, or understanding the English language to deny him or her the opportunity to learn successfully in English-only classrooms.

Local Educational Agency (LEA). A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

Manifestation determination. A determination by the IEP team of whether or not the misconduct of a student with a disability was (1) a demonstration of the disability, that is,

an inability to understand impact and consequences or an inability to control behavior; (2) the result of an inappropriate placement; and/or (3) the lack of provision of services consistent with the IEP and placement.

McKinney-Vento Homeless Assistance Act. This law is designed to address the problems that homeless children and youth have faced in enrolling, attending, and succeeding in school. Under this program, state educational agencies (SEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth.

Mediation. A voluntary, informal process in which an impartial third party mediator helps parents and district or agency personnel resolve a conflict. Mediation usually results in a written agreement that is mutually acceptable to both parties.

Medicaid Services (School-Based). Those related services, assessment and plan development for students receiving Medicaid which school districts may bill for reimbursement.

Medical Services. Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services, as defined in 34 CFR §300.34(c)(5).

Middle school. A middle school is a school that does not meet the definition of an elementary school and contains grade eight (8) but does not contain grade twelve (12). IDAPA 08.02.03 c.ii.

Migrant Student. A student of compulsory school attendance age who has not graduated from high school or completed a high school equivalency certificate and resides within a family that is composed of migrant fisher or agricultural workers. The student has moved within the preceding 36 months in order for the family to obtain or seek this type of temporary or seasonal employment that is a principal means of livelihood.

Monitoring. An activity conducted by the State Department of Education to review a school district’s compliance with federal laws, regulations, and state rules.

Multiple disabilities. An IDEA 2004 disability category in which two or more impairments co-exist (excluding deaf-blindness), whose combination causes such severe educational problems that the student cannot be accommodated in special education services designed solely for one of the impairments. Multiple disabilities are generally lifelong, significantly interfere with independent functioning, and may necessitate environmental accommodations and adaptations to enable the student to participate in school and society.

Native language. The language or mode of communication normally used by an individual or, in the case of a student, the language normally used by the student’s parents. In direct contact with a student, the native language would be the language or mode of

communication normally used by the student and not the parents, if there is a difference between the two.

New teacher. A teacher who has less than one year of teaching experience.

Nonpublic school. An educational institution providing instruction outside a public school, including but not limited to a private school or home school.

Nonpublic school student. Any student who receives educational instruction outside a public school classroom, including but not limited to a private school or home school student.

Nonprofit. The term `nonprofit', as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, Public Law 108-446, Section 602 (21).

Nursing Services. See “School health services”

Objectives. Measurable, intermediate steps that describe the progress the student is expected to make toward an annual goal in a specified amount of time; similar to a benchmark.

Occupational therapist. A professional licensed through the Bureau of Occupational Licenses who, in a school setting, is responsible for assessing fine motor skills, including student’s use of hands and fingers and developing and implementing plans for improving related motor skills. The occupational therapist focuses on daily living skills such as eating, dressing, schoolwork, play, and leisure.

Office of Special Education Programs (OSEP). The branch of the Office of Special Education and Rehabilitative Services (OSERS) within the U.S. Department of Education which is responsible for administering programs relating to the free appropriate public education to all eligible beneficiaries.

Orientation and mobility (O&M) services. Services provided by qualified personnel to blind and visually impaired students to enable these students to attain systematic orientation to and safe movement within the home, school, and community, including teaching (1) spatial and environmental concepts and use of information received by the senses to establish, maintain, or regain orientation and line of travel; (2) use of the long white cane, or a service animal, as appropriate to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; (3) understanding and use of remaining vision and distance aids; and (4) other concepts, techniques, and tools.

Orthopedic impairment. An IDEA 2004 disability category that includes physical impairments that adversely affects a student’s educational performance and are caused by congenital

anomaly (e.g., clubfoot, absence of an appendage, etc.); disease (e.g., poliomyelitis, bone tuberculosis, etc.); or from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contracture).

Paraprofessional. A noncertified, nonlicensed individual who is employed by a district and who is appropriately trained and supervised in accordance with state standards to assist in the provision of special education and related services.

Parent. A biological, adoptive or foster parent, a legal guardian, a person acting as a parent, or a surrogate parent who has been appointed by the district. The term "acting as a parent" includes persons such as a grandparent or stepparent with whom the student lives as well as persons who are legally responsible for a student's welfare. The term does not include state agency personnel if the student is a ward of the state. A foster parent may act as a parent if the biological parent's authority to make education decisions on behalf of his or her child has been terminated by legal action and the foster parent meets the criteria outlined in Chapter 11.

Parent and/or Adult student.

(1) A biological or adoptive parent of a child;
(2) A foster parent who has lived with the child for 6 or more months;
(3) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
(4) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
(5) A surrogate parent who has been appointed by the school district. If the child is a ward of the state, the judge overseeing the child's case may appoint the surrogate. The surrogate may not be an employee of the state or local education agency or any other agency that is involved in the education or care of the child, has no personal or professional interest which conflicts with the interest of the child, has knowledge and skills that ensure adequate representation of the child.

Part B. Part of the IDEA 2004 that relates to the assistance to states for the education of students with disabilities who are ages 3 through 21. Part B is administered by the State Department of Education and carried out by school districts and other public agencies.

Part C. Part of the IDEA 2004 that relates to the assistance to states for the education of children with disabilities and the early intervention programs for infants and toddlers, ages birth through 2, with disabilities. In Idaho, Part C is administered by the Department of Health and Welfare.

Peer-reviewed research. A higher level of non-biased research, which has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective and scientific review.

Personally identifiable information. Includes but not limited to, student's name, name of parent or other family member, address of student or family, social security number, student number, list of personal characteristics that would make the student's identity easily traceable, or other information that would make it possible to identify the student with reasonable certainty.

Phonology. The process used in our language that has common elements (sound patterns) which affect different sounds.

Phonology disorders. Phonology disorders are errors involving phonemes, sound patterns and the rules governing their combinations.

Physical therapist. A professional licensed through the Bureau of Occupational Licenses who, in the school setting, assesses students' needs and provides interventions related to gross motor skills. In working with students with disabilities, the physical therapist provides treatment to increase muscle strength, mobility, endurance, physical movement and range of motion; improve posture, gait and body awareness; and monitor function, fit and proper use of mobility aids and devices.

Plan for Improving Results (PIR). A plan developed collaboratively between the SDE and a district to address needs identified as a result of the district's self-evaluation and/or an SDE monitoring visit.

Positive Behavioral Supports (PBS). Positive reinforcers, rewards or consequences provided to a child for specific instances of behavior that impedes learning or the learning of others (or refraining from behavior) as appropriate for the purpose of allowing the student to meet his or her behavioral goals/benchmarks.

Power of attorney. The designation, in writing, by a competent person of another to act in place of or on behalf of another person.

Present level of performance. A statement of the student's current level of achievement or development in an area of need and how the student's disability affects his or her involvement and progress in the general education curriculum offered to students without disabilities.

Private school. A school that is not funded by or under federal or state control or supervision.

Problem-solving team. A general education team established at the local level, whose name may vary, with the purpose to problem solve regarding the educational needs of any student. Procedures, meeting schedules, and team membership are established locally. The team is likely to include general educators and administrators and could include counselors, specialists, and special education personnel. Parent participation is valuable, but not required.

Procedural safeguards. The formal requirements of Part B of the IDEA 2004 that are designed to allow a parent/adult student to participate meaningfully in decisions concerning an appropriate educational program for a student with a disability and, if necessary, dispute such decisions. Also referred to as special education rights.

Professional Development. High-quality comprehensive programs that are essential to ensure that persons responsible for the education or transition of students with disabilities possess the skills necessary to address the educational and related needs of these students. These should be scientifically-based and reflect successful practices including strategies for recruiting, hiring, preparing and retaining personnel.

Psychosocial Rehabilitation (PSR). These services assist the student in gaining and utilizing skills necessary to participate in school, such as training in behavior control, social skills, communication skills, appropriate interpersonal behavior, symptom management, activities of daily living, study skills, and coping skills. This service is to prevent placement of the student into a more restrictive educational situation.

Public expense. When a district or public agency either pays for the full cost of an evaluation or special education services or ensures that it is otherwise provided at no cost to the parent; for example, through joint agreements with other state agencies.

Reading Components. The term "reading" means a complex system of deriving meaning from print that requires all of the following skills, which are the essential components of reading instruction:

(1) Phonemic awareness: The skills and knowledge to understand how phonemes, or speech sounds, are connected to print;
(2) Phonics: The ability to decode unfamiliar words;
(3) Reading fluency: The ability to read fluently;
(4) Vocabulary development: Sufficient background information and vocabulary to foster reading comprehension; and
(5) Reading comprehension: The development of appropriate active strategies to construct meaning from print.

Reasonable measures. A combination of recorded written and/or oral documentation to meet notification requirements of the district to parents/adult students.

Reasonable time. A period of approximately 10 calendar days.

Reevaluation. A periodic evaluation conducted at least every three years, or more frequently if conditions warrant, or if the student's parent or teacher requests an evaluation of a student already identified as eligible for services under the IDEA 2004. Reevaluations may occur not more than once a year, unless the parent and the district agree otherwise.

Related services. Refers to transportation and such developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education and includes the following: speech therapy, language therapy, audiology services, psychological services, physical therapy, occupational therapy, recreation, therapeutic recreation, early identification and assessment of disabilities in children, counseling services, rehabilitation counseling, orientation and mobility services, interpreting services, medical services for diagnostic or evaluation purposes, school health/nursing services (excluding surgically implanted medical devices), social work services in schools, and parent counseling and training.

Response to Intervention (RTI). A formal process for evaluating student response to scientifically research-based interventions, consisting of the core components of: (1) problem identification, (2) problem analysis, (3) applying research-based interventions, and (4) progress monitoring/decisions rules.

Resolution session. A preliminary meeting involving the parents, relevant members of the IEP team, and a representative of the district who has decision-making authority, required prior to a due process hearing.

School age. Includes all persons 5 (i.e., turns 5 on or before September 1) through 21 years who reside in Idaho. For students with disabilities who qualify for special education and related services under the IDEA 2004, school age begins at age 3 and continues through the semester of school in which the student attains the age of 21.

School day. Any day, including a partial day, that students are in attendance at school for instructional purposes.

School health services. School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

School psychologist. A professional who holds an Idaho Pupil Personnel Services Certificate with an endorsement in Psychology and is charged with the responsibility to conduct assessments and determine a student's cognitive, academic, social, emotional, and/or behavioral functioning. This professional also provides direct services to students, consults with district staff, and may be a member of the evaluation and/or IEP team.

Scientifically-Based Research (SBR). The term scientifically-based research means research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to core academic development, instruction, and difficulties; and includes research that: (a) employs systematic, empirical methods that draw on observation or experiment; (b) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; (c) relies on measurements or

observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and (d) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Screening. An informal, although organized process, of identifying students who are not meeting or who may not be meeting Idaho Content Standards.

Secondary school. The term `secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12, 34 CFR §300.36. The term "secondary school" is not defined in Idaho Code, see "high school."

Secular. An adjective used to describe a private, non-religious educational entity.

Serious Bodily Injury (SBI). Bodily injury which involves (a) a substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; or (d) protracted loss or impairment of the function of bodily member, organ, or mental faculty.

Services Plan (SP). Services plan means a written statement that describes the special education and related services the LEA will provide to a parentally-placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with Section 34 CFR §300.132, and is developed and implemented in accordance with Sections 34 CFR §300.137 through 34 CFR §300.139, 34 CFR §300.37.

Setting. The location where special education services occur.

Social worker. A professional who holds an Idaho Pupil Personnel Services Certificate with an endorsement in Social Work and helps students and teachers address social and emotional issues. This professional may be a member of the evaluation and/or IEP team.

Socially maladjusted. A child who has a persistent pattern of violating societal norms with truancy, substance abuse, a perpetual struggle with authority, is easily frustrated, impulsive, and manipulative, Doe v. Board of Education of the State of Connecticut, (D. Conn. Oct. 24, 1990).

Special education. Specially designed instruction or speech/language therapy at no cost to the parent to meet the unique needs of a student with a disability including instruction in the classroom, the home, hospitals, institutions, and other settings; instruction in physical education; speech therapy and language therapy; transition services; travel training; assistive technology services; and vocational education.

Special educational placement. Refers to the provision of special education services, rather than a specific place, such as a specific classroom or school. The balance of setting and services to meet an individual student's needs.

Specially designed instruction. Adapting the content, methodology, or delivery of instruction to address the unique needs of an eligible student that result from the student's disability and to ensure access to the general education curriculum so that the student can meet the education standards of that district that apply to all students.

Speech impairment. An IDEA 2004 disability category that includes articulation/phonology, voice, and fluency disorders.

Speech-language pathologist. A professional holding an Idaho Pupil Personnel Services Certificate who can assess and treat persons with speech, language, voice, and fluency disorders. This professional coordinates with and may be a member of the evaluation and IEP teams.

Student (School Age). For resident children with disabilities who qualify for special education and related services under the federal individuals with disabilities education act (IDEA) and subsequent amendments thereto, and applicable state and federal regulations, "school age" shall begin at the attainment of age three (3) and shall continue through the semester of school in which the student attains the age of twenty-one (21) years.

Stay put. A requirement that a district or agency maintain a student with a disability in his or her present educational placement while a due process hearing or subsequent judicial proceeding is pending unless the parties agree otherwise.

Substantial evidence. A legal term that means "beyond a preponderance of the evidence" or "beyond more likely than not."

Summary of Performance (SOP). A document given to secondary students when a student exits special education as a result of earning a diploma or aging out. This document describes the academic achievement and functional performance along with recommendations to assist the student in meeting post secondary goals.

Supplementary aids and services. Accommodations and adaptations that must be made to the general education classroom and/or curriculum to ensure the satisfactory participation of a student with a disability, including supports to the general education teacher.

Surrogate parent. An individual assigned and trained by a district or an agency to assume the rights and responsibilities of a parent under the IDEA 2004 when no parent can be identified or located for a particular student or when the child is a ward of the state.

Suspension. A temporary stop, delay, interruption, or cessation of educational services.

Traditional public school. "Traditional public school" means any school existing or to be built that is operated and controlled by a school district in this state, Idaho Statute, Chapter 33-5202A(7).

Transition Services. A coordinated set of activities for a student with a disability designed within an outcome-oriented process. Services are based on individual student needs addressing instruction, related services, community experiences, employment, postschool adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

Traumatic brain injury (TBI). An IDEA 2004 disability category that refers to an injury to the brain caused by an external physical force and resulting in a total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory perception and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not apply to congenital or degenerative brain injuries or to brain injuries induced by birth trauma.

Travel training. Instruction to students with significant cognitive disabilities and any other students with disabilities who require instruction to enable them to develop an awareness of the environment in which they live and to learn the skills necessary to move effectively and safely from place to place within the home, school, and community.

Twice Exceptional. Twice exceptional students are identified as gifted and talented in one or more areas of exceptionality (specific academics, general intellectual ability, creativity, leadership, visual or performing arts) and also identified with a disability defined by State eligibility criteria (LD, ED, Autism, Orthopedic Impairments, or ADHD) that qualifies the student for an IEP or a 504 plan.

Unilateral placement. A decision by a parent, at his or her own discretion, to remove his or her child with a disability from a public school and enroll the student in a private facility because the parent believes that the district did not provide FAPE in a timely manner.

Universal Design. A concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and service that are made usable with assistive technologies.

Visual impairment including blindness. An IDEA 2004 disability category characterized by an impairment in vision that, even with correction, adversely affects a student’s educational performance. The term includes partial sight, which refers to the ability to use vision as

one channel of learning if educational materials are adapted, and blindness, which refers to the prohibition of vision as a channel of learning, regardless of the adaptation of materials.

Voice disorder. An IDEA 2004 disability category that refers to the absence or abnormal production of voice quality, pitch, intensity, or resonance. Voice disorders may be the result of a functional or an organic condition.

Voluntary enrollment in a private placement. Enrollment by a parent of a student with a disability in a private facility or home school for religious, philosophical, curricular, or other personal reasons.

Ward of the State. A child who, as determined by the State where the child resides, is a foster child (unless the foster parent meets the definition of a parent in Section 34 CFR §300.30), a ward of the State, or in the custody of a public child welfare agency. (34 CFR §300.45)

Weapon. See "Dangerous Weapon."

Written notice. A written statement provided by the district to a parent/adult student within a reasonable amount of time proposing or refusing to initiate or change the identification, evaluation, educational placement, or the provision of FAPE.

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LEGAL CITATIONS

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1.	Child Find	300.111	IDAPA 08.02.03.109.02.a IDAPA 08.02.03.109.02.d
2.	Procedural Safeguards	300.504 300.121	IDAPA 08.02.03.109.05
3.	Student Eligibility under the IDEA 2004	300.8 300.122	Idaho Code 33-2001(3) Idaho Code 33-2001(5) IDAPA 08.02.03.109.03 IDAPA 08.02.03.109.01.g
4.	Free Appropriate Public Education	300.17 300.101 300.102 300.148 300.304	Idaho Code 33-201 Idaho Code 33-2002 Idaho Code 33-2009 Idaho Code 33-2010 Idaho Code 20-504a(3) IDAPA 08.02.03.109.02.c
5. 5A 5B 5C	District Programs and Services Educational Programs & Services Physical Education Nonacademic & Extracurricular Services and Activities	 300.110 300.108 300.107 300.117	Idaho Code 33-2002
6.	Individualized Education Program	300.22 300.320-300.324	IDAPA 08.02.03.109.04
7.	Least Restrictive Environment	300.114-300.120	IDAPA 08.02.03.109.04.c
8. 8A 8B 8C 8D 8E 8F	Summary of Activities that May Lead to Special Education Services General Education Interventions Referral to Consider a Special Education Evaluation Written Notice and Consent Evaluation & Eligibility Determination IEP Development & Implementation Review & Revision of IEP and Placement Decision	 300.302 300.301 300.300 300.503-300.504 300.622 300.301 300.304-300.307 300.309-300.311 300.112 300.320-300.324 300.112 300.324 300.116	 IDAPA 08.02.03.109.02.i Idaho Code 33-2002 IDAPA 08.02.03.109.03 IDAPA 08.02.03.109.04 IDAPA 08.02.03.109.04(a)

8G	Reevaluation	300.303 300.305	
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1.	Definition of FAPE	300.17	
2.	FAPE Considerations		Idaho Code 33-201
2A	District Obligation	300.101 300.226 (c)	Idaho Code 33-2002 Idaho Code 33-2009
2B	Limit to District Obligation When	300.132	Idaho Code 33-2010
2C	District Obligation to Provide FAPE ends	300.102	Idaho Code 20-504a IDAPA 08.02.03.109.02.c
2F	Applicability to Charter & Alternative Schools	300.209	
2G	Applicability to Detained Youth	300.149 (c-d) 300.102	
2H	Using Public & Private Insurance Funds to Provide FAPE	300.154	

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1.	District Responsibility	300.111 300.131	IDAPA 08.02.03.109.02.a IDAPA 08.02.03.109.02.c IDAPA 08.02.03.109.02.d
2. 2A 2B	Locating Students Coordination Public Awareness	 300.124 300.154 300.111	Idaho Code 16-103
3. 3A 3B	Identification Screening General Education Intervention	 300.302 300.226	IDAPA 08.02.03.109.02.i IDAPA 08.02.02.140
4. 4A 4B	Referral to Consider a Special Education Evaluation Evaluation Team Referral	 300.306 300.308 300.301 300.302 300.309 300.305 300.504 300.174	IDAPA 08.02.03.109.02.a

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3.	Written Notice and Consent for Assessment	300.503 300.9 300.300 300.302	
4.	Information from Other Agencies or Districts	300.622 99 FERPA	
5.	Evaluation and Eligibility Determination Procedures	300.301 300.39 300.8 300.304-300.311	IDAPA 08.02.03.109.04 IDAPA 08.02.03.109.01.g IDAPA 08.02.03.109.03
6.	Reevaluation and Continuing Eligibility	300.300 300.303 300.305 300.324	
7.	State Eligibility Criteria	300.8	IDAPA 08.02.03.109.03

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	Special Education Definition	300.39	
	IEPs	300.320-300.324	
	Meeting Definition	300.501.3	IDAPA 08.02.03.111.04
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	Determination of Eligibility	300.306	IDAPA 08.02.03.107.05
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	Supplementary Aids, Services	300.42	IDAPA 08.02.03.210
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	Extended School Year	300.106	IDAPA 08.02.03.105.05
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	Parents as part of Decision	300.327	Idaho Code 33-2002(4)
	Disciplinary Placement	300.536	
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LEGAL CITATIONS

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4.	Grades, Class Ranking, and Honor Roll		*Letter to Runkel*, 25 IDELR 387 (OCR 1996)

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2. 2A 2B	Responsibility for Services Charter School Authorized by the District Charter School Operating as an LEA	300.2 300.209(b) 300.209(c)	Idaho Code 33-5205
3.	Essential Components of a Special Education Program	300.209	Idaho Code 33-5205 IDAPA 08.02.03.109.02.c IDAPA 08.02.04.201.01 IDAPA 08.02.04.202 IDAPA 08.02.04.203.02 IDAPA 08.02.04.300.02 IDAPA 08.02.04.301.01
4.	Charter Schools and Dual Enrollment		Idaho Code 33-203 Idaho Code 33-2002
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5F 5G 5H	Request for Amendment of Records District Hearings Student Rights	300.618 300.619 300.620 300.621 300.625	 34 CFR 99.22 (FERPA) 34 CFR 99.5a (FERPA)
6. 6A 6B 6C 6D 6E	Independent Educational Evaluations Definition Right to an IEE Procedures for Requesting an IEE District Responsibility Consideration of Results	 300.502 300.502(b) 300.502 300.502 300.502	 IDAPA 08.02.03.109.05j

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1.	General Discipline Guidelines	300.530(b) 300.534	Idaho Code 33-205
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Chapter 1
OVERVIEW

The education of students with disabilities is firmly rooted in the constitutional guarantees involved in the "protection of vulnerable minorities." This relationship means that the provision of services to students with disabilities is a basic civil right protected by the Constitution. Three federal laws have been passed to ensure these constitutional guarantees for individuals with disabilities:

- the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)
- Section 504 of the Rehabilitation Act of 1973 (Section 504)
- the Americans with Disabilities Act of 1990 (ADA)

The reauthorization of the IDEA 2004 was aligned with the Elementary and Secondary Education Act of 2001—also known as the No Child Left Behind (NCLB) Act. The IDEA 2004 preserves the basic structure and civil rights of previous reauthorizations and emphasizes both *access* to education and *improved results* for students with disabilities based on data and public accountability.

This manual provides detailed information regarding district responsibilities under the IDEA 2004 and the IDEA regulations of 2006, which took effect on October 13, 2006.

Section 1. Child Find

The district is responsible for establishing and implementing an ongoing Child Find system. Child Find activities are conducted (1) to create public awareness of special education programs, (2) to advise the public of the rights of students, and (3) to alert community residents of the need for identifying and serving students with disabilities from the age of 3 through the semester in which they turn 21.

The district is also responsible for coordinating with the Department of Health and Welfare regarding the Child Find system for children ages birth through 2 years. The Child Find system includes children with disabilities who are homeless, as defined by the McKinney-Vento Homeless Act (see Glossary), wards of the state, or attending private schools, regardless of the severity of the disability.

See Chapter 3 for more information on Child Find.

Section 2. Procedural Safeguards

A parent and/or adult student has specific procedural safeguards assured by the IDEA 2004 and state law. The district provides a document titled *Procedural Safeguards Notice* to parent and/or adult students that contain a full explanation of special education rights.

See Chapter 11 for more information on procedural safeguards.

Section 3. Student Eligibility under the IDEA 2004

The existence of a disability or medical diagnosis does not, by itself, mean that a student is eligible under the IDEA 2004. To be eligible for services under the IDEA 2004, a student must have a disability that:

1. meets the state disability criteria;
2. adversely affects educational performance; and
3. results in the need for special education, that is, specially designed instruction.

The process used to make this determination is called "eligibility evaluation." During an eligibility evaluation, an evaluation team (which includes educators and the parent and/or adult student) reviews information from multiple sources including, but not limited to, general education interventions, formal and informal assessments, and progress in the general curriculum.

See Chapter 4 for more information on eligibility and evaluation.

Section 4. Free Appropriate Public Education (FAPE)

The local education agency (district) is required to ensure that a free appropriate public education (FAPE) is available to students who reside in the district and are eligible for special education. FAPE is individually determined for each student that qualifies for special education. FAPE *must* include special education in the least restrictive environment (LRE) and *may* include related services, transition services, supplementary aids and services, and/or assistive technology devices and services. A definition of each of these terms can be found in the glossary.

See Chapter 2 for more information on FAPE.

Section 5. District Programs and Services

The district shall ensure that the same array of academic, nonacademic, and extracurricular activities and services is available to students with disabilities as is available to students without disabilities.

A. Educational Programs and Services

The district shall take steps to ensure that students with disabilities have the variety of educational programs and services that are available to all other students served by the district. These may include art, music, industrial arts, consumer and homemaking education, vocational education, and other programs in which students without disabilities participate.

B. Physical Education

Physical education services, specially designed if necessary, shall be made available to every student with a disability receiving FAPE, unless the public agency enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.

C. Nonacademic and Extracurricular Services and Activities

The district shall take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's Individualized Education Program (IEP) Team, to provide nonacademic and extracurricular services and activities in a manner that affords students with disabilities an equal opportunity to participate in those services and activities. This includes counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to persons with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.

Section 6. Individualized Education Program (IEP)

The IEP is a document that outlines how a particular student with a disability will receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). It is a working document that can be amended as the student's needs change. The IEP is created collaboratively by IEP team members, including parents, the student, if appropriate, the student's teachers and other district personnel.

See Chapter 5 for more information on IEP development.

Section 7. Least Restrictive Environment (LRE)

The IDEA 2004 states that, to the maximum extent appropriate, students with disabilities are to be educated with students who are not disabled. The IEP team should consider what constitutes LRE for the individual student. This includes considering that a continuum of alternative placements is available to meet the needs of children with disabilities and for special education and related services.

See Chapter 6 for more information on LRE.

Section 8. Summary of Activities That May Lead to Special Education Services

This section describes the steps that may lead to special education services. The activities that are within each step are often sequential, but could occur simultaneously. The process might occur in a different sequence for emergency or interim placements. A flowchart of these steps is provided at the end of this chapter.

A. General Education Interventions (carried out by the problem-solving team)

A general education problem-solving team addresses student learning needs and ensures that referrals to consider special education are appropriate. The general education problem-solving process may include early intervening services based on whole-school approaches such as: a three-tiered model using scientifically based reading (and other content area) programs, positive behavior supports, and a response-to-intervention system. Accommodations and instructional interventions shall be attempted during the problem-solving process. These accommodations and interventions shall be of sufficient scope and duration to determine the effects on the student's educational performance and shall be clearly documented.

If the student shows adequate progress with general education interventions and accommodations, a referral to consider a special education evaluation may be unnecessary. However, if general education interventions and accommodations need to be provided on an ongoing basis or if the student shows limited or no progress *and* the student's performance is significantly discrepant from peers, a referral to consider a special education evaluation may be warranted.

See Chapter 4 and Appendixes 3 and 4 for more information on problem-solving activities and the three tiered model.

B. Referral to Consider a Special Education Evaluation

Following the problem-solving team's review of the student's response to general education interventions, if the team suspects that the student has a disability that adversely impacts his or her education, the problem-solving team shall initiate a referral to consider a special education evaluation. The purpose of this referral is to bring a student to the attention of an evaluation team so that it can determine whether to conduct a special education evaluation.

A referral to consider a special education evaluation marks the point at which procedural safeguards are activated. The parent and/or adult student shall be involved in decisions once a written referral has been made to the evaluation team to consider a special education evaluation.

The evaluation team shall review existing data, including assessments and information provided by the parent and/or adult student, to determine the need for further assessment.

See Chapter 3 for more information on the referral process to consider a special education evaluation and who can make a referral.

C. Written Notice and Consent (completed by an evaluation team)

Before administering assessments as part of the special education evaluation, written notice shall be provided to the parent and/or adult student and written consent shall be obtained from the parent and/or adult student. The district may use a single form that meets the requirements of written notice and consent for assessment. In addition, if the evaluation team needs information for an evaluation from a non-educational agency or an individual, such as a doctor, written consent for the release of information shall be obtained from the parent and/or adult student. See Chapter 4 and Chapter 11 for more information.

D. Evaluation and Eligibility Determination (completed by evaluation team)

After receiving consent, the evaluation team shall schedule assessments and ensure they are conducted. Next, the evaluation team reviews the assessment data, the response to general education interventions, and parent and/or adult student input and recommendations to determine whether the student is eligible for special education services. Then the evaluation team compiles an *Eligibility Report* using data collected from individual assessments and provides the parent and/or adult student with a copy of the report.

If the student is not eligible, the district shall provide written notice to the parent and/or adult student that the data does not indicate eligibility under the IDEA 2004. The district shall maintain documentation in permanent records. (A student ineligible under the IDEA 2004 may be considered to have a disability under Section 504.)

If the parent and/or adult student disagrees with the district's evaluation and/or the eligibility determination, he or she has the right to request mediation, file a due process hearing challenging the decision, or seek an independent educational evaluation (IEE). See Chapter 11 for more information.

E. IEP Development and Implementation (completed by IEP team)

The time between receiving consent for assessment and implementing the IEP cannot exceed 60 calendar days, excluding periods when regular school is not in session for five or more consecutive school days. The parent and district may agree in writing to extend the 60-day period

for the purpose of initial assessment as long as federal IDEA 2004 time requirements are met. See Chapter 4 for guidance on timeline exceptions.

The following activities are included in the development and implementation of the IEP:

1. Conduct an IEP team meeting to develop an IEP within 30 calendar days of a determination that the student is eligible for special education and related services. For eligible students, the IEP can be developed at the same meeting at which eligibility is determined if all required IEP team members are present and agree to proceed.

2. After determining goals and services, determine the placement in the LRE in which the IEP can be implemented. For those goals that are aligned to the alternate standards, benchmarks/objectives shall be written.

3. Obtain documentation indicating participation in the IEP team meeting.

4. Obtain consent from the parent and/or adult student for initial placement in special education.

5. Provide copies of the IEP to the parent and/or adult student and other participants, as appropriate.

6. Provide written notice to the parent and/or adult student before implementing the IEP if the provision of FAPE or the educational placement is proposed to change.

7. Make arrangements for IEP services by informing staff of their specific responsibilities under the IEP.

8. Implement the IEP as soon as possible after it is developed.

9. Provide the parent and/or adult student with periodic reports of the student's progress towards IEP goals (such as quarterly or other periodic reports, concurrent with the issuance of report cards).

See Chapter 5 for more information on IEP development.

F. Review and Revision of IEP and Placement Decision (completed by IEP team)

1. Send the parent and/or adult student a *Procedural Safeguards Notice* with an invitation to attend an IEP meeting (required at least once annually).

2. Convene an IEP team meeting under these circumstances:

   a. when changes in the IEP are requested or if the student is not making progress; and

   b. at least annually to review eligibility, develop a new IEP, and determine placement.

3. Provide a copy of the revised IEP to the parent and the adult student when an IEP is amended or rewritten and when the student is no longer eligible for special education services. In addition, written notice is required if the district is proposing to change or refusing to change the educational placement and/or provision of FAPE.

4. Under Idaho regulations, the parent and/or adult student has the right to file a written objection to changes proposed by the district. If, within 10 calendar days of receiving written notice from the district, the parent and/or adult student files a written objection to all or part of the proposed IEP or placement, the district shall not implement the changes to which the parent and/or adult student objects. See Chapter 11 for more information.

See Chapter 5 for more information on IEP reviews.

G. Reevaluation (completed by evaluation team)

Reevaluations are conducted by the evaluation team. A reevaluation to determine whether a student continues to be eligible for special education services is completed as follows: (a) at least every three years, (b) when requested by the student's teacher or the parent and/or adult student, and (c) whenever conditions warrant. Approximately one month before conducting the reevaluation, the district shall inform the parent and/or adult student that a reevaluation is due. The parent and/or adult student and district may agree in writing that a three-year reevaluation is not necessary. In addition, a reevaluation need not be conducted more than once per year unless the district and the parents agree.

The evaluation team shall include the following activities in the reevaluation process:

1. Invite the parent and/or adult student to participate in the review of existing data and to determine what additional data, if any, is needed as part of the reevaluation. Unless the parent and/or adult student requests that the evaluation team members meet as a group in a formal meeting, data can be gathered from individual team members at various times using a variety of methods.

2. Obtain written consent from the parent and/or adult student if additional assessments shall be conducted. After gaining consent, ensure the completion of assessments and eligibility reports.

3. If the evaluation team determines that additional assessments are not needed, provide written notice to the parent and the adult student of this decision and of the parent and/or adult student's right to request assessments.

4. Prepare an *Eligibility Report* that details the eligibility requirements for the student, even when no new assessments are conducted. The report shall address each required eligibility component.

5. Provide the parent and/or adult student with a copy of the *Eligibility Report*.

6. Develop and implement an IEP, if the student continues to be eligible. If the student is not eligible, follow procedures to discontinue services.

See Chapter 4 for more information on reevaluation.

H. Discontinuation of Services

Provide prior written notice to the parent and the adult student informing them of the discontinuation of services when:

1. The evaluation team determines the student no longer meets eligibility requirements for special education services; or

2. The student meets the district and state requirements that apply to all students for receipt of a regular high school diploma; or

3. The student completes the semester in which he or she reaches the age of 21 years.

When a student exits from special education as a result of graduating or aging out, the district shall provide the student with a summary of his or her academic achievement and functional performance, along with recommendations on how to assist the student in meeting postsecondary goals.

See Chapter 7 for more information on the discontinuation of services.

Chart

General Education Interventions (completed by problem-solving team)

- Team considers components of the three tiered model of Response to Intervention.
- Problem solve, plan and implement interventions and accommodations; document results.

Special Education Activities

A. Child Find Activities

B. Referral to Consider a Special Education Evaluation (completed by problem-solving team and evaluation team)

- Problem-solving team submits a formal referral to consider special education evaluation.
- Provide the parent and/or adult student with a *Procedural Safeguards Notice.* (required)
- Seek parent and/or adult student input and afford opportunity for a meeting.
- Evaluation team decides whether to conduct further assessments.

C. Written Notice and Consent (completed by the evaluation team)

- Provide written notice to the parent and/or adult student.
- Seek consent from the parent and/or adult student for assessments.
- Receive written consent for assessment from the parent and/or adult student.

D. Evaluation and Eligibility Determination (completed by evaluation team)

- Schedule and conduct assessments.
- Review assessment information with parent and/or adult student. Determine eligibility and complete the *Eligibility Report*. (Meeting with the entire team is a parent and/or adult student option.)
- Provide the parent and/or adult student with a copy of the *Eligibility Report*.

E. IEP Development and Implementation (completed by IEP team)

- Invite the parent and/or adult student to the IEP team meeting.
- Provide a *Procedural Safeguards Notice* to the parent and/or adult student. (at least once annually)
- Develop IEP and determine placement in LRE.
- Provide a copy of the IEP with written notice to the parent and/or adult student.
- Receive consent for initial placement from the parent and/or adult student.
- Implement IEP.

F. Review/Revision of IEP and Placement Decision (completed by IEP team)

- Provide a *Procedural Safeguards Notice* to the parent and/or adult student if applicable.
- Invite the parent and/or adult student to the IEP team meeting.
- Review eligibility, develop an IEP, and determine placement annually.
- Provide a copy of IEP with written notice to the parent and/or adult student.

G. Reevaluation (completed by evaluation team)

- Inform the parent and/or adult student that reevaluation is due.
- Provide a *Procedural Safeguards Notice* to the parent and/or adult student if applicable.
- Seek parent and/or adult student input on reevaluation and afford opportunity to request a meeting.
- Receive consent from the parent and/or adult student for assessments if planning to assess **OR** Provide the parent and/or adult student with written notice that no further assessments shall be conducted if the evaluation team determines that existing information is adequate. Inform parent and/or adult student of his or her right to request additional assessments.
- Schedule and conduct assessments.
- Review assessment information with parent and/or adult student. Determine eligibility and complete the *Eligibility Report*. (Meeting with the entire team is a parent and/or adult student option.)
- Provide the parent and/or adult student with a copy of the *Eligibility Report*.
- Go to steps in Box F or Box H.

H. Discontinuation of Services

- Provide written notice to the parent and/or adult student before discontinuing special education services.
- Upon graduation provide a summary of performance to the parent and/or adult student.

Chapter 2
FREE APPROPRIATE PUBLIC EDUCATION

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Chapter 2
Free Appropriate Public Education

The local education agency (district) is required to ensure that a free appropriate public education (FAPE) is available to students in the district and who are eligible for special education. FAPE is individually determined for each student with a disability. FAPE *must* include special education in the least restrictive environment (LRE) and *may* include related services, transition services, supplementary aids and services, and/or assistive technology devices and services. A definition of each of these terms can be found in the glossary.

Section 1. Definition of a Free Appropriate Public Education (FAPE)

The definition of FAPE under the Disabilities Education Improvement Act of 2004 (IDEA 2004) means special education and related services that:

1. are provided at public expense (free);

2. are provided in conformity with an appropriately developed individualized education program, or IEP (appropriate);

3. are provided under public supervision and direction (public); and

4. include an appropriate preschool, elementary, and secondary education that meets the education standards, regulations, and administrative policies and procedures issued by the State Department of Education (education).

Section 2. Provision of FAPE

A. District Obligation

The district is required to ensure that FAPE is available to students in the district who are eligible for special education. This includes students who reside in group, personal care, or foster homes, as well as institutions, if their legal guardian is a resident of Idaho, even though the guardian may reside in another Idaho school district. It also includes students who are migratory or homeless as defined by the McKinney-Vento Homeless Act (see Glossary). If a student from another state is placed in Idaho by an out-of-state agency, parent, or district, the placing district, parent, or agency is responsible for the educational costs. If a student is placed in a district by an Idaho agency, the student is entitled to FAPE and the responsible agency is determined upon Idaho Code regarding the specific situation.

The district is obligated to make FAPE available to each eligible student in the district as follows:

1. The district shall provide FAPE to an individual who is at least 3 years old and who qualifies for special education services unless the parent and/or adult student has refused special education services.

2. The district shall offer FAPE to parentally placed private students in accordance to statutory and regulatory language, which states that parentally placed private school students with disabilities do not have an individual right to some or all of the special education and related services that the student would receive if enrolled in a public school.

3. A free appropriate education shall be available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course, and is advancing from grade to grade.

Note: Participation in Early Intervening Services neither limits nor creates a right to FAPE.

B. Limit to District Obligation

1. The district is not obligated to provide some or all special education and related services, if it has been offered, but a parent elected to place the student in a private school or facility. However the district shall include that student in the population whose needs are addressed consistent with Child Find requirements. See Chapter 9 for more information.

2. Students who are home schooled and dually enrolled are considered private school students for the purposes of dual enrollment. The same procedures would be available to these students as parentally placed private school students who are dually enrolled.

C. When District Obligation to Provide FAPE Ends

1. the semester in which the student turns 21 years old; or

2. when the student meets the district requirements that apply to all students for receipt of a regular high school diploma; a regular high school diploma does not include an alternative degree that is not fully aligned with the Idaho Content Standards, such as a certificate or a general educational development credential (GED).

3. when the student no longer meets the eligibility criteria for special education services, as determined by the team after a reevaluation.

D. Temporary Suspension of FAPE

The district is not required to provide FAPE to an eligible student during the suspension of 10 cumulative school days or less during a school year; however, FAPE must be provided following this 10-day exception.

Section 3. FAPE Considerations

A. Case Law Interpretations of FAPE

The courts have further defined the term FAPE as a result of lawsuits between parents and districts. In 1982, the United States Supreme Court ruled in the case of *Hendrix Hudson Central School District Board of Education v. Rowley*. This landmark case set a standard for FAPE that is commonly referred to as the *Rowley Standard.* The *Rowley* decision defines FAPE as including these two components:

1. an IEP developed in adequate compliance with the IDEA 2004 procedures; and

2. an IEP reasonably calculated to enable the student to receive educational benefit.

The *Rowley* decision also states that, if a student is being educated in the general education classroom, the IEP should be reasonably calculated to enable the student to achieve passing marks and advance from grade to grade.

B. Applicability to Charter and Alternative Schools

Federal law requires the district to provide students with disabilities educational choices comparable to those choices offered to students without disabilities. These choices include the opportunity to attend a public charter school or alternative school. Students enrolled in public charter and alternative schools are entitled to FAPE and retain all the rights and protections that are available under the IDEA 2004.

C. Applicability to Detained Youth

Students with disabilities or suspected disabilities who are detained in city or county jails, juvenile detention centers, juvenile correctional facilities, or in Idaho prisons are entitled to FAPE.

1. Services to Youth Detained in City or County Jails

   The district in which the facility is located has the responsibility for the provision of FAPE to eligible youth.

2. Services to Youth Detained in Juvenile Detention Centers (JDC)

   The district in which the facility is located has the responsibility for the provision of FAPE to eligible youth. Typically, detention in a JDC is short term, and the student most likely returns to his or her home district. If a district has a student who is detained in a JDC not located within the district boundaries, the district may find it beneficial to coordinate school assignments through the JDC's education staff while the student is in the facility.

3. Services to Youth Placed in the Custody of the Department of Juvenile Corrections (DJC)

   When a student is placed in the custody of the Department of Juvenile Corrections, the responsibility for the provision of FAPE resides with the Department of Juvenile Corrections.

4. Services to Youth in the Custody of the Department of Correction (DOC)

   When a student is placed in the custody of the Department of Correction, the responsibility for the provision of FAPE resides with the Department of Correction through an agreement between the SDE and the Department of Correction.

D. Using Public and Private Insurance Funds to Provide FAPE

If a student is covered by a parent's private or public insurance or benefits, the district may access this insurance only if the parent provides informed consent. Each time the district proposes to access the private insurance, the district shall obtain written parental consent and inform the parent that his or her refusal to permit the district to access the private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parent.

Chapter 3
CHILD FIND

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Chapter 3
CHILD FIND

The Child Find system involves three basic steps leading to the determination of whether or not a student has a disability and requires special education. The steps are location, identification, and evaluation. This chapter describes location and identification activities. The evaluation process is covered in Chapter 4.

Section 1. District Responsibility

The district is responsible for establishing and implementing an ongoing Child Find system to locate, identify, and evaluate students suspected of having a disability, ages 3 through the semester they turn 21, who may need special education, regardless of the severity of the disability. The district is also responsible for coordinating with the Department of Health and Welfare (DHW) regarding the Child Find system for children ages birth through 2 years. The district may appoint an individual to coordinate the development, revision, implementation, and documentation of the Child Find system.

The Child Find system shall include all students within the district's geographic boundaries including students who are:

1. enrolled in public school;

2. enrolled in charter and alternative schools;

3. enrolled in home school;

4. enrolled in private elementary and secondary schools (including religious schools) located in the district; including out-of-state parentally-placed private school children with disabilities;

5. not enrolled in elementary or secondary school, including children ages 3 through 5;

6. advancing from grade to grade;

7. highly mobile students (such as migrant and homeless as defined by the McKinney-Vento Homeless Act [see Glossary]); and

8. wards of the state.

Section 2. Locating Students

Locating students who may have disabilities involves coordinating with other agencies and promoting public awareness.

A. Coordination

For infants and toddlers, birth through 2 years of age, Child Find is provided by the Idaho Infant Toddler Program. Although lead responsibility for the Infant Toddler Program has been designated to the DHW, interagency agreements provide for collaboration and coordination. The district shall use local interagency agreements for efficient use of resources and ease of service accessibility for students and families.

B. Public Awareness

The district shall take the necessary steps to ensure that district staff and the general public are informed of the following:

1. the availability of special education services;
2. a student's right to a free appropriate public education (FAPE);
3. confidentiality protections; and
4. the referral process.

This information may be provided through a variety of methods such as distributing brochures or flyers, including information in school or district publications, disseminating articles and announcements to newspapers, arranging for radio and television messages and appearances, speaking at faculty meetings or district in-services and making presentations.

Section 3. Identification

The identification component of Child Find includes screening, early intervening through a problem-solving process, and referral to consider a special education evaluation. The procedural rights under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) are afforded when the student is referred for a special education evaluation by the parent and/or adult student or the district.

A. Screening

Screening is an informal, although organized process, of identifying students who are not meeting or who may not be meeting Idaho Content Standards or Idaho Early Learning Standards. A variety of methods may be used to screen students, including performance on statewide

assessments, curriculum-based measures, daily work in the classroom, teacher observations, hearing and vision screeners, developmental milestones, and/or kindergarten readiness measures.

Screening for instructional purposes is not an evaluation. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

Although screening is an important part of the Child Find system, screening cannot be used to delay processing a referral to consider a special education evaluation where immediate action is warranted.

B. General Education Intervention (Early Intervening Services)

Under the LEA funding option, early intervening services are services for K-12 students who need additional academic and behavioral support to succeed in the *general education environment*. When a school's screening process reveals that a student or groups of students are at risk of not meeting the Idaho Content Standards, the general education problem-solving team shall consider the students' need for "supported" instructional interventions in order to help the students succeed. These interventions are referred to as early intervening services or general education interventions, accommodations, and strategies. It is important to remember that students who receive early intervening services are not currently identified as needing special education or related services and do not have a right to FAPE. Therefore, the IDEA 2004 procedural safeguards are not applicable at this time.

Districts shall implement coordinated services and activities that involve providing educational and behavioral evaluations, services, and supports. These services may also include professional development for teachers and other staff to enable them to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and where appropriate, instruction on the use of adaptive and instruction al software. Early intervening services should be based on whole-school approaches such as; the three-tiered model, scientifically based curriculum and instruction, positive behavior supports, and a response to intervention system.

If a district chooses to use up to 15% of Title VI-B federal funds for Early Intervening Services for students in K-12 who are not currently identified as needing special education but who need additional support in the general education environment, additional requirements may apply that will affect maintenance of effort .

If a district is found to have a significant disproportionate representation in special education, there are additional requirements for use of funds in Early Intervening Services. Please see Chapter 10 for more information on Early Intervening Services.

General Education Problem Solving

1. Establishing a Problem-Solving Team

   The district shall establish a problem-solving team and a process to plan accommodations and interventions in general education and to ensure that referrals to consider a special education evaluation are appropriate. Team membership is established by the school or the district and would likely involve general educators and administrators, and could include counselors, specialists, and special education personnel. While parent and/or adult student involvement is valuable and encouraged, the district is not required to include the parent and/or adult student on the team.

   When problem solving involves a child 3-5 years of age, the team should seek input from family members, child care programs, private preschools, or Head Start programs, as appropriate. An early childhood problem-solving process needs to consider early childhood environments and the preschool student's need for supported instructional interventions in order for the student to participate in appropriate activities.

2. Referrals to the Problem-Solving Team

   Referrals to the problem-solving team may come from a variety of sources including parents, students, other family members, public or private school personnel, agencies, screening programs, or as a result of annual public notice. Referrals may be made for a variety of reasons dealing with academic and behavioral concerns and may involve, but are not limited to, teaching strategies, material accommodations, social skills training, cooperative learning concepts, classroom organization, and scheduling.

3. Interventions

   a. Interventions in general education or an early childhood environment shall be attempted before a student is referred to an evaluation team, unless an evaluation is needed immediately.

   b. Interventions shall be of sufficient scope and duration to determine the effects on the student's educational performance and should be clearly documented.

   c. Documentation of the success or failure of accommodations and interventions shall be reviewed and discussed by the problem-solving team.

4. Problem-Solving Team Decisions Following General Education Intervention

   Based on a review of data and information presented by the referring party and others, the team has several decision options. In the case of a preschool student, data and information shall be gathered and reviewed from such settings as child care programs, private preschools, Head Start Programs, or the home.

Following an intervention, the problem-solving team shall review progress monitoring data from the intervention and other relevant information to determine what action is warranted. The team considers a variety of options, including whether to:

a. continue the general education intervention because the student is making adequate progress but needs more time to reach goals;

b. continue the intervention in a modified form;

c. explore services or programs outside of special education (such as Title I of the Elementary and Secondary Education Act, including English language programs; Section 504 accommodations; counseling); or

d. make a referral to consider a special education evaluation.

Although problem-solving activities are an important part of the system, they cannot be used to delay processing a referral for consideration of a special education evaluation where immediate action is warranted. Either a parent or a public agency may initiate a request for an initial evaluation.

Section 4. Referral to Consider a Special Education Evaluation

A. Evaluation Team

The evaluation team is the group of people established by the IDEA 2004 that has the responsibility for making decisions regarding evaluation, assessments, and eligibility. The composition of the evaluation team will vary depending on the nature of the student's suspected disability and other relevant factors. The evaluation team shall include the same membership (although not necessarily the same individuals) as the IEP team and other professionals as needed to ensure that appropriate, informed decisions are made.

Unlike an IEP team, an evaluation team has the flexibility of conducting business with or without a meeting. The case manager can gather input from evaluation team members in a variety of ways. The parent and/or adult student shall be included in the evaluation team and shall be given the opportunity to indicate whether he or she wishes the team to hold a meeting with all members attending.

B. Referrals to Consider Special Education

The procedure for handling referrals to consider a special education evaluation for students suspected of having a disability includes the following:

1. Unless immediate action is warranted and documented, a referral to consider a special education evaluation is sent to the evaluation team *after* the problem-solving team has determined:

a. the student's response to research-based interventions in general education (or age-appropriate activities for preschool) has not resulted in adequate progress; and

b. language and cultural issues are not the main source of the student's academic or behavioral discrepancy from peers.

2. A *Referral to Consider a Special Education Evaluation/Reevaluation* form shall be completed.

3. Procedural safeguards are activated when a referral is made to consider a special education evaluation. If the referral came from someone other than the parent and/or adult student (see Glossary) the parent and/or adult student shall be notified. In either case, the parent and/or adult student shall be provided with a copy of the *Procedural Safeguards Notice*. At the same time, the parent and/or adult student shall be afforded an opportunity to provide input regarding the need for and scope of the initial evaluation, including the opportunity to hold a meeting if desired.

4. The evaluation team (including the parent and/or adult student) reviews all available records, including family and health history, past school experiences, the results of general education interventions, and previous assessments and evaluations. The evaluation team shall decide what additional assessments, if any, are needed. This review and determination process can take place at a face-to-face meeting of the evaluation team or through an alternate format, unless the parent and/or adult student desires that a meeting be held.

   a. If the evaluation team determines that an evaluation is warranted, written notice shall be provided to the parent and/or adult student and written consent shall be obtained from the parent and/or adult student.

   b. If the evaluation team determines that an evaluation is not warranted at this time, the team should seek other avenues for services to meet the student's needs. The person initiating the referral, if other than the parent and/or adult student, may be informed as to why the evaluation is not being conducted. Written notice of the district's refusal to evaluate a student for special education services shall be provided to the parent and/or adult student when he or she makes a referral for a special education evaluation and the district determines that the evaluation is not warranted.

Note: Districts are prohibited from requiring that a student obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school, receiving an evaluation, or receiving services under the IDEA 2004.

See Chapter 4 for more information on evaluation and eligibility.

Chapter 4
EVALUATION AND ELIGIBILITY

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Chapter 4
EVALUATION AND ELIGIBILITY

Chapter 3 discusses child find procedures used to locate and identify students with suspected disabilities. This chapter contains the requirements for the special education evaluation and eligibility process, from referral to consider special education through to the determination of eligibility. The Idaho State Department of Education has provided state eligibility criteria for special education services for eligibility consistent with the Individuals with Disabilities Education Act for districts to use while determining eligibility.

Section 1. Evaluation Team

The evaluation team is a group of people outlined by IDEA 2004 with the responsibility to make decisions regarding evaluation, assessments, and eligibility. This team includes the same membership as the individualized education program (IEP) team (although not necessarily the same individuals) and other qualified professionals as needed to ensure that appropriate and informed decisions are made. The specific composition of the evaluation team reviewing existing data will vary depending upon the nature of the student's suspected disability and other relevant factors. The parent and/or adult student is a member of the evaluation team and shall be provided an opportunity to provide input and participate in making team decisions. The evaluation team may conduct its review without a meeting unless the parent /adult student requests that a meeting be held.

Additional Membership Requirements**:**

The determination of whether a student suspected of having a *learning disability* shall be made by the student's parents and a team of qualified professionals, which shall include:

- The student's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; and

- At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

Section 2. Purpose of an Evaluation

The purpose of the evaluation process is to determine the eligibility of a student for special education services. This pertains to both initial determination and three year review of eligibility, or re-evaluation. It is also a process for gathering important information about a student's strengths and needs. An evaluation process should include a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent.

A. Definitions

Although the terms "evaluation" and "assessment" are often interchanged, there are significant differences between the meaning of the two terms. In an effort to clarify, the terms are defined as follows:

1. **Evaluation** refers to 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 screening of a student by a teacher or specialist to determine appropriate *instructional* strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

2. **Assessment** is integral to the evaluation process and includes the formal or informal processes of systematically observing, gathering, and recording credible information to help answer evaluation questions and make decisions. A test is one method of obtaining credible information within the assessment process. Tests may be standardized or non-standardized, criterion-referenced (e.g. curriculum-based measures) or norm-referenced, and usually elicit responses from students to situations, questions, or problems to be solved. Assessment data may also include observations, interviews, medical reports, data regarding the effects of general education accommodations and interventions, and other formal or informal data.

B. Evaluation Components

The district shall conduct a full and individual initial evaluation before the provision of special education and related services are provided to a student suspected of having a disability. A parent or a public agency may initiate a request for an initial evaluation to determine eligibility.

This initial evaluation will consist of procedures to determine whether:

1. the student has a disability according to the established Idaho Criteria;

2. the student's condition adversely affects academic performance; and

3. the student needs special education, that is, specially designed instruction and related services;

In addition, the information from the evaluation can be used to consider the following:

1. the nature and extent of special education and related services needed by the student in order to participate and progress in the general education curriculum or curriculum aligned to the Idaho Content Standards or the Idaho Early Learning Standards; and

2. the least restrictive environment (LRE) for the student.

The above information also pertains to evaluations for determining Part B eligibility for children transitioning from the Infant/Toddler Program.

Section 3. Written Notice and Consent for Assessment

Written notice shall be provided and informed consent shall be obtained before assessments are administered to a student as part of an evaluation.

A. Written Notice Requirements

Written notice shall be provided to the parent and/or adult student within a reasonable time before the district proposes to initiate the evaluation or re-evaluation of a student. Written notice shall be in words understandable to the general public. It shall be provided in the native language or other mode of communication normally used by a parent or adult student unless it is clearly not feasible to do so.

If the native language or other mode of communication is not a written language, the district shall take steps to ensure the following:

1. The notice is translated orally or by other means in the native language or other mode of communication;

2. The parent or adult student understands the content of the notice; and

3. There is written evidence that the above two requirements have been met.

The written notice shall *include* the following:

1. a description of the evaluation or reevaluation proposed or refused by the district;

2. an explanation of why the district proposes to evaluate or reevaluate the student;

3. a description of any other options the district considered and the reasons why those options were rejected;

4. a description of each assessment procedure, test, record, or report that the district used as a basis for the proposed or refused evaluation or reevaluation;

5. a description of any other factors relevant to the evaluation or reevaluation;

6. a statement that the parent or adult student has special education rights and how to obtain a copy of the *Procedural Safeguards Notice*; and

7. sources for parents to contact in obtaining assistance in understanding the *Procedural Safeguards Notice.*

Written notice shall be *provided* to the parent and/or adult student within a reasonable time in the following instances:

1. to conduct any assessments for initial evaluation or reevaluation

2. to explain refusal to initiate assessment

3. when the evaluation team determines that additional assessments are not required

See Chapter 11 for more information on written notice.

B. Consent Requirements

Definition of Consent

Consent means that the parent and/or adult student:

1. has been fully informed in his or her native language or other mode of communication of all information relevant to the assessment for which consent is sought;

2. understands and agrees in writing (as indicated by signature) to the activities described; and

3. understands that granting of consent is voluntary on the part of the parent. A parent or/adult student who has provided consent shall understand that granting consent is voluntary and may be revoked in writing at any time *before* the assessment. However, once the assessment has been completed, revocation of consent cannot be used to have the assessment disregarded.

Consent for initial evaluation

1. Informed written consent shall be obtained from the parent or adult student before the district conducts assessments as a part of an initial evaluation of the student to determine if he/she qualifies as a child with a disability;

2. Parental consent for initial evaluation should not be construed as consent for initial provision of special education and related services;

3. The school district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child has a disability and to identify the educational needs of the child. If a parent refuses consent, the district does not violate its obligation to provide FAPE if it declines to pursue the evaluation.

4. If the child is a ward of the State and is not residing with the child's parent, the district is not required to obtain informed consent from the parent for an initial evaluation to determine eligibility if,

    a. despite reasonable efforts to do so, the district cannot locate the parent;

    b. the rights of the parents of the child have been terminated in accordance with Idaho law; or

    c. the rights of the parent to make educational decisions have been subrogated by a judge in accordance with Idaho law and consent for initial evaluation has been given by an individual appointed by the judge to represent the child

5. If a district is using the Response to Intervention process to determine eligibility the district shall promptly request consent to evaluate the student

    a. Whenever the parent requests an evaluation during the RTI process.

    b. At such time that the problem solving team has determined that the student is suspected of having a disability and shall be considered for special education services.

Note: If using an RTI process, there shall be documentation that the parent of the student was notified about the State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided, the strategies for increasing the student's rate of learning, and the parent's right to request an evaluation. This documentation should be a part of the RTI process and may be documented on the intervention plan used by the district.

Consent and/or Written Notice for Reevaluation

1. Written consent shall be sought for reevaluation that requires new assessments. Reevaluation consisting of review of existing data requires written notice.

2. If the parent refuses to consent to the reevaluation, the district is not required to, but may pursue the reevaluation using mediation or a due process hearing. If the district pursues the override provision and that results in consent to assess, or if a hearing officer's decision indicates that assessment is appropriate and there is no appeal, then the student may be assessed. However, the district does not violate its obligations to provide FAPE if it declines to pursue the evaluation.

3. Informed parental consent need not be obtained if the public agency can demonstrate through documentation that it made reasonable efforts to obtain consent and the child's parent has failed to respond.

C. When Consent Is Not Required

Parental consent is *not* required for:

1. the review of existing data as part of an evaluation or reevaluation;

2. the administration of a test or other assessment that is administered to all students, unless consent is required of parents of all students;

3. teacher or related service provider observations, ongoing classroom evaluations, or criterion-referenced tests that are used to determine the student's progress toward achieving goals on the IEP; and

4. screening by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.

D. Refusing Consent or Failure to Respond to a Request for Consent

1. The parent and/or adult student can refuse consent for general areas of assessment, for specific procedures, or for assessment altogether.

2. For an initial evaluation, if consent is refused or the parent and/or adult student fails to respond, the student cannot be assessed. However, the district may request SDE mediation or a due process hearing. If the mediation results in consent to assess, or if a hearing officer's decision indicates that assessment is appropriate and there is no appeal, then the student may be assessed. However, the district does not violate its obligations to provide FAPE if it declines to pursue the evaluation. *The district shall not initiate initial provision of services without written consent from the parent and shall not pursue due process for initial provision of services.*

3. If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the district may not use mediation or due process procedures in order to gain consent and the district is not required to consider the child eligible for services.

Note: A district shall not use a parent's refusal for consent to one service or activity to deny the parent or student any other service, benefit, or activity.

See Chapter 11 for more information on consent and reasonable efforts.

E. Timeline

The time between receiving written consent for initial assessment and implementing the IEP cannot exceed 60 calendar days, excluding periods when regular school is not in session for five or more consecutive school days. With the exception that the meeting to develop the IEP shall be held within 30 days of a determination that the student needs special education and related services.
In unusual circumstances, all parties may agree in writing to an extension of the 60-day period for the purpose of initial assessment. These circumstances may include the following:

1. The child enrolls in a school in another school district after the 60-day timeline began and prior to the determination by the child's eligibility in the previous school district. If the new school district is making sufficient progress in determining eligibility, the parent and district may agree to a different timeline.

2. The parent repeatedly fails or refuses to produce the student for an evaluation after the district has made reasonable efforts to schedule an evaluation.

Section 4. Information from Other Agencies or Districts

Consent for release of information shall be received before the district seeks to obtain information about the student from other agencies. Upon receipt of consent, the case manager will send letters requesting information to individuals or agencies that have relevant information about the student. A copy of the signed consent form for release of information shall be included with the letters and a copy shall be retained in the student's confidential file. Sources of this additional information may include records from health and social service agencies, private preschool programs, legal service agencies, and non-school professionals such as physicians, social workers, and psychologists.

Federal laws and regulations do not require consent for the district to:

1. request information from other districts that the student has attended; or

2. send information to other districts in which the student intends to enroll.

For children transferring from the Infant-Toddler Program (ITP), eligibility shall be determined and the IEP developed by the date that the child turns 3 years of age. See Chapter 5 and Appendix 5C for additional information on collaboration with the ITP throughout the transition process.

Section 5. Evaluation and Eligibility Determination Procedures

A. Areas to Assess

The student shall be assessed in all areas related to the suspected disability, which includes functional, developmental, and academic skills needed to participate and progress in the general education curriculum. If needed, qualified personnel shall conduct an individual assessment of assistive technology needs, including a functional evaluation in the individual's customary environment. The evaluation of each student with a disability shall be sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student may be classified. If secondary transition services are needed, appropriate transition assessments shall be conducted.

Evaluation teams shall be especially mindful of cultural and linguistic differences during the evaluation and eligibility process. Caution is advised in the selection of informal or formal assessments that are nonbiased, administration of assessments, interpretation, and application of outcomes in order to appropriately identify culturally or linguistically diverse students for special education services.

See Appendix 4 for more guidance on determining eligibility for culturally and linguistically diverse students.

B. Determination of Needed Initial or Reevaluation Data

As part of an initial evaluation or reevaluation, the evaluation team will review existing evaluation data depending on the student's suspected disability and other relevant factors including:

1. assessments and information provided by the parent and/or adult student concerning the student;

2. current classroom-based assessments and observations, and/or data regarding the student's response to scientific research-based interventions;

3. observations by teachers and related service providers; and

4. results from statewide and district wide testing.

Based on that review, and input from the parent and/or adult student, the evaluation team will decide on a case-by-case basis what additional data, if any, are needed to determine:

1. whether the student meets eligibility criteria for special education;

2. the student's present levels of performance, including academic achievement and related developmental needs of the student

3. whether the student needs special education and related services; or

4. whether any additions to the special education and related services are needed to enable the student to:

   a. meet the measurable annual goals set out in the student's IEP and

   b. participate, as appropriate, in the general education curriculum (for preschool students, to participate in appropriate activities).

If the evaluation team determines additional assessments are not required for the purpose of determining whether the student meets eligibility criteria during an evaluation or a reevaluation, the district shall provide written notice to the parent and/or adult student of the decision and the reasons for that decision. The parent and/or adult student shall also be informed of his or her right to request assessments to determine eligibility and to determine the child's educational needs.

C. Assessment Procedures and Instruments

The district shall ensure the evaluation or reevaluation meets the following requirements:

1. The child shall be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, motor abilities, and transition needs.

2. Assessments and other materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis.

3. Assessments and other materials shall be provided and administered in the student's native language and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally unless it is not feasible to do so. Attempts to provide a qualified examiner in the student's native language or mode of communication shall be documented.

   In all direct contact with a student, the language normally used by the student in the home or learning environment shall be used. For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that which is normally used by the individual (e.g., sign language, Braille, or oral communication).

4. Materials used to assess a student with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the student has a disability

and needs special education, rather than solely measuring the student's English language skills. (See Appendix 4C for further information.)

5. A variety of assessment tools and strategies shall be used to gather relevant academic, developmental and functional information about the student, including information provided by the parent and/or adult student and information related to enabling the student to be involved in and progress in the general education curriculum (or, for a preschooler, to participate in appropriate activities).

6. Assessments are used for the purposes for which the assessments or measures are valid and reliable.

7. Assessments shall be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

8. Assessments and other evaluation materials shall include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient or standard score.

9. Assessments shall be selected and administered to ensure that if a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those are the factors that the test purports to measure).

10. No single measure or assessment may be used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the student.

11. The district shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.

12. The district shall provide and use assessment tools and strategies that produce relevant information that directly assists persons in determining the educational needs of the student.

13. All services and assessments shall be provided at no expense to the parent and/or adult student.

14. Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with the child's prior and subsequent schools to ensure prompt completion of the full evaluation.

15. The evaluation shall be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category.

D. Eligibility Determination

Upon completion of the student's evaluation or reevaluation, the evaluation team will consider the findings and determine whether the student meets or continues to meet eligibility criteria found in Section 7 of this chapter. The evaluation team will draw upon information from a variety of sources, including aptitude and achievement tests, parent and/or adult student input, teacher input, physical condition, social or cultural background, adaptive behavior, and functional assessments to interpret evaluation data and determine eligibility

Special Rule for Eligibility Determination

A student cannot be identified as a student with a disability if the primary reason for such a decision is:

1. lack of appropriate instruction in reading, including the essential components of reading instruction as defined by the Elementary and Secondary Education Act—phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills and reading comprehension strategies,

2. lack of appropriate instruction in math, or

3. Limited English Proficiency.

Related Services:

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. An IEP team may determine that a student found eligible for special education has a need for a related service. However, if a student with a disability needs only a related service and not special education, then the student is not eligible for the related service, unless it is considered to be special education under state standards, as in the case of speech therapy and language therapy.

E. The Eligibility Report

The evaluation team shall prepare an *Eligibility Report* and provide a copy of the report to the parent and/or adult student.

The *Eligibility Report* shall include:

1. names and positions of all evaluation team members;

2. all data on the student as required in the State Eligibility Criteria for the area of suspected disability.

3. confirmation and supporting data that the disability is not due to lack of appropriate instruction in reading, including the essential components of reading —phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills and reading comprehension strategies or math;

4. confirmation and supporting data that the disability is not due to Limited English Proficiency;

5. information about how the student's disability adversely affects his or her educational performance;

6. information regarding the student's need for specially designed instruction (special education and related services);

7. the date of the eligibility determination; and

8. the name and position of all those administering assessments.

9. In the case of Learning Disability eligibility determination, certification in writing that the report reflects each member's conclusions, (agreement) and in the case of disagreement with the conclusions a written statement shall be attached to the eligibility report presenting the dissenting team member's conclusions.

Section 6. Reevaluation and Continuing Eligibility

A. Reevaluation Requirements

The district shall ensure that an individual reevaluation of each student with a disability is conducted in accordance with all the required evaluation procedures outlined in this chapter.

A Reevaluation:

1. shall occur at least once every 3 years unless the parent and/or adult student and the district agree in writing that a 3-year reevaluation is not necessary. However, an updated Eligibility Report, documenting all eligibility criteria, shall be completed by the reevaluation due date to establish and document continuing eligibility;

2. a reevaluation is not required more than once per year unless the parent or/adult student and the district agree otherwise. If the parent makes a request within the year and the district does not agree, the district shall send written notice of refusal.

The district shall ensure a reevaluation is conducted if:

1. it is determined that the education or related service needs, including academic achievement and functional performance, of the student warrants a reevaluation; or

2. if the parent and/or adult student or the student's teacher requests a reevaluation.

B. Reevaluation Prior to Discontinuation

1. The district shall evaluate a student with a disability before determining that the student is no longer eligible for special education.

2. Reevaluation is not required in the following two circumstances:

   a. before the termination of a child's eligibility due to graduation, if the student meets comparable academic requirements that are equally as rigorous as those required of non-disabled students and receives a regular diploma.

   b. the student has reached the end of the semester in which he or she turns 21 years of age;

Note: Although a reevaluation is not required in these two cases, the district shall provide the child with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the child in meeting his or her post school goals.

C. Informing the Parent and/or Adult Student

Approximately one month before the reevaluation is due, contact shall be made with the parent and/or adult student informing him or her that:

1. the reevaluation will be scheduled within the month, unless the district and parent and/or adult student agree it is unnecessary;

2. input will be sought from the parent and/or adult student; and

3. the reevaluation process may be accomplished without a meeting, although the parent and/or adult student has the option of requesting a meeting.

D. Nature and Extent of Reevaluation

Before any reassessment of the student, the evaluation team will determine the nature and extent of the student's needs by reviewing existing data. See Section 5 of this chapter for more information regarding the determination of needed data.

1. No Additional Information Needed

a. If the evaluation team decides that no additional assessments are needed to determine whether the student continues to be a student with a disability, the district shall provide written notice to the parent and/or adult student of his or her right to request further assessment to determine whether the student continues to have a disability for the purpose of services under the IDEA.

b. If the parent and/or adult student requests an additional assessment to determine whether the student continues to have a disability under the IDEA 2004, then the district shall conduct the assessment.

c. If the parent and/or adult student requests an additional assessment for reasons other than eligibility, such as admission to college, then the district shall consider the request and provide written notice of its decision.

2. Additional Assessments Needed

Based on recommendations from the evaluation team, the district will seek consent to administer the needed assessments and provide the parent and/or adult student with information regarding proposed assessments. If the parent and/or adult student fails to respond after the district has taken reasonable measures to obtain consent for assessments as part of a reevaluation, the district may proceed with the assessments. See section 3B of this chapter for a definition of reasonable measures.

If the parent and/or adult student denies consent to reassess, the student cannot be assessed. However, the district may request mediation or a due process hearing. If the mediation results in consent to assess, or if a hearing officer's decision indicates the assessment is appropriate and there is no appeal, then the student may be assessed. All reevaluation procedures shall be provided at no cost to the parent and/or adult student.

E. Eligibility Report for Reevaluations

The evaluation team will consider evaluation findings and determine whether the student continues to have a disability.

The evaluation team is required to prepare an *Eligibility Report* detailing how review of existing data demonstrates that the student continues to meet eligibility requirements even if no new assessments were conducted. The report shall address each required eligibility component and include results of previous assessments if they are being used to determine eligibility. Refer to Section 5 of this chapter for *Eligibility Report* requirements.

Section 7. State Eligibility Criteria

The district will use the eligibility criteria and assessment procedures set forth by the SDE for placement in special education. This section contains a definition and the eligibility criteria for each specific disability that shall be used to determine whether an individual qualifies as a student with a disability in need of special education.

All disabilities except Learning Disability (LD) and Developmental Delay (DD) are applicable for students 3 through 21 years of age. For Learning Disability, students must be legal kindergarten age through 21 years. Only students ages 3 through 9 can be identified in the Developmental Delay (DD) category. Use of the DD category is optional for the district. If the district elects to use the DD category, it will use the 3 through 9 age range and the criteria outlined in this chapter.

Three-Prong Test of Eligibility

To demonstrate eligibility for special education services all three of the following criteria shall be met and documented. This is often called the three-prong test for eligibility.

The Eligibility Report shall document each of the following three criteria:

1. the eligibility requirements established by the state for a specific disability are met;

2. the disability must have an adverse impact on the student's education, **and**

3. the student must need special education in order to benefit from his or her education.

Meets State Eligibility Requirements: The state eligibility requirements for specific disabilities are listed in this chapter.

Experiences Adverse Effect on Educational Performance: The term "adverse effect on educational performance" is broad in scope. An adverse effect is a harmful or unfavorable influence. Educational performance includes both academic areas (reading, math, communication, etc.) and nonacademic areas (daily life activities, mobility, pre-vocational and vocational skills, social adaptation, self-help skills, etc.). Consideration of all facets of the student's condition that adversely affect educational performance involves determining

any harmful or unfavorable influences that the disability has on the student's academic or daily life activities.

Needs Special Education: Special education is specially designed instruction, provided at no cost to the parents, to meet the unique needs of the child with a disability. Specially designed instruction means adapted, as appropriate to meet the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the child to the general curriculum so that he or she can meet Idaho Content Standards that apply to all students.

A. Autism

Definition: Autism is a developmental disability, generally evident before age 3, significantly affecting verbal and nonverbal communication and social interaction, and adversely affecting educational performance. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism. Other characteristics often associated with autism include, but are not limited to, engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Characteristics vary from mild to severe as well as in the number of symptoms present. Diagnoses may include, but are not limited to, the following autism spectrum disorders: Childhood Disintegrative Disorder, Autistic Disorder, Asperger's Syndrome, or Pervasive Developmental Disorder: Not Otherwise Specified (PDD:NOS).

State Eligibility Criteria for Autism: An evaluation team will determine that a student is eligible for special education services as a student with autism when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student has a developmental disability, generally evident before age 3, that significantly affects verbal and nonverbal communication and social interaction.

3. The student is diagnosed as having a disorder in the autism spectrum by a school psychologist and a speech-language pathologist; or by a psychiatrist, a physician, or a licensed psychologist.

4. The student's condition adversely affects educational performance.

5. The student needs special education.

B. Cognitive Impairment

Definition: Cognitive impairment is defined as significantly sub-average intellectual functioning that exists concurrently with deficits in adaptive behavior. These deficits are manifested during the student's developmental period, and adversely affect the student's educational performance.

State Eligibility Criteria for Cognitive Impairment: An evaluation team will determine that a student is eligible for special education services as a student with a cognitive impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student has a full-scale intelligence standard score (IQ) at or below 70, plus or minus the standard error of measurement (at the 95 percent confidence level) of the test being used. This determination is made by a qualified psychologist using an individually administered intelligence test.

3. The student exhibits concurrent deficits in adaptive functioning expected for his or her age in at least two of the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, or safety.

4. The student's condition adversely affects educational performance.

5. The student needs special education.

Caution is advised when assessing students with cultural and language issues to prevent inappropriate identification of these students as having a cognitive impairment. When determining eligibility, tests measuring intellectual ability shall be used with care; that is, only those tests designed and normed for the population being tested may be used. Tests measuring intellectual ability that are translated into another language by the examiner or an interpreter yield invalid test results and shall not be used. Evaluation teams shall consider using nonverbal tests of intellectual ability when the student is culturally or linguistically diverse.

C. Deaf-Blindness

Definition: A student with deaf-blindness demonstrates both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that the student cannot be appropriately educated with special education services designed solely for students with deafness or blindness.

State Eligibility Criteria for Deaf-Blindness: An evaluation team will determine that a student is eligible for special education services as a student with deaf-blindness when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student exhibits simultaneous hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that the student cannot be accommodated with special education services designed solely for students with deafness or blindness.

3. The student is diagnosed by an optometrist or ophthalmologist for vision loss and by an otologist, audiologist, or physician for hearing loss to make a final diagnosis as deaf-blindness.

4. The student's condition adversely affects educational performance.

5. The student needs special education.

D. Deafness

Definition: Deafness is a hearing impairment that adversely affects educational performance and is so severe that with or without amplification the student is limited in processing linguistic information through hearing.

State Eligibility Criteria for Deafness: An evaluation team will determine that a student is eligible for special education services as a student who is deaf when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student exhibits a severe hearing impairment that hinders his or her ability to process linguistic information through hearing, with or without amplification.

3. The student has been diagnosed by an otologist, audiologist, or physician as deaf.

4. The student's condition adversely affects educational performance.

5. The student needs special education.

E. Developmental Delay

Definition: The term developmental delay may be used only for students ages 3 through 9 who are experiencing developmental delays as measured by appropriate diagnostic instruments and procedures in one or more of the following areas:

1. cognitive development – includes skills involving perceptual discrimination, memory, reasoning, academic skills, and conceptual development;

2. physical development – includes skills involving coordination of both the large and small muscles of the body (i.e., gross, fine, and perceptual motor skills);

3. communication development – includes skills involving expressive and receptive communication abilities, both verbal and nonverbal;

4. social or emotional development – includes skills involving meaningful social interactions with adults and other children including self-expression and coping skills; or

5. adaptive development – includes daily living skills (e.g., eating, dressing, and toileting) as well as skills involving attention and personal responsibility.

The category of developmental delay should not be used when the student clearly meets the eligibility criteria for another specific disability category.

A student cannot qualify for special education services under developmental delay beyond his or her 10th birthday unless he or she has been determined to be eligible as having a disability other than developmental delay.

State Eligibility Criteria for Developmental Delay: An evaluation team may determine that a student is eligible for special education services as a student with a developmental delay when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student is at least 3 years of age but less than 10 years of age.

3. The student has developmental and/or learning problems that are not primarily the result of limited English proficiency, cultural difference, environmental disadvantage, or economic disadvantage.

4. The student meets either of the following two criteria, in one or more of the broad developmental areas listed below.

   Criteria:

   a. The student functions at least 2.0 standard deviations below the mean in one broad developmental area (30 percent delay in age equivalency, or functions at or below the 3rd percentile)

b. The student functions at least 1.5 standard deviations below the mean in two or more broad developmental areas (25 percent delay in age equivalency, or functions at or below the 7th percentile)

Broad Developmental Areas:

a. cognitive skills (e.g., perceptual discrimination, memory, reasoning, pre-academic, and conceptual development);

b. physical skills (i.e., fine, gross, and perceptual motor skills);

c. communication skills (i.e., including verbal and nonverbal, and receptive and expressive);

d. social or emotional skills; or

e. adaptive skills, including self-help skills.

5. The student's condition adversely affects educational performance.

6. The student needs special education.

F. Emotional Disturbance

Definition: A student with emotional disturbance has a condition exhibiting one or more of the following characteristics over a long period of time, and to a marked degree, that adversely affects his or her educational performance:

1. an inability to learn that cannot be explained by intellectual, sensory, or health factors;

2. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

3. inappropriate types of behavior or feelings under normal circumstances;

4. a general pervasive mood of unhappiness or depression; or

5. a tendency to develop physical symptoms or fears associated with personal or school problems.

The term *does not* include students who are socially maladjusted unless it is determined they have an emotional disturbance. The term emotional disturbance *does* include students who are diagnosed with schizophrenia.

State Eligibility Criteria for Emotional Disturbance: An evaluation team will determine that a student is eligible for special education services as a student with emotional disturbance when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student has been documented as having an emotional condition consistent with the criteria in this chapter by one or more of the following: school psychologist, licensed psychologist, psychiatrist, physician, or certified social worker.

3. The student has been observed exhibiting one or more of the five behavioral or emotional characteristics listed in the definition of emotional disturbance.

4. The characteristic(s) has been observed:

    a. for a long period of time (at least 6 months); and

    b. by more than one knowledgeable observer; and

    c. in more than one setting; and

    d. at a level of frequency, duration, and/or intensity that is significantly different from other students' behavior in the same or similar circumstances.

5. The student's condition adversely affects educational performance in the area of academics, peer and teacher interaction, participation in class activities, and/or classroom conduct.

6. The student needs special education.

See Appendix 4A for additional information on determining eligibility for Emotional Disturbance.

G. Health Impairment

Definition: A student classified as having a health impairment exhibits limited strength, vitality, or alertness, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems. These health problems may include, but are not limited to, asthma, attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), cancer, diabetes, epilepsy, Fetal Alcohol Syndrome, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette syndrome, and stroke to such a degree that it adversely affects the student's educational performance.

A student with ADD/ADHD may also be eligible under another category (generally learning disability or emotional disturbance) if he or she meets the criteria for that other category and needs special education and related services. All students with a diagnosis of ADD/ADHD are not necessarily eligible to receive special education under the IDEA 2004, just as all students who have one of the other conditions listed under health impairment are not necessarily eligible, unless it is determined to adversely affect educational performance and require special education.

State Eligibility Criteria for Health Impairment: An evaluation team will determine that a student is eligible for special education services as a student with a health impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student exhibits limited strength, vitality, or alertness, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems.

3. The student has been diagnosed by a physician as having a health impairment. In the case of ADD/ADHD, an educational determination may be provided by a school psychologist or a licensed psychologist.

4. The student's condition adversely affects educational performance.

5. The student needs special education.

H. Hearing Impairment

Definition: A hearing impairment is a permanent or fluctuating hearing loss that adversely affects a student's educational performance but is not included under the category of deafness.

State Eligibility Criteria for Hearing Impairment: An evaluation team will determine that a student is eligible for special education services as a student with a hearing impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student does not qualify as deaf.

3. The student is diagnosed by an otologist, audiologist or physician as having a hearing impairment.

4. The student's condition adversely affects educational performance.

5. The student needs special education.

I. Learning Disability

Definition: A learning disability means a specific disorder of one or more of the basic psychological processes involved in understanding, or in using spoken or written language, that may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations, which adversely affects the student's educational performance. It is not necessary to identify the specific psychological processes that a student has, as long as the student meets the State Eligibility Criteria.

The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include a student who has needs that are primarily the result of visual, hearing, or motor disabilities; cognitive impairment; emotional disturbance; or environmental, cultural, or economic disadvantage.

For learning disability, students must be within the range of legal kindergarten age through the semester that they turn 21.

State Eligibility Criteria for Learning Disability: An evaluation team will determine that a student is eligible for special education services as a student with a learning disability when all of the following criteria are met and documented on the eligibility report. The documentation of Learning Disability requires an additional form (400a & 400b) used to address the additional requirements.

1. Requirements for Learning Disability

   There are two ways to determine eligibility for students with a Learning Disability: *either* Response to Intervention (RTI) or the traditional discrepancy model. Regardless of the process used for identification the following criteria shall be met and documented:

   a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

   b. The child has not achieved adequately for the child's age or has failed to meet Idaho Content Standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or Idaho Content grade-level Standards.

      (1) Oral expression
      (2) Listening comprehension
      (3) Written expression
      (4) Basic reading skills

(5) Reading fluency skills
(6) Reading comprehension
(7) Mathematics calculation
(8) Mathematics problem solving

c. To ensure that underachievement is not due to a lack of appropriate instruction in reading or math, the team shall consider:

(1) data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and

(2) data-based documentation of repeated assessments of achievement at reasonable intervals, that reflect student progress during instruction, have been provided to the parent. In Idaho, this refers specifically to the use of local or national progress monitoring systems (e.g. district CBMs, AimsWEB, DIBELS).

d. An observation of the student's academic performance and behavior in the child's learning environment, (including the regular classroom setting), has been conducted by an evaluation team member other than the student's general education classroom teacher. The purpose of the observation is to document how the areas of concern impact the student's performance in the classroom. The observation should also document the name and title of the observer and the site, date, and duration of the observation. The team shall decide to:

(1) use information from an observation in routine classroom instruction and monitoring of the child's performance that was conducted before the child was referred for an evaluation or;

(2) have at least one member of the team conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation, and parental consent has been obtained.

(3) In the case of a student who is out of school, a team member shall observe the student in an environment appropriate for a student of that age.

e. The team shall determine the student's difficulty is not primarily the result of any of the following factors:

(1) visual, hearing, or motor disability
(2) cognitive impairment
(3) emotional disturbance
(4) cultural factors
(5) environmental or economic disadvantage

(6) Limited English Proficiency

f. The student's disability adversely affects his or her educational performance.

g. The student needs special education.

2. Additional Requirements Specific to Response to Intervention

Eligibility for special education through the RTI process is substantiated by the convergence of data from the general education interventions *and* other sources, which may include record reviews, interviews, observations, and tests (formal and informal).

In addition to the required learning disability eligibility criteria listed above in Section A, the evaluation team shall make a determination using a convergence of multiple sources of data that demonstrate the following:

a. Resistance to General Education Intervention: The student has demonstrated significant resistance to general education interventions.

b. Discrepancy: The student has a discrepancy from peers' performance in the area of concern as evidenced by two or more measures

Resistance to General Education Intervention

The student has demonstrated significant resistance to general education interventions. The student's actual rate of learning is lower than reasonably expected rate of learning, despite scientific, research-based interventions that have been attempted for an adequate period (generally deemed 8-12 weeks).

Significant resistance means that there must be evidence that the problem is

a. ongoing and severe; and

b. the student requires resources beyond those available in general education alone to adequately benefit from instruction.

The significant resistance to general education interventions shall be documented in an intervention plan and on a progress monitoring graph, indicating aimline, trendline, phaseline, and decision rules.

See Appendix 4D for additional information on RTI Components.

Discrepancy:

The student has a discrepancy from peers' performance in the area of concern as evidenced by two or more measures, with at least one measure being curriculum based measurements, (CBM) or national progress monitoring systems with cut scores (i.e. DIBELS, Aimsweb).

1. Curriculum Based Measurement: The evaluation team shall identify the type of norm being applied, i.e., school, district, regional, or national norm. The student's median score on a curriculum based measurement shall be one of the following:

   a. At or below the 16th percentile (1.0 SD below) on material one grade level below the student's current grade placement, e.g., comparing a fourth-grade student to third-grade norms; or

   b. At or below the 7th percentile (1.5 SD below) on material at the student's grade placement, e.g., comparing a fourth-grade student to fourth grade norms.

2. Other Measures:

   a. The student's score on a nationally normed, standardized test is at least 1.75 standard deviations below the mean (a standard score of 74 or lower).

   b. The student's median performance is below the median performance of his or her grade-placement peers by a discrepancy ratio of at least 2.0.

   c. The student's instructional performance is at least two grade-levels below his or her current grade placement.

Documentation of RTI process shall be done through an intervention plan and graphs.

The components that shall be represented on the intervention plan are as follows:

a. the targeted skill, including the present level of performance and a measurable goal

b. the scientific, research based intervention used, including intensity, frequency, and duration

c. evidence that the student does not achieve adequately for his or her age or t o meet Idaho grade level Content Standards given interventions typical in general education and a summary of significant resistance to those general education interventions, including that the resistance is on- going and severe and the student requires resources beyond general education alone to benefit from instruction

d. documentation from two or more measures, one of which is a curriculum based measure, indicating the discrepancy from peers' performance on skills

e. An observation documenting the student's academic performance and behavior in the areas of concern

The graph shall include, among other relevant components, an aimline, trendline, phaselines, and decision rules.

3. Additional Requirements Specific to Traditional Discrepancy Model:

In addition to the required learning disability eligibility criteria listed above in Section A, the evaluation team shall make a determination using assessments and procedures that demonstrate the following:

a. A Pattern Indicative of a Learning Disability

The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, Idaho Content Standards for the child's age, or intellectual development that is determined by the team, using appropriate assessments, to be indicative of a learning disability; **and**

b. A Severe Discrepancy between Ability and Achievement

A severe discrepancy exists between intellectual ability and academic achievement when the broad area standard score is equal to or greater than 15 points below a regressed full-scale intellectual ability score. The severe discrepancy must not be due to the effects of any of the exclusionary factors listed in Section 5 of this chapter.

The district shall use the Regressed Intelligence Quotient Scores table, found in the document section of this chapter, or another appropriate regression table or procedure. This conversion chart can be used in determining the regressed intelligence score from which the achievement score is subtracted in arriving at a discrepancy.

J. Multiple Disabilities

Definition: Multiple disabilities are two or more co-existing severe impairments, one of which usually includes a cognitive impairment, such as cognitive impairment/blindness, cognitive impairment/orthopedic, etc. Students with multiple disabilities exhibit impairments that are likely to be life long, significantly interfere with independent functioning, and may necessitate environmental modifications to enable the student to participate in school and society. The term does not include deaf-blindness.

State Eligibility Criteria for Multiple Disabilities: An evaluation team will determine that a student is eligible for special education services as a student with multiple disabilities when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student meets eligibility criteria for severe concomitant impairments, the combination of which causes such significant educational problems that the student cannot be accommodated by special education services designed solely for one of the disabilities.

3. The student meets State Eligibility Criteria as outlined for each disability category.

4. The student's condition adversely affects educational performance.

5. The student needs special education.

K. Orthopedic Impairment

Definition: Orthopedic impairment means a severe physical limitation that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (clubfoot, or absence of an appendage), an impairment caused by disease (poliomyelitis, bone tuberculosis, etc.), or an impairment from other causes (cerebral palsy, amputations, and fractures or burns that cause contracture).

State Eligibility Criteria for Orthopedic Impairment: An evaluation team will determine that a student is eligible for special education services as a student with an orthopedic impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student exhibits a severe orthopedic impairment. The term includes congenital anomalies, impairments caused by disease, and impairments from other causes that are so severe as to require special education services.

3. The student has documentation of the condition by a physician or other qualified professional.

4. The student's condition adversely affects educational performance.

5. The student needs special education.

L. Speech or Language Impairment: Language

Definition: A language impairment exists when there is a disorder or delay in the development of comprehension and/or the uses of spoken or written language and/or other symbol systems. The impairment may involve any one or a combination of the following:

1. the form of language (morphological and syntactic systems);

2. the content of language (semantic systems); and/or

3. the function of language in communication (pragmatic systems).

A language disorder does not exist when language differences are due to non-standard English or regional dialect or when the evaluator cannot rule out environmental, cultural, or economic disadvantage as primary factors causing the impairment.

State Eligibility Criteria for Language Impairment: An evaluation team will determine that a student is eligible for special education and related services as a student who has a language impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. At least two procedures, at least one of which yields a standard score, are used to assess receptive language and/or expressive language.

3. The student has attained scores on a standardized measure that are 1.5 standard deviations or more below the mean, or at or below the 7th percentile, in either receptive or expressive language.

4. The student's disability adversely affects educational performance.

5. The student needs special education. (Speech/language therapy can be special education or a related service.)

Caution is advised when evaluating a student whose native language is other than English. The acquisition of the English language is not to be mistaken as a language impairment.

M. Speech or Language Impairment: Speech

The term speech impairment includes articulation/phonology disorders, voice disorders, or fluency disorders that adversely impact a child's educational performance. The following eligibility criteria and minimum assessment procedures have been established for all three types of speech impairments.

1. Articulation/Phonology Disorder

Definition: Articulation is the ability to speak distinctly and connectedly. Articulation disorders are incorrect productions of speech sounds including omissions, distortions, substitutions, and/or additions that may interfere with intelligibility. Phonology is the process used in our language that has common elements (sound patterns) that affect different sounds. Phonology disorders are errors involving phonemes, sound patterns, and the rules governing their combinations.

a. An articulation/phonology disorder exists when:

(1) the disorder is exhibited by omissions, distortions, substitutions, or additions;

(2) the articulation interferes with communication and calls attention to itself; and

(3) the disorder adversely affects educational or developmental performance.

b. An articulation/phonology disorder does not exist when:

(1) errors are temporary in nature or are due to temporary conditions such as dental changes;

(2) differences are due to culture, bilingualism or dialect, or from being non-English speaking; or

(3) there are delays in developing the ability to articulate only the most difficult blends of sound or consonants within the broad range for the student's age.

State Eligibility Criteria for Articulation/Phonology Disorder: An evaluation team will determine that a student is eligible for special education and related services as a student who has an articulation/phonology disorder (speech impairment) when all of the following criteria are met:

a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

b. At least two procedures are used to assess the student, one of which yields a standard score.

c. The student must have a score that is at least 1.5 standard deviations below the mean, at or below the 7th percentile, on a standardized articulation/phonological assessment, or the speech impairment is judged as moderate on the standardized measure for students ages 3 through 21 years.

d. The student's disability adversely affects educational performance.

e. The student needs special education. (Speech/language therapy can be special education or a related service.)

2. Fluency Disorder

Definition: A fluency disorder consists of stoppages in the flow of speech that is abnormally frequent and/or abnormally long. The stoppages usually take the form of repetitions of sounds, syllables, or single syllable words; prolongations of sounds; or blockages of airflow and/or voicing in speech.

a. A fluency disorder exists when an abnormal rate of speaking, speech, interruptions, repetitions, prolongations, blockages of airflow and/or voicing interferes with effective communication.

b. A fluency disorder does not exist when developmental dysfluencies are part of normal speech development and do not interfere with educational or developmental performance.

State Eligibility Criteria for Fluency Disorder: An evaluation team will determine that an individual is eligible for special education and related services as a student who has a fluency disorder (speech impairment) when all of the following criteria are met:

a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

b. The student has a fluency rating of moderate or severe on the Fluency Communication Rating Scale for student's age 3 through 21 years. See the documents section of this chapter for the Fluency Communication Rating Scale.

c. The student's disability adversely affects educational performance.

d. The student needs special education. (Speech/language therapy can be special education or a related service.)

3. Voice Disorder

Definition: Voice disorders are the absence or abnormal production of voice quality, pitch, intensity, or resonance. Voice disorders may be the result of a functional or an organic condition.

A student who has a suspected laryngeal-based voice disorder and has not been evaluated by an ear, nose, and throat physician (ENT) (otorhinolaryngologist) may not receive voice therapy services from a speech-language pathologist.

a. A voice disorder exists when the vocal characteristics of quality, pitch, intensity, or resonance:

(1) interfere with communication;

(2) draw unfavorable attention to the speaker;

(3) adversely affect the speaker or listener; or

(4) are inappropriate to the age and gender of the speaker.

b. A voice disorder does not exist when the vocal characteristics of quality, pitch, intensity, or resonance:

(1) are the result of temporary physical factors such as allergies, colds, or abnormal tonsils or adenoids;

(2) are the result of regional dialectic or cultural differences or economic disadvantage; or

(3) do not interfere with educational or developmental performance.

State Eligibility Criteria for Voice Disorder: An evaluation team will determine that a student is eligible for special education and related services as a student who has a voice disorder (speech impairment) when all of the following criteria are met:

a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

b. The student has a voice production rating of moderate or severe on the Voice Rating Scale for students aged 3 through 21 years. See the document section of this chapter for the Voice Rating Scale.

c. A physician's statement documents that voice therapy is not contraindicated.

d. The student's disability adversely affects educational performance.

e. The student needs special education. (Speech/language therapy can be special education or a related service.)

See the documents section of this chapter for information on documenting adverse effects on educational performance for students with speech/language disorders.

NOTE: A student may receive speech or language services if he or she under is eligible for special education and needs speech or language services as a related service in order to benefit

from special education without meeting the eligibility criteria for speech and language impairment.

N. Traumatic Brain Injury

Definition: Traumatic brain injury refers to an acquired injury to the brain caused by an external physical force resulting in a total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not apply to congenital or degenerative brain injuries or to brain injuries induced by birth trauma.

State Eligibility Criteria for Traumatic Brain Injury: An evaluation team will determine that a student is eligible for special education services as a student who has a traumatic brain injury when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student has an acquired injury to the brain caused by an external physical force resulting in a total or partial functional disability or psychosocial impairment, or both.

3. The student has documentation of diagnosis by a licensed physician as having a traumatic brain injury.

4. The student's condition adversely affects educational performance.

5. The student needs special education.

O. Visual Impairment Including Blindness

Definition: Visual impairment refers to an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness. Partial sight refers to the ability to use vision as one channel of learning if educational materials are adapted. Blindness refers to the prohibition of vision as a channel of learning, regardless of the adaptation of materials.

State Eligibility Criteria for Visual Impairment: An evaluation team will determine that a student is eligible for special education services as a student with a visual impairment when all of the following criteria are met:

1. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.

2. The student has documentation of a visual impairment, not primarily perceptual in nature, resulting in measured acuity of 20/70 or poorer in the better eye with correction, or a visual field restriction of 20 degrees as determined by an optometrist or ophthalmologist.

3. The student's physical eye condition, even with correction, adversely affects educational performance.

4. The student needs special education.

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REGRESSED INTELLIGENCE QUOTIENT SCORES

Instructions:

A conversion table to regress intelligence quotient (IQ) scores is located on the following pages. The table has 4 columns. Column 1 indicates full-scale IQ scores. Columns 2-4 indicate corresponding correlation scores. Follow the instructions below to determine the regressed IQ score to be used in determining whether the 15-point discrepancy between ability and achievement exists.

1. Determine the correlation between the intellectual measure and the achievement measure that was used to assess the student. Correlations are usually stated in the instructor's manual for each test.

2. Determine the appropriate column (2, 3, or 4) to use based on the correlation between the two tests. The table provides correlations at .7, .6, and .5. Use .6 if you cannot find the correlation in the instructor's manual or test literature.

3. Locate the student's full-scale IQ score on the intellectual measure in column 1 of the table.

4. Follow the IQ score across to a correlation score in the appropriate column. That score is the regressed IQ score.

5. Subtract the student's actual achievement standard score from the regressed IQ score.

Example:

If the correlation between the IQ test and the achievement test is .6 and the student's full-scale score is 86, the student's regressed IQ score would be 92.

Regressed full-scale IQ score	92
Minus achievement standard score	-75
Equals discrepancy	17

Conversion Table to Regress IQ Scores

	Correlation between full-scale IQ score and achievement scores		
Full-Scale IQ Score	**.7 Correlation**	**.6 Correlation**	**.5 Correlation**
150	135	130	125
149	134	129	125
148	134	129	124
147	133	128	124
146	132	128	123
145	132	127	123
144	131	126	122
143	130	126	122
142	129	125	121
141	129	125	121
140	128	124	120
139	127	123	120
138	127	123	119
137	126	122	119
136	125	122	118
135	125	121	118
134	124	120	117
133	123	120	117
132	122	119	116
131	122	119	116
130	121	118	115
129	120	117	115
128	120	117	114
127	119	116	114
126	118	116	113
125	118	115	113
124	117	114	112
123	116	114	112
122	115	113	111
121	115	113	111
120	114	112	110
119	113	111	110
118	113	111	109
117	112	110	109
116	111	110	108
115	111	109	108
114	110	108	107
113	109	108	107
112	108	107	106

Full-Scale IQ Score	.7 Correlation	.6 Correlation	.5 Correlation
111	108	107	106
110	107	106	105
109	106	105	105
108	106	105	104
107	105	104	104
106	104	104	103
105	104	103	103
104	103	102	102
103	102	102	102
102	101	101	101
101	101	101	101
100	100	100	100
99	99	99	100
98	99	99	99
97	98	98	99
96	97	98	98
95	97	97	98
94	96	96	97
93	96	96	97
92	94	95	96
91	94	95	96
90	93	94	95
89	92	93	95
88	92	93	94
87	91	92	94
86	90	92	93
85	89	91	93
84	89	90	92
83	88	90	92
82	87	89	91
81	87	89	91
80	86	88	90
79	85	87	90
78	85	87	89
77	84	86	89
76	83	86	88
75	83	85	88
74	82	84	87
73	81	84	87
72	80	83	86
71	80	83	86
70	79	82	85

FLUENCY COMMUNICATION RATING SCALE

Student: _____

School: _____ Date: _____

	Nondisabling Condition	Mild	Moderate	Severe
Frequency	Frequency of dysfluent behavior is within normal limits for student's age, gender, and speaking situation and/or less than 1 stuttered word per minute.	Transitory dysfluencies are observed in specific speaking situation(s) and/or 1-2 stuttered words per minute.	Frequent dysfluent behaviors are observed in specific speaking situations(s) and/or 4-10 stuttered words per minute.	Habitual dysfluent behaviors are observed in a majority of speaking situations and/or more than 10 stuttered words per minute.
Descriptive Assessment	Speech flow and time patterning are within normal limits. Developmental dysfluencies may be present.	Rate of speech interferes with intelligibility. Sound, syllable, and/or word repetitions or prolongations are present with no other secondary symptoms. Fluent speech periods predominate.	Rate of speech interferes with intelligibility. Sound, syllable, and/or prolongations are present. Secondary symptoms including blocking, avoidance, and physical concomitants may be observed.	Rate of speech interferes with intelligibility, sound, syllable, and/or word repetitions and/or prolongations are present. Secondary symptoms predominate. Avoidance and frustration behaviors are observed.
Comments:				

VOICE RATING SCALE

Student: _____ School: _____ Date: _____

	Nondisabling Condition	Mild Descriptive	Moderate Descriptive	Severe Wilson Voice Profile Scale
Pitch	Pitch is within normal limits.	There is a noticeable difference in pitch that may be intermittent.	There is a persistent, noticeable inappropriate raising or lowering of pitch for age and gender, or evidence of dysphonia.	+3 Pitch -3 Pitch -2 Pitch +2 Pitch
Intensity	Intensity is within normal limits.	There is a noticeable difference in intensity that may be intermittent.	There is a persistent, noticeable inappropriate increase or decrease in the intensity of speech, or the presence of aphonia.	-3 Intensity +2 Intensity -2 Intensity
Quality	Quality is within normal limits.	There is a noticeable difference in quality that may be intermittent.	There is a persistent, noticeable breathiness, glottal fry, harshness, hoarseness, tenseness, strident, or other abnormal vocal quality.	-2 Laryngeal +3 Laryngeal +2 Laryngeal - 3 Laryngeal
Resonance	Nasality is within normal limits.	There is a noticeable difference in nasality that may be intermittent.	There is a persistent noticeable cul-de-sac, hyper- or hypo-nasality, or mixed nasality.	-2 Resonance +3 Resonance +4 Resonance
Description of Current Physical Condition	No consistent laryngeal pathology; physical factors influencing quality, resonance, or pitch, if present at all, are temporary and may include allergies, colds, or abnormal tonsils and adenoids.	Laryngeal pathology may be present. Physical factors indicated in moderate and/or severe levels may be present.	Probable presence of laryngeal pathology. Physical factors may include nodules, polyps, ulcers, edema, partial paralysis of vocal folds, palatal insufficiency, enlarged/insufficient tonsils and/or adenoids, neuromotor involvement, or hearing impairment.	Physical factors may include: - unilateral or bilateral paralysis of vocal folds - laryngectomy - psychosomatic disorders - neuromotor involvement of larynx muscles, i.e., cerebral palsy
Comments:				

DOCUMENTATION OF ADVERSE EFFECTS ON EDUCATIONAL PERFORMANCE FOR STUDENTS WITH SPEECH/LANGUAGE DISORDERS

Documentation of adverse effects on educational performance can be gathered from a thorough assessment of communication skills. The assessment shall include student, parent, and teacher input.

Information shall be recorded by the speech-language pathologist (SLP) on the *Eligibility Report* form.

An assessment of a student's ability to communicate, rather than isolated skill assessment, will provide information on how the impairment affects the student overall. The following errors and problems should be considered when determining how the student's ability to communicate may adversely affect educational performance:

1. Sound errors, voice quality, or fluency disorders inhibit the student from reading orally in class, speaking in front of the class, or being understood by teachers, peers, or family members.

2. Sound errors, voice quality, or fluency disorders embarrass the student. Peer relationships suffer as a result, or peers may make fun of the student.

3. Sound errors cause the student to make phonetic errors in spelling or have difficulty in phonics.

4. Grammatical errors create problems with a student's orientation in time.

5. Morphological errors inhibit the student from using or making complete sentences.

6. Semantic problems slow the student's ability to follow directions, give directions, make wants and needs known, make oneself understood, relate information to others, or fully participate in daily living.

Chapter 5
INDIVIDUALIZED EDUCATION PROGRAMS

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Chapter 5
INDIVIDUALIZED EDUCATION PROGRAMS

If a student is eligible for special education services, they have met the requirements of eligibility under IDEA 2004, including a disability that meets the criteria, adversely affects the student's educational performance, and requires specially designed instruction.

Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability including instruction in the classroom, the home, hospitals, institutions, and other settings. The definition of special education also includes instruction in physical education, speech/language pathology, travel training, and vocational education.

Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to (1) address the unique needs of the student that result from his or her disability and (2) to ensure access to the general curriculum so that the student can meet the Idaho Content Standards that apply to all students.

The Individualized Education Program (IEP) is a written document that is developed for each eligible student with a disability and documents the specially designed instruction and related services. The IEP is the product of collaboration among a parent and/or adult student, district personnel, and other IEP team members who, through full and equal participation, identify the unique needs of a student with a disability and plan the special education services to meet those needs.

In developing each student's IEP, the IEP team shall consider:

- The strengths of the student;
- The concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the student; and
- The academic achievement, developmental, and functional needs of the student.

Section 1. IEP Initiation

A. Purpose of Meeting

The primary purpose of an IEP team meeting is to design an IEP that shall meet the unique needs of a student with a disability. The IEP team plans the special education and related services calculated to enable the student to receive educational benefits in the least restrictive environment. The parent and/or adult student shall be invited to the meeting and in order to participate meaningfully, the parent and/or adult student should be informed of his or her role as

a team member. The parent and/or adult student, district personnel, and other IEP team members should come prepared to discuss specific information about the student's individual needs and the type of services to be provided to address those needs.

The meeting format should invite open discussion that allows participants to identify and consider all the relevant needs of the student related to their disability. Placement decisions shall be considered *after* the special education services are determined. Placement is based on the IEP services and accommodations and shall not be the determining factor in developing the IEP content.

Informal or unscheduled conversations involving district personnel on various issues (e.g., teaching methodology, lesson plans, or coordination of service provisions) are not considered a meeting as long as no decisions are made regarding issues addressed on the student's IEP. A meeting does not include preparatory activities in which district personnel engage to develop a proposal or a response to a parent and/or adult student proposal that will be discussed at a later meeting.

B. Team Decision Making

The IEP meeting serves as a communication vehicle between the parent and/or adult student, district personnel, and other IEP team members that enables them, as equal participants, to make joint, informed decisions regarding the student's special education services. All members of the IEP team are expected to work toward consensus regarding the services that will be included in the student's IEP to ensure that he or she receives a free appropriate public education (FAPE). Consensus means that all members are in general agreement regarding what is written.

If there is a lack of consensus between the parent and/or adult student, district personnel, and other IEP team members regarding an IEP decision, then school personnel on the IEP team should seek consensus and make the decision subject to the due process rights of the parent and/or adult student. If there is a lack of consensus among school personnel, then the district representative on the IEP team shall make the decision.

The district shall follow the procedures in Section 1, "Parent and/or Adult Student Objection to the IEP," if necessary.

C. When IEP Meetings Are Held

An IEP meeting shall be held for one or more of the following reasons:

1. To develop and implement an IEP within 60 calendar days of receiving parent and/or adult student consent for initial evaluation, excluding periods when regular school is not in session for 5 or more consecutive days. With the exception that the meeting to develop the IEP shall be held within 30 days of a determination that the student needs special education and related services. Refer to Chapter 4, Section 3.E regarding

additional timeline exceptions. The IEP shall be implemented as soon as possible following the meeting during which the IEP was developed.

2. To review the IEP periodically, but no longer than 365 days from the date of development of the current IEP. An IEP shall be in effect at the beginning of each school year;

3. When another agency fails to deliver transition or other services outlined in the IEP;

4. To consider revisions to the IEP if there is any lack of expected progress toward annual goals and in the general education curriculum, where appropriate;

5. At the reasonable request of any member of the IEP team;

6. To review behavioral intervention strategies and/or develop a behavioral plan as part of the IEP; or

7. To address the IDEA 2004 discipline requirements (see Chapter 13).

NOTE: Under the IDEA 2004, an IEP team meeting may not be required to amend the IEP (see IEP Amendments).

D. IEP Team Members and Roles

The IEP Team means a group of individuals who are responsible for developing, reviewing, or revising an IEP for a child with a disability.

NOTE: The general education teacher, special education teacher, district representative, or individual who can interpret implications of evaluation results may be excused from an IEP meeting, in whole or in part, if the parent and/or adult student and district agree to this in writing. If the meeting deals with the excused member's areas, he or she shall provide written input to the IEP team prior to the meeting. Written input shall include substantive data (e.g., based on assessment, providing meaningful guidance to the team, regarding the purpose of the meeting, reflecting on general education curriculum). If the district representative is excused, a staff member in attendance shall have the authority to bind the district to the decisions of the team.

Role	**Description**
Parent of the student *or* Adult Student if rights have transferred	The term "parent" refers to a biological or adoptive parent, foster parent, a judicially decreed guardian (does not include state agency personnel if the student is a ward of the state), a person acting in place of a parent, or a surrogate parent who has been appointed by the district. The term "acting in place of a biological or adoptive parent" includes persons such as a grandparent, stepparent, or other relative with whom the student lives as well as persons who are legally responsible for a student's welfare. A foster parent may act as a parent if the natural parent's authority to make educational decisions on behalf of his or her child has been terminated by law. A foster parent shall be an individual who is willing to make educational decisions required of a parent, and has no interest that would conflict with the interests of the student. If more than the biological or adoptive parents meet the definition of parent, the biological or adoptive parents serve as the parents in the IEP process, unless a judicial decree or order identifies a specific person or persons to make educational decisions for the student. An "adult student" is a student with a disability who is 18 years of age or older to whom special education rights have transferred under the IDEA 2004 and Idaho Code. (See Chapter 11, Section 2C, for more information.) In this case, the parent may attend the IEP meeting as an individual who has knowledge or special expertise regarding the student at the invitation of the adult student or the district.
District Representative	The district representative or designee shall be qualified to provide or supervise the provision of special education to meet the unique needs of students with disabilities. The representative shall be knowledgeable about the general education curriculum and about the availability of resources in the district. They should have the authority to allocate resources and to ensure that whatever services are outlined in the IEP shall be provided. Examples of the district representative include the building principal, the special education director, the district superintendent and others who meet the criteria described above. The district representative may be another member of the IEP team if all the criteria above are met.

Role	**Description**
Special Education Teacher/Provider—not less than one	This individual will generally be the student's special education teacher or service provider who is responsible for implementing the student's IEP. In the case of a student receiving services from a speech-language pathologist, but not a special education teacher, it would be more appropriate for the speech-language pathologist to fill this role on the IEP team.
General Education Teacher—not less than one	A general education teacher of the student is required to participate in developing the IEP if a student is, or may be, participating in the general education environment. Regardless, a representative that is knowledgeable of the general education curriculum shall be present. For preschool-age students, the general education teacher may be the kindergarten teacher or an appropriate designee. Designees at the preschool level may include a care provider, Head Start teacher, or community preschool teacher if that person meets state and/or national licensing standards.
Individual who can interpret evaluation results and implications	This person may be someone who participated in the evaluation of the student. He or she shall be able to explain the results, the instructional implications, and the recommendations of the evaluation.
Student	Whenever appropriate, the IEP team includes the student with a disability. A student shall be invited by the district to attend any IEP meeting at which post-secondary goals and transition services needed to assist the student in reaching those goals will be discussed. If the student does not attend the IEP team meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.
Representative of a Private School (if applicable)	If a student is enrolled in or referred to a private school, the district shall ensure that a representative of the private school is invited to the IEP meeting. If a representative cannot attend, the district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

Role	Description
Representative of Transition Agency(s) (Parental consent shall be obtained in order for the Transition Agency Representative to participate in the IEP) Team meeting.	If transition services are being discussed, a representative of any public agency that is likely to be responsible for providing or paying for transition services shall be invited. If a representative does not attend, steps shall be taken to obtain participation from the agency in transition planning.
Part C Coordinator or Representative	At the request of the parent of a student who previously was served under Part C, the Part C coordinator or other representative of the Part C system will be invited to the initial IEP meting.
Other	At the discretion of the parent and/or adult student or the district, other individuals who have knowledge or special expertise regarding the student, including related service personnel, may be included as IEP team members. The determination of having knowledge and special expertise regarding the student shall be made by the parent and/or adult student or district person who invited the individual to be a member of the IEP team.

E. The General Educator's Role in IEP Development

If a student is participating in the general education curriculum or environment, not less than one of the student's general education teachers who are responsible for implementing any portion of the IEP shall participate to the extent appropriate in developing the IEP. Regardless, a representative that is knowledgeable of the general education curriculum shall participate.

The general education teacher's role in the development, review, and revision of the IEP includes:

1. Discussion of the student's involvement and progress in the general education curriculum;

2. Determination of appropriate positive behavioral interventions and other strategies for the student; and

3. Determination of supplementary aids and services, program accommodations/adaptations, and supports for school personnel.

F. Invitation to IEP Team Meetings

To the extent possible, the district should encourage the consolidation of all IEP team meetings, including meetings that may involve eligibility, reevaluation and IEP development.

The district shall do the following:

1. Schedule the meeting at a place and time mutually agreed on by the parent and/or adult student and the district.

2. Invite the parent and/or adult student to the meeting early enough to ensure that he or she can attend. The district shall keep a record of this invitation. The invitation shall include the following:

   a. the purpose, time, and location of the meeting;

   b. who will attend the meeting; and

   c. information regarding the parent's/adult student's right to bring other people to the meeting.

   The invitation should clarify the parent's/adult student's role on the team and request that he or she come prepared to discuss the unique needs and characteristics of the student, the types of services that may be needed, and the goals that would indicate the success of the services.

3. Invite the student, if appropriate or required, to attend and participate in his or her IEP team meeting. If the student is a minor, the parent shall make the decision regarding the student's attendance. If a purpose of the meeting is to consider transition, and the student does not attend, the district shall take other steps to ensure that the student's preferences and interests are considered.

4. The invitation may be either written or oral. In either case, the district shall document that all the required components noted in item 2 above were included in the invitation. In addition, the parent and/or adult student shall be provided with a copy of the *Procedural Safeguards Notice* once annually, preferably at the annual review.

5. When one of the purposes of the IEP team meeting is to consider transition services, the invitation shall also:

   a. indicate this purpose;

   b. indicate that the district shall invite the student; and

c. identify any other agency that will be invited, with parent's or adult student's consent, to send a representative.

6. The district shall take appropriate action to ensure that a parent and/or adult student understands the proceedings at an IEP team meeting, including arranging for an interpreter for a parent and/or adult student who has a hearing impairment or whose native language is other than English.

7. The IEP team may meet without the parent and/or adult student if he or she cannot attend the meeting or cannot be convinced to attend the meeting. However, the district shall document its attempts to arrange a mutually agreed upon time and place for the meeting. Documentation could include records of telephone calls or conversations, copies of correspondence sent to the parent and/or adult student and any responses received, and detailed records of any visits made to the parent and/or adult student. If a meeting is held without the parent and/or adult student, the district shall offer and document alternative methods, such as conference calls, to gain his or her participation in the development of the IEP.

8. Alternatives to physical meetings such as video and telephone conferencing may take the place of physical IEP meetings if the parent and/or adult student and district agree.

Section 2. IEP Development

Nothing requires additional information be included in a student's IEP beyond what is explicitly required by IDEA 2004 or requires the IEP team to include information under one component of a student's IEP that is already contained under another component of the student's IEP.

NOTE: IEP Team meeting minutes are not part of the official IEP document.

A. General Demographic Components for All IEPs

All IEPs shall include the date of the IEP meeting and the following general demographic components: the student's name as it appears in school records, native language, birth date, and identification number (for state reporting or Medicaid purposes only), names of parents, address, phone number, school, and grade.

B. Documentation of Participants

The district shall ensure the attendance and participation of the IEP team members at the IEP meeting. Documentation of attendance can be accomplished by listing team members on the IEP and checking their attendance status.

The attendance list is not a reflection of agreement or disagreement with the IEP; it is only an indication of attendance. As with any team member, the parent's/adult student's name on the list does not indicate agreement or disagreement with the IEP contents. If the parent and/or adult student disagrees with all or part of the IEP, the district should remind the parent and/or adult student that he or she may file a written objection.

NOTE: See Section 1J for additional information on parent and/or adult student objections.

C. Present Levels of Performance, Goals, and Benchmarks/Objectives

The IEP identifies present levels of academic achievement and functional performance and measurable goals that enable the IEP team to track the effectiveness of services and to easily report progress toward goals.

1. Statements of present levels of academic achievement, and functional performance in an area of need include:

    a. How a school-age student's disability affects his or her involvement and progress in the general education curriculum (i.e., the same curriculum used by students without disabilities).

    b. For preschool students, present levels of performance should reference the Idaho Early Learning Standards and describe how the disability affects the student's participation in appropriate activities.

2. Although the content of present levels of performance statements are different for each student, each statement shall:

    a. be written in objective, measurable terms and easy-to-understand non-technical language;

    b. show a direct relationship with the other components of the IEP, including special education services, annual goals, and, if applicable, benchmarks/objectives for students who participate in an Idaho Alternate Assessment;

    c. provide a starting point for goal development; and

    d. reference general education Idaho Content Standards.

3. Annual goals shall be related to the needs described in the present levels of performance statements. Measurable academic achievement, developmental, and functional annual goals are designed to meet the student's needs that result from the student's disability, to enable the student to be involved in and make progress in the general education curriculum, and to meet each of the student's other educational needs that result from the student's disability.

a. A goal is a written, measurable statement that describes what a student is reasonably expected to accomplish within the time period covered by the IEP, generally one year.

b. Goals are written to enable the student to be involved in and make progress in the general education curriculum and to meet other educational needs that result from the disability.

c. A goal shall include the behavior, the performance criteria, and the evaluation procedure.

4. For students taking an Idaho Alternate Assessment aligned to the alternate standards, each goal shall have at least two benchmarks/objectives. Benchmarks/objectives shall include a statement of how far the student is expected to progress toward the annual goal and by what date. The district has the discretion to use benchmarks/objectives as described in this paragraph for all students eligible for IEP services.

D. Progress Toward Goals

The IEP shall include a statement describing:

1. How the student's progress toward IEP goals will be measured;

2. How the parent and/or adult student will be informed of the student's progress toward the annual goals, including the extent to which progress is sufficient to enable the student to achieve the goals by the end of the IEP time period.

Periodic progress reports, concurrent with the issuance of report cards shall be provided.

E. Statements of Special Education and Related Services

Each student's IEP shall describe the special education and related services, based on peer-reviewed research to the extent practicable, which will be provided to or on behalf of the student. Special education includes specially designed instruction to meet the unique needs of the student.

The term "related services" refers to transportation and such developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education as described in the IEP. These services include, but are not limited to:

- audiology
- speech therapy
- language therapy
- psychological services
- physical therapy
- occupational therapy
- therapeutic recreation,
- early identification and assessment of students' disabilities
- rehabilitation counseling services
- orientation and mobility services
- medical services for diagnostic or evaluative purposes
- school nurse services
- social work services in school
- supports for school staff
- parent counseling and training. Parent counseling and training includes helping a parent (a) understand child development and the special needs of his or her child and (b) acquire skills to support the implementation of his or her child's IEP.
- interpreter services

NOTE: An Idaho State Department of Education document provides guidance regarding educational interpreter standards. The Idaho Legislature has established standards which take effect in 2009.

This list of related services is not exhaustive and may include other developmental, corrective, or supportive services, transition services or assistive technology. Although services may be of benefit to a student with a disability, all of the services listed above may not be required for each individual student. Related services are the responsibility of the district only if the IEP team determines they are required to assist the student to benefit from special education. Further, the student is not entitled to related services if (a) he or she is not eligible for special education or (b) the parent and/or adult student does not consent to initial provision of special education services.

EXCEPTION: The term does not include a medical device that is surgically implanted or the replacement of such device, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device. The district is responsible to appropriately monitor and check devices to make sure the devices are functioning properly. This responsibility applies to devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school.

THIRD PARTY PAYERS: Consent from the parents or adult student is required when the district bills Medicaid or the parent's insurance for services provided. See Chapter 11 for details.

F. Supplementary Aids, Services, and Other IEP Considerations

Supplementary aids and services may include general education curriculum accommodations and/or adaptations, support for school staff, positive behavioral intervention plans, extended school year services, transportation, transition services, assistive technology services, and travel training services deemed appropriate by the IEP Team shall be provided whether or not the district currently has these services in place.

The description of services in the IEP shall:

1. Identify the program accommodations and supplementary aids to be provided to the student in the areas of need.

2. List the specific services that will meet the unique needs of the student, allowing him or her to advance appropriately toward attaining the annual goals, and:

   a. be involved in and make progress in the general education curriculum;

   b. participate in extracurricular and other nonacademic activities; and

   c. be educated and participate with other students with disabilities and with students without disabilities to the maximum extent appropriate.

   NOTE: The public agency shall ensure that each student with a disability has the supplementary aids and services determined by the student's IEP Team to be appropriate and necessary for the student to participate in nonacademic settings.

3. State the projected starting date and expected duration of the services, and accommodations/adaptations.

4. List the anticipated time per session and frequency of sessions per week or month. The amount of service may not be stated as a range.

5. State the location where services and accommodations/adaptations will be provided.

Based on the unique needs of each student, the IEP team should consider any of the following services that may be appropriate for the student and should document such services on the IEP accordingly:

1. Supplementary Aids and Services

"Supplementary aids and services" means aids, services, and other supports that are provided in general education classes or other education-related settings and in extracurricular and nonacademic settings to enable students with disabilities to be

educated with students without disabilities to the maximum extent appropriate in accordance with LRE requirements.

The determination of which supplementary aids and services are appropriate for a particular student shall be made on an individual basis. Supplementary aids and services may include the following: assistance of an itinerant special education teacher, related service provider, or paraprofessional; support or training for the general educator; use of resource services; provision of note takers; supports for extracurricular or other nonacademic activities; and supports for participation in statewide or district wide achievement testing.

2. Accommodations and Adaptations

NOTE: "Modifications" include accommodations and adaptations. Idaho uses the terms accommodations and adaptations to describe two separate instructional and assessment practices.

Accommodations and adaptations include any changes that allow students with disabilities the same opportunity as students without disabilities to participate in and benefit from the educational program, activities, and services of the district.

Accommodations are intended to make educational opportunities more accessible. This may involve the setting, communication modality, equipment, and/or supplemental aids and services. Examples include Braille editions, large print, pencil grips, tape recorders, note takers, and computers with spell check.

Adaptations are changes in educational expectations for the student with a disability compared to peers without disabilities. These adaptations include actual changes in the general education curriculum and instruction or the use of an alternative or supplemental curriculum. Examples include fewer concepts to be mastered, different test questions, and material at a different reading level.

Whenever the IEP team determines that accommodations and/or adaptations are needed to ensure academic progress, these shall be indicated in the IEP. Any accommodations and/or adaptations required in physical education, vocational education, and statewide or district wide assessments shall be included in the IEP.

3. Assistive Technology Devices and/or Services

The district shall ensure that assistive technology devices and/or services are made available to a student, if required, as special education, related services, or supplementary aids and services. The following points are definitions and clarifications of terms:

a. "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a device that is surgically implanted or the replacement of such device.

The district shall permit the student to use school-purchased assistive technology devices at home and in other settings if the IEP team determines that the student needs access to these devices in non-school settings to receive FAPE. An example of this would be to complete homework. The district may hold a parent and/or adult student liable for the replacement or repair of an assistive technology device that is purchased or otherwise procured by the district if it is lost, stolen, or damaged because of negligence or misuse at home or in another setting outside of school time.

Assistive technology devices should be designed using "universal design" principles. The term "universal design" means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities. This includes products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

b. "Assistive technology service" means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes the following:

(1) an evaluation of the student's assistive technology needs, including a functional assessment in the student's customary environment;

(2) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices;

(3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(4) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) training or technical assistance for a student with a disability or, if appropriate, that student's family; and

(6) training or technical assistance for professionals, including individuals providing education or rehabilitation services, employers, or other individuals

who provide services or are otherwise substantially involved in the major life functions of a student with a disability.

c. The district shall ensure that the hearing aids worn by deaf or hard-of-hearing students in school are functioning properly.

d. The district is responsible to appropriately monitor and check surgically implanted devices to make sure the devices are functioning properly, if the team has determined that those services are necessary. This responsibility applies to devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school.

4. Extended School Year Services

The district shall provide extended school year (ESY) services for students with disabilities who qualify for such services. The ESY programs for eligible students shall meet the requirements of FAPE. The student's educational program is based on individual needs and is not determined by what programs are readily available within the district. The student cannot be required to fail, or to go for an entire school year without ESY services, simply to prove a need. The IEP team shall consider the following in the development and provision of an ESY program:

a. The term "extended school year services" means special education and/or related services that are provided beyond the regular school year:

(1) to a student with a disability;

(2) in accordance with the student's IEP; and

(3) at no cost to the parent and/or adult student.

The goal of ESY services is to assist students with disabilities with the emergence and maintenance of specific IEP goals addressed during the school year preceding the ESY. These may include goals related to independence, behavior, socialization, communication, and academics. The ESY services for special education students provide a different focus from general summer school programs.

b. The ESY services shall be considered in light of the totality of the circumstances, including the following:

(1) **Emerging skill**: Few, if any, gains are made during the regular school year. A skill is in the process of emerging, and the IEP team believes that with ESY services the student would make reasonable gains; or

(2) **Regression-Recoupment**: The student would regress to such an extent and the amount of time required to relearn a skill or behavior becomes so significant that the student would be unable to benefit from his or her special education; or

(3) **Self-Sufficiency**: An interruption in services would threaten the acquisition of critical life skills that aid in the student's ability to function as independently as possible, thereby continuing the student's reliance on caretakers, including institutionalized care. Critical life skills relate to those skills that lead to independent functioning. Development of these skills can lead to reduced dependency on future caretakers and enhance the student's integration with individuals without disabilities. Skills may include such things as toileting, feeding, mobility, communication, dressing, self-help, and social/emotional functioning.

c. Decisions concerning ESY services shall be based on collected data and written documentation. Types of data and information may include, but are not limited to, the following:

(1) **Criterion-referenced test data**: Consider daily/weekly probes or pre-test/post-test data.

(2) **Norm-referenced test data**: Consider pre-test/post-test data.

(3) **Anecdotal records:** Consider information collected throughout the school year.

(4) **Physical, mental, or emotional health factors**: Consider the educational, medical, and psychological records of the student as well as the prognosis or judgments of educators, medical personnel, parents, and others that work with the student. Consider degenerative types of difficulties that may become intensified during breaks in educational programming.

(5) **History**: Consider evidence of past regression or past ESY services. The IEP team should not automatically assume that a student who has received ESY services in the past will be eligible for ESY services in the future, but it is a factor to consider.

(6) **Data on observed performance**: Consider data maintained on the student concerning performance observed in the classroom, during community-based activities, and as part of IEP progress monitoring.

(7) **Teacher interviews and recommendations**: Consider progress reports by teachers, therapists, and others who have direct contact with the student before and after breaks in educational programming.

(8) **Parent and/or adult student input**: Consider parent observations of the student as well as parent and/or adult student requests for ESY services.

d. The ESY services shall be clearly delineated in an IEP. The district can meet this requirement by amending the current IEP using an amendment form or by developing a complete ESY IEP. See Section 1C of this chapter for more information.

e. The district may not limit ESY services to particular categories of disability or unilaterally limit the amount or duration of these services.

5. Transportation

Transportation is a related service if special arrangements resulting from the student's disability are required to assist a student with a disability to benefit from special education. The student's individual needs concerning his or her education are the main considerations in determining services—this includes transportation services.

The IEP team shall consider how the student's disability affects his or her need for transportation, including determining whether the student's disability prevents the student from using the same transportation provided to students without disabilities, or from getting to school in the same manner as students without disabilities. This includes transporting a preschool-age student to the site at which the district provides special education and related services to the student, if that site is different from the site at which the student receives other preschool or day-care services.

When the IEP team determines that special transportation is required and documents it on the IEP, all procedural safeguards under the IDEA 2004 shall be afforded to the student in matters concerning transportation.

Transportation needs may include, but are not limited to, the following:

a. travel to and from school and between schools to access special education;

b. travel in and around school buildings;

c. specialized equipment including lifts and ramps, if required to provide special transportation; or

d. other services that support the student's use of transportation, such as:

(1) special assistance (e.g., an aide on the bus and assistance getting on and off the bus);

(2) safety restraints, wheelchair restraints, and child safety seats;

(3) accommodations (e.g., preferential seating, a positive behavioral support plan for the student on the bus, and altering the bus route); or

(4) training for the bus driver regarding the student's disability or special health-related needs.

(5) attending non-academic and extracurricular activities if required by the IEP.

6. Special Considerations

As appropriate, the IEP team shall also consider and include in the IEP the following:

a. If the student's behavior impedes his or her learning or that of others, the IEP team shall consider the use of positive behavioral supports and other strategies to address that behavior.

b. If the student has limited English proficiency, the IEP team shall consider the language needs of the student. Cognitive academic language proficiency (CALP) shall be determined by administering appropriate language dominance tests.

c. If the student is blind or visually impaired, the IEP team shall provide for instruction in Braille and the use of Braille unless the IEP team determines that Braille is not appropriate for the student. This determination can only be made after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille).

d. The IEP team shall consider the communication needs of the student. In the case of the student who is deaf or hearing impaired, the IEP team shall consider the language needs of the student, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, the student's academic level, and his or her full range of needs including opportunities for direct instruction in the student's language and communication mode.

G. Statewide and Districtwide Achievement Testing

Students with disabilities are to be included in all statewide and district wide assessments. Participation rates and performance data, both aggregate and disaggregate, for students with disabilities are reported to the public annually.

The IEP team shall determine how the student will participate in statewide and district wide assessments—without accommodations, with accommodations, with adaptations, or by means of an alternate assessment. The IEP team determines what accommodations and/or adaptations to use based on those that are used regularly by the student during instruction or classroom testing and on what is listed in the accommodations section of the IEP.

The IEP team shall determine whether the student meets the state criteria for the alternate assessment. It should be noted that some students might participate in parts of the regular assessment and parts of the alternate assessment. For example, a student may participate with accommodations in the *regular* reading portion of the statewide assessment and may participate in the math portion of the statewide assessment using the *alternate* assessment.

The following guidelines shall be used to determine how the student will participate in statewide and district wide assessments:

1. Regular Assessment without Accommodations

   The IEP team determines and documents in the IEP that a student with a disability can adequately demonstrate his or her knowledge, abilities, or skills on statewide and district wide assessments without accommodations.

2. Regular Assessment with Accommodations

   Appropriate accommodations for students with disabilities shall be based on the individual needs of each student. Accommodation decisions are made by the IEP team and shall be recorded in the IEP. Accommodations should facilitate an accurate demonstration of academic achievement, developmental, and functional performance on state and district wide assessments. They should not provide the student with an unfair advantage or change the underlying skills that are being measured by the test. Accommodations shall be the same or nearly the same as those used by the student in completing classroom assignments and assessment activities. The accommodations shall be necessary for enabling the student to demonstrate knowledge, ability, skill, or mastery. Accommodations *do not* do not invalidate test results.

3. Regular Assessments with Adaptations

   A student may be unable to demonstrate what he or she knows or is able to do without using an adaptation. However, an adaptation inherently circumvents the underlying

skills that the test is measuring; therefore, an adaptation *always* invalidates the assessment result. If an adaptation is included in the IEP for statewide and/or district wide assessments, it shall be one that the student uses in completing classroom assignments and assessment activities on a regular basis. Further, the use of an adaptation in statewide and district wide assessments shall be clearly coded on the student's score sheet.

The IEP team has the authority to make the decision that a student needs an adaptation in order to participate in statewide and district wide assessments, even though the adaptation *will* cause the student to score as "not proficient" and to be counted as NOT participating in the assessment under AYP determinations. All IEP team members, including the parent and/or adult student, shall understand (a) the possible consequences that could result from this decision and (b) its effect on diploma options and post school activities involving education, career opportunities, military service, and community participation.

4. Idaho Alternate Assessments

If the student cannot participate in some or all of the general assessments, the IEP shall contain a statement that includes the reason the student cannot participate in the general assessment and the alternate assessments—language arts, reading, math or science—in which the student will participate.

a. Students Eligible to Take an IAA

The IEP team shall find that the student meets all of the criteria listed below to determine that he or she is eligible to participate in an alternate assessment:

(1) The student's demonstrated cognitive ability and adaptive behavior prevent completion of the general academic curriculum even with program accommodations and/or adaptations;

(2) The student's course of study is primarily functional-skill and living-skill oriented (typically not measured by state or district assessments); and

(3) The student is unable to acquire, maintain, or generalize skills in multiple settings and to demonstrate performance of these skills without intensive and frequent individualized instruction.

b. Students Not Eligible to Take an IAA

Students are *not* to be included in an alternate assessment for any of the following reasons:

(1) The only determining factor is that the student has an IEP;

(2) The student is academically behind because of excessive absences or lack of instruction; or

(3) The student is unable to complete the general academic curriculum because of socioeconomic or cultural differences.

H. LRE Explanation and Placement Decisions

The IEP shall explain the extent, if any, to which the student will *not* participate in the general education classroom, the general education curriculum, or extracurricular or other nonacademic activities.

In recommending the most appropriate placement in the least restrictive environment (LRE) for the student with a disability, the IEP team shall consider the student's needs and the continuum of services available to meet those needs. The parent and/or adult student shall be involved in the placement decision. Removal from the general education environment occurs only when the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily. A student with a disability is not to be removed from age-appropriate general education classrooms solely because of needed accommodations and adaptations in the general education curriculum. In addition, a student with a disability shall be educated with students without disabilities in the general education classroom to the maximum extent appropriate..

NOTE: The district's reassignment of students (with or without disabilities) to another classroom or building in the district is *not* a change of placement for a student with a disability as long as the IEP goals remain unchanged and the degree of interaction with peers without disabilities remains the same. Examples include, but are not limited to, dividing a class because of overcrowding; moving an entire grade level to a different building; and going to a different school as a result of moving from one grade level to another grade level.

See Chapter 6 for more information on placement in the LRE

I. Consent for Initial Provision of Special Education and Related Services

The district shall make reasonable effort to obtain informed consent from the parent or the adult student before the initial provision of special education and related services to the student.

If the parent and/or adult student communicates in writing, he or she refuses special education and related services following the evaluation and determination of eligibility, the district shall not provide special education and related services to the student. If the parent and/or adult student fails to respond to a district's documented efforts to gain consent for initial provision of special

education and related services, the district shall not provide special education and related services to the student. In both cases:

1. The district shall not be in violation of the requirement to provide FAPE to the student or the requirement to provide special education and related services; and

2. The district shall not be required to convene an IEP meeting or develop an IEP for the student.

3. The district shall not use due process in order to obtain consent or a ruling allowing initial placement.

If the parent and/or adult student wishes to move forward with the provision of services stated on the IEP and placement in special education, consent for initial placement in special education shall be obtained after the development of an IEP. Consent means that the parent and/or adult student understands and agrees in writing to the carrying out of the activity for which consent is sought.

J. Parent and/or adult Student Objection to the IEP

If the parent and/or adult student disagrees with an IEP change or placement change proposed by the district, he or she may file a written objection to all or parts of the proposed change. If the parent and/or adult student files a written objection that is postmarked or hand delivered within 10 days of the date he or she receives written notice from the district of the proposed change, the changes to which the parent and/or adult student objects cannot be implemented. If the changes have already been implemented, implementation of those changes shall cease. The district and parent and/or adult student may use informal methods such as additional IEP team meetings, IEP facilitation, or SDE mediation to resolve the disagreement. If these informal attempts to resolve the dispute fail, the district may request a due process hearing to obtain a hearing officer's decision regarding the proposed change, unless it is an initial IEP.

If the parent and/or adult student files a written objection to an IEP change or placement change proposed by the district any time *after* 10 days of receiving written notice, the student shall "stay put" in the placement described in the disputed IEP, and that IEP is implemented as written until the disagreement is resolved unless the parent and/or adult student agree otherwise. However, the written objection cannot be used to prevent the district from placing a student in an interim alternative educational setting (IAES) in accordance with the IDEA 2004 procedures for discipline of a student.

See Chapter 11 for information about the prior written notice requirements regarding the provision of FAPE and educational placement.

See Chapter 13 for more information about the various forms of dispute resolution.

K. Additional Transition Components for Secondary-Level IEPs

Secondary transition services are defined as a coordinated set of activities for a student with a disability that are designed within a results-oriented process focused on improving the academic and functional achievement of the student to facilitate movement from school to post school activities including postsecondary education, vocational education, integrated employment (including supported employment), continuing in adult education, adult services, independent living, or community participation.. The activities include instruction, community experiences, development of employment and other post school adult-living objectives and, if appropriate, acquisition of daily living skills and a functional vocational evaluation. These activities are based on the individual student's needs, taking into account the student's strengths, preferences and interests. The following are required components for all secondary students receiving special education services.

1. Beginning with the IEP to be in effect when a student is 16 years old (or younger if determined appropriate by the IEP team), the IEP shall include:

   a. present levels of educational performance based on an age appropriate transition evaluation;

   b. appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;

   c. transition services (including courses of study) needed to assist the student in reaching postsecondary goals identified on the IEP;

   d. graduation requirements for the student receiving special education services, refer to Chapter 7 for more detailed information on documentation of high school graduation in the IEP.

   The goals and transition services shall be updated on the IEP annually.

2. Not later than the student's 17th birthday, the IEP shall include a statement that the student has been informed whether or not special education rights will transfer to the student on his or her 18th birthday. Special education rights will transfer from the parent to the student when the student turns 18 years old unless the IEP team determines that:
   (For more information on the transfer of rights see Chapter 11)

   a. the student is unable to provide informed consent with respect to his or her special education program; or

   b. the parent has obtained legal guardianship.

3. When a student exits from special education as a result of earning a regular diploma or aging out, the district shall provide the student with a summary of his or her academic achievement and performance along with recommendations concerning how to assist the student in meeting postsecondary goals.

L. Following the Meeting

Following the IEP team meeting, a copy of the IEP and written notice of proposed or refused actions shall be given to the parent and/or adult student. IEPs and written notice should also be given to the parent and/or adult student whenever a change is made to the IEP or upon request.

Each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing any portion of the IEP shall have access to the IEP and be informed of his or her specific responsibilities. This includes being informed of any specific accommodations, adaptations, or supports that shall be provided to the student to ensure that the IEP is implemented appropriately.

Section 3. IEP Reviews

A. Annual Reviews

Each student's IEP shall be reviewed at least annually, once every 365 days. Meetings may be held any time throughout the school year, as long as the IEP is reviewed annually and is in effect at the beginning of each school year. Either at or after the annual review, written notice that the new IEP changes will be implemented shall be provided to the parent and/or adult student.

The IEP review includes the following purposes:

1. to determine whether the student's annual goals have been achieved;

2. to revise the IEP if there is any lack of expected progress toward annual goals and in the general education curriculum, where appropriate;

3. to determine whether any additional assessments are necessary and to address the results of those conducted;

4. to address information about the student provided to, or by, the parent and/or adult student;

5. to address the student's anticipated needs;

6. to monitor the continuing eligibility of the student based on an evaluation or review of a variety of data, which may include formal or informal assessment, progress toward IEP goals and when applicable benchmarks/objectives;

7. to write a new IEP; and

8. to consider a reevaluation to determine if a student is no longer eligible and special education services should be discontinued.

B. IEP Amendments

In making changes to a student's IEP after the annual IEP meeting for a school year, the parent and/or adult student and the district may agree in writing not to convene an IEP meeting for the purposes of making such changes, and instead may develop a written document to amend the student's current IEP. The parent and/or adult student will be provided with a revised copy of the IEP with the amendments incorporated. The annual review date remains the date of the original IEP.

If the parent and/or adult student believes that the student is not progressing satisfactorily or that there is a problem with the current IEP, he or she may request an IEP team meeting. The district shall grant any reasonable request for such a meeting. If the district refuses to convene an IEP meeting requested by the parent and/or adult student, the district shall provide written notice to the parent and/or adult student, including an explanation of why the district has determined the meeting is unnecessary.

If any other member of the IEP team feels that the student's placement or IEP services are not appropriate, that team member may request an IEP team meeting.

Each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing any portion of the amended IEP shall have access to the amendment and be informed of his or her specific responsibilities.

Section 4. IEPs for Transfer Students

A. Transfer from an Idaho School District

When a student with a disability transfers school districts with a current IEP in Idaho, the district shall provide the student with FAPE. This includes services comparable to those described in the previously held IEP, in consultation with the parent and/or adult student, until such time as the district adopts the previously held IEP or develops, adopts, and implements a new IEP. The receiving district shall promptly request records from the sending district and once the district has formally received a request for a student's record from another Idaho district, the district shall forward copies or the original documents within 10 days of the request. If originals are sent, the sending district shall maintain a copy for audit purposes.

B. Transfer from an Out-of-State District

When a student with a disability transfers from out of state to an Idaho school district with a current IEP in that other state, the district shall provide the student with FAPE. This includes services comparable to those described in the previously held IEP, in consultation with the parent and/or adult student, until such time as the district conducts an evaluation, if determined necessary, and develops, adopts, and implements a new IEP.

If the district has formally received a request from an out-of-state school, the district shall forward copies or the original documents within 10 days of the request. If originals are sent, the district shall maintain a copy for audit purposes.

Section 5. IEPs for Children from the Infant Toddler Program

A. Interagency Agreement and Protocols

The school district, as the local lead agency for Part B, shall initiate the development of a signed interagency protocol with the regional Infant Toddler Program (ITP) of the Department of Health and Welfare (DHW), the lead agency under Part C of the IDEA 2004. The protocol shall be in accordance with the current state Interagency Agreement for Early Childhood Special Education Services and Early Intervention for Children Ages Two through Five. See Appendix 5C.

The protocol will outline the obligations of each agency to ensure:

1. a smooth and effective transition of children served under Part C to early childhood special education services (ECSE) under Part B,

2. by the child's third birthday, eligibility for Part B services has been determined and an IEP or Individual Family Service Plan (IFSP) has been developed and implemented, and

3. each district and agency shall participate in transition planning conferences.

NOTE: A child, who turns three after May 1, has been determined eligible for Part B services, and parental consent has been obtained for initial placement for Part B services, can be served as outlined in the IFSP by the ITP until school starts in the fall. This is the case unless specified differently in the local interagency protocol.

B. Part C to Part B Transition Planning

In the case of a child who may be eligible for ECSE services, the district shall participate in a transition planning conference with the family arranged by the Infant Toddler Program. The conference will be conducted at least 90 calendar days (and up to 9 months at the discretion of all parties) before the child's 3rd birthday to discuss eligibility requirements under Part B of the IDEA 2004, needs and concerns of the child and family, and any services the child may receive.

For a complete and detailed description of all required transition activities, documentation and timelines, refer to Appendix 5C.

The Infant Toddler Program has the responsibility to:

1. notify the school district of potentially eligible children,
2. invite and coordinate a transition planning meeting to review the process to determine eligibility and assess service options available,
3. establish a plan for facilitating the transition of the toddler with a disability to early childhood special education services,
4. provide the district with a copy of the Child Outcome Summary Form (COSF) completed at exit, and
5. upon invitation, attend the initial IEP meeting.

The school district has the responsibility to:

1. attend and participate in the transition planning meeting,
2. determine eligibility and develop an IEP or IFSP prior to child's third birthday,
3. consider the Part C COSF exit outcome data for Part B early childhood entry outcome data,
4. invite Infant Toddler Program representatives, at the request of the parent, to the initial IEP meeting, and
5. obtain consent for initial provision of special education and related services under Part B.

C. IEP or IFSP Required

1. By the child's third birthday, the district shall have an IEP or IFSP in place for each student 3 through 5 years old who is eligible for ECSE services.

2. In developing the IEP, the IEP Team shall consider the content of the IFSP including:

   a. the natural environments statement, and

   b. the educational component that promotes school readiness, pre-literacy, language and numeracy skills

3. The IFSP may serve as the IEP of the child, if:

   a. agreed by the district and the child's parents,

   b. a detailed explanation of the differences between the IFSP and the IEP is provided to the parents (See Appendix 5C),

   c. parental written informed consent is obtained, and

   d. developed according to the IEP procedures outlined in Section 2 of this chapter. If the district elects to use an IFSP, the district is required to implement only the educational components of the IFSP.

D. Consent and Notice Requirements

1. Notice Announcing Initial IEP Team Meeting: The district shall inform the parents of their rights to request the participation of Infant Toddler representatives at the initial IEP Team Meeting for children previously served by Part C.

2. Release of Information: The district shall obtain written parental consent for the release of information to obtain pertinent student records from non-educational agencies such as Infant Toddler Programs (ITC), developmental disabilities agencies, medical providers, day-care centers, and Head Start.

3. Assessments: At the transition planning conference, if further assessments are necessary to determine eligibility, the student's present levels of performance, and goals or services on the IEP, informed consent to evaluate is required. (Parental consent for assessment under Part B is required even though the parent may have given consent earlier under Part C). Otherwise, only written notice to inform the parent of the district's decision to use the current evaluation data, and not to conduct any further assessments, shall be provided to the parent. The parent shall also be informed of his or her right to request additional assessments.

4. Consent for Initial Provision of Special Education and Related Services: Parental consent for the initial provision of special education and related services and written notice for the implementation of the IEP or IFSP under Part B is required. Eligibility, initial provision of services, and LRE placement shall be documented for Part B services.

E. Child's Status During Due Process Hearing Proceedings

If an educational placement dispute arises involving a child transitioning from Part C to Part B, the child cannot remain in Part C services when he or she is over the age of three. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services, then the school district shall provide those special education and related services that are not in dispute between the parent and district until completion of all the hearing proceedings. If the parent does not give written consent for the special education or related services, the student will not receive services until completion of the hearing proceedings.

Section 6. Students with Disabilities in Adult Prisons

The following requirements do not apply for students with disabilities who are convicted as adults under Idaho law and incarcerated in adult prisons:

1. The student will not participate in statewide assessments.

2. Transition planning and services do not apply if the student will remain in prison beyond his or her 21st birthday.

The IEP team may revise the student's IEP and placement, regardless of the LRE requirements, if the state has demonstrated a bona fide security or other compelling penological interest that cannot be otherwise accommodated.

Chapter 6
LEAST RESTRICTIVE ENVIRONMENT

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Chapter 6
LEAST RESTRICTIVE ENVIRONMENT

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) states that, to the maximum extent appropriate, all students with disabilities, 3-21 years of age, are to be educated with age appropriate peers, both with and without disabilities. This is known as the least restrictive environment (LRE). The LRE is the appropriate balance of settings and services to meet the student's individual needs. The district shall have an array of services and a continuum of educational setting options available to meet the individual LRE needs of each student.

An appropriate LRE is one that enables the student to make reasonable gains toward goals identified in an individualized education program (IEP). The student's IEP shall indicate the LRE for the student and explain to what extent, if any, the student will or will not participate in the general education classroom environment, the general education curriculum, and extracurricular or other nonacademic activities. This provision includes students with disabilities placed in public or private institutions or other care facilities.

Special classes, separate schooling, and other removals of a student with a disability from the general education environment may occur only when the nature or severity of the disability is such that education in the general education class, even with the use of supplementary aids and services, cannot be achieved satisfactorily.

Section 1. Least Restrictive Environment Considerations

A. When to Make and Review Placement Decisions

1. Placement decisions for a student with a disability are made following the determination of the individual needs, goals, and required services.

2. Placement decisions are revisited at least annually by the IEP team, which includes the parent and/or adult student and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options available in the district.

3. Placement decisions are reconsidered when an IEP team is convened to review a student's academic, functional, or developmental progress.

B. Considerations in Placement Decisions Reference:

LRE decisions are made individually for each student. The IEP team shall consider the following when determining the LRE in which the IEP can be implemented:

1. Based on student's IEP: The student's IEP is developed prior to the determination of the location of services and settings. The services and settings needed by each student with

a disability must be based on the student's IEP and unique needs that result from his or her disability, not on the student's category of disability.

2. Age Appropriate Peers: Students with disabilities shall be educated with age-appropriate peers to the maximum extent appropriate. A student with a disability is not removed from age-appropriate general education environments solely because of needed accommodations and/or adaptations in the general education curriculum.

3. School of Attendance: A student with a disability shall be educated in the school as close as possible to the student's home and unless the IEP requires some other arrangement, the student is educated in the school he or she would attend if not disabled.

4. Harmful Effects: Consideration shall be given to any potential current or long term harmful effect on the student or on the quality of services the student needs, including the student's ability to graduate and achieve their post high-school goals.

5. Accommodations and/or Adaptations: A student with a disability is not removed from general education settings solely because of needed accommodations and/or adaptations in the general education curriculum.

6. Participation in Nonacademic and Extracurricular Services and Activities:

   a. A student with a disability shall be allowed to participate with students without disabilities in nonacademic and extracurricular services and activities to the maximum extent appropriate. These services and activities may include meals, recess, field trips, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to community agencies, career development, and assistance in making outside employment available.

   b. The IEP team determines the supplementary aids and services that are appropriate and necessary for the student to participate in nonacademic settings and extracurricular services and activities.

C. Documentation of Placement Decisions

If the student will not participate *entirely* in the general education classroom, curriculum, and/or nonacademic and extracurricular activities, the IEP shall include a written explanation justifying the IEP team's decisions.

Section 2. District Responsibility for Continuum of Settings and Services

The continuum of settings includes instruction in general classes, special classes, special schools, home instruction and instruction in hospitals and institutions. In addition, the continuum makes

provision for supplemental services, such as resource services or itinerant instruction, to be provided in conjunction with the general classroom. In determining appropriate settings and services for a student with a disability, the IEP team shall consider the student's needs and the continuum of alternate placements and related services available to meet those needs. Regardless of placement, the student shall be given appropriate access to the general education curriculum, as determined by the IEP team. The district shall be able to justify the available continuum of services and placement decisions for individual students.

All LRE considerations also apply to **preschool** students ages 3 to 5 years with disabilities who are entitled to receive a free appropriate public education (FAPE). Settings for implementing IEPs for students of legal kindergarten-age are the same as for all other school-age students. Settings for implementing IEPs for preschool age students may include public or private early childhood programs. Public schools that do not operate early childhood programs for preschool students without disabilities are not required to initiate such programs solely to satisfy LRE requirements. Public schools that do not have an inclusive public preschool that can provide all the appropriate services and supports to meet the individual needs of preschool students with disabilities, shall explore alternative methods to ensure LRE requirements are met for preschool students ages 3 to 5 years, which may include:

1. providing opportunities for participation (even part-time) of preschool students with disabilities in public or private regular early childhood programs operated for preschool students without disabilities by other agencies, such as Head Start;

2. placing preschool students with disabilities in the following:

    a. private early childhood programs for preschool students *without* disabilities; or

    b. private early childhood programs or other community-based early childhood settings that integrate students *with and without* disabilities; and

3. locating classes for preschool students with disabilities in elementary schools.

See Chapter 11 for information regarding prior written notice requirements that apply to proposed or refused changes in educational placement.

Section 3. Federal Reporting of LRE

The IEP includes a section for reporting the educational environments required for the Federal December 1 Child Count. This section is for reporting the amount of time the student spends in the general education environment, with or without special education and related services. After determining the LRE and the educational environments in which the student will receive their general education instruction and special education services, the IEP team will document the educational environment for federal reporting Data regarding LRE placements is collected from the district by the State Department of Education (SDE) and becomes public information.

Chapter 7
DISCONTINUATION OF SERVICES, GRADUATION, AND GRADING

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Chapter 7
DISCONTINUATION OF SERVICES, GRADUATION, AND GRADING

Section 1. Discontinuation of Services

A. Students Who Are No Longer Entitled to Services

The district will follow appropriate procedures to discontinue special education services to students who are no longer entitled to those services.

1. Student No Longer Meets Eligibility Criteria

   If it is suspected that a student no longer meets the eligibility criteria for the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), the evaluation team will conduct a reevaluation and arrange to have additional assessments conducted if necessary. If the student is no longer eligible, the district will provide the parent and adult student with written notice of this decision prior to discontinuing special education services.

2. Student Completes Requirements for a High School Diploma

   The district's obligation to provide special education services ends when the student meets the district and state requirements that apply to all students for receipt of a high school diploma without adaptations. Although this is considered a change of placement, a reevaluation is not required. Prior to graduation and the discontinuation of special education services the district shall:

   a. provide the parent and/or adult student with written notice the district's obligation to provide special education services ends when the student obtains a regular high school diploma; and

   b. provide the parent and/or adult student with a written summary of academic achievement and functional performance which shall include recommendations to assist the student in meeting his or her postsecondary goals. This summary is known as the Summary of Performance (SOP).

3. Student Reaches Maximum Age

   For students who have not yet graduated from high school by meeting requirements without adaptations to regular graduation requirements, the district's obligation to provide special education services ends at the completion of the semester in which the student turns 21 years of age. This is considered a change of placement that does not require a reevaluation. If a student is turning 21, the district shall:

a. provide the parent and/or adult student with written notice the district's obligation to provide special education services ends at the completion of the semester in which the student turns 21 years of age; and

b. provide the parent and/or adult student written summary of academic achievement and functional performance which shall include recommendations to assist the student in meeting his or her postsecondary goals. This summary is known as the Summary of Performance (SOP).

B. Change in District Obligation to Provide Services

Under certain circumstances, a student may continue to be eligible for special education services, but the district's obligation to provide services changes.

1. Transfer to Another District

   When a student moves out of the district, the district will forward the student's special education records electronically or by mail within 10 calendar days of the request from the new district. The records shall include, at least, the student's most recent individualized education program (IEP) and eligibility documentation. The sending district will retain copies or originals of the most recent 5 years of records, including IEPs and eligibility documentation. During an audit, Child Count verification, or monitoring, this documentation may be needed to demonstrate that the student was eligible for special education and received special education services from the district.

2. Enrollment in Private School or Receives Home Schooling

   When a parent and/or adult student withdraws a student from public school and enrolls him or her in a private school or provides home schooling, the district's responsibilities vary depending on the circumstances. See Chapter 9 for more information.

3. Dropouts

   When a student drops out of school, written notice will be sent to the parent and/or adult student and a copy of the notice will be placed in the student's special education confidential file. If the student reenrolls and is still eligible for special education, the previous IEP can be implemented if it is current and appropriate. A new IEP shall be developed if needed.

C. Request for Withdrawal from Special Education

When a parent and/or adult student requests withdrawal from special education services, an evaluation team shall determine whether the student is still eligible for special education services. Written notice shall be sent to the parent and/or adult student following the determination of whether or not the student is still eligible to receive special education services.

If the evaluation team determines that the student is still eligible for special education, the district will continue to provide services unless SDE mediation or a due process hearing decision determines otherwise.

Section 2. Graduation

Graduation means meeting district and state requirements for receipt of a high school diploma. If a student is not granted a regular high school diploma or if the high school diploma is granted based on completion of adapted graduation requirements, the student is entitled to receive a free appropriate public education (FAPE) through the semester in which he or she turns 21 years of age or determined no longer eligible as a result of a reevaluation. A General Education Development (GED) certificate does not meet district requirements that are comparable to a regular high school diploma. The IEP team making these decisions shall include a district representative knowledgeable about state and local graduation requirements.

A. Individualized Education Program (IEP) Team Requirements regarding Graduation

1. Determine whether the student will meet all state and local requirements to be eligible to graduate from high school and anticipated graduation date.

2. Develop the course of study in collaboration with the Parent Approved Student Learning Plan required for every student prior to the end of 8th grade.

3. Beginning no later than the end of the student's 9th grade, the IEP team shall review annually the student's course of study. The IEP team shall identify and make changes to the course of study needed for the student to meet graduation requirements .

4. The IEP team shall document any accommodations and adaptations made to the district's and state's regular graduation requirements on the student's behalf.

    a. Graduation Requirements with Accommodations

    Accommodations to graduation requirements are determined by the IEP team and are deemed necessary for the student to complete graduation requirements. Further:

    1) Accommodations to graduation requirements must specifically address completion of the student's secondary program.

    2) Accommodations will maintain the same level of rigor to the district and state graduation requirements. For example, a teacher may use different instructional strategies or alternate methods for assessing the student's acquisition of skills that are equally rigorous.

3) Accommodations made to any district or state graduation requirement shall be stated in the student's IEP.

b. Graduation Requirements with Adaptations

Long-term consequences for the student shall be considered when adaptations are made to graduation requirements. Further:

1) Adaptations to graduation requirements shall specifically address completion of the student's secondary program.

2) Adaptations may alter the level of rigor required in the district or state graduation requirements. Examples of adaptations include changes made to course content, objectives, or grading standard that alter the level of rigor.

3) Adaptations of any district or state graduation requirement shall be stated on the student's IEP. The team should discuss with the parents the effect of adaptations on regular education diploma and FAPE.

5. Demonstration of Proficiency of State Achievement Standards State Board of Education rule (IDAPA 08.02.03.105.03) requires a demonstration of proficiency regarding the 10th-Grade Idaho Achievement Standards as a condition of graduation. Each student receiving special education services will include as part of his or her IEP a statement of how the student will demonstrate proficiency in the Idaho Achievement Standards as a condition of graduation. If the method is different than meeting proficient or advanced scores on the high school ISAT or an IAA, a student with an IEP may meet this requirement by:

a. achieving the proficient or advanced score on the Idaho Standards Achievement Test (ISAT) or, for eligible students, on the IAA; or

b. using the local alternate route established by the local school board as an alternate method of demonstrating proficiency; or

c. completing alternate graduation requirements outlined in the IEP.

B. Graduation Ceremonies

A special education student who completes his or her secondary program through meeting graduation requirements or criteria established on his or her IEP will be afforded the same opportunity to participate in graduation ceremonies, senior class trips, etc., as students without disabilities.

Section 3. Transcripts and Diplomas

A. Transcript

The transcript serves as a record of individual accomplishments, achievements, and courses completed. Transcripts shall adhere to the following conditions:

1. Accommodations that allow the student to complete and demonstrate that he or she has met graduation requirements will not be noted on the transcript.

2. Adapted course work may be noted on the transcript if the parent and/or adult student is informed in advance and the designation is not discriminatory. More specifically, cannot identify the student as having a disability or receiving special education.

3. Course designations, titles, or symbols that are used solely to identify adapted course work that is taken by students with disabilities will not be used.

B. Diploma

1. For students who are eligible for special education services, the district will issue a high school diploma at the completion of their secondary program; this includes students who meet the graduation requirements with accommodations and/or adaptations.

2. A modified or differentiated diploma or certificate may not be used for students who are eligible for special education unless the same diploma or certificate is granted to students without disabilities in the same graduating class.

Section 4. Grades, Class Ranking, and Honor Roll

Grades earned by students with disabilities will not be categorically disregarded or excluded from district wide grade point average (GPA) standing. The district may establish objective criteria for class rankings, honors, etc., that weight courses according to degree of difficulty or exclude non core courses so long as such practices are nondiscriminatory. The district may use contracts with a student to establish grading criteria.

Chapter 8
CHARTER SCHOOLS

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Chapter 8
CHARTER SCHOOLS

Federal law requires that students with disabilities be offered educational choices comparable to those offered to students without disabilities. One of these choices is the opportunity to attend a public charter school. Each public charter school, whether a charter school within a district (LEA) or a charter school LEA (Local Education Agency), shares in the obligation to accept and appropriately serve students with disabilities under the IDEA 2004 in the same manner as any other public school.

Section 1. Definition and Parent/Student Rights

A. Definition of Charter Schools

In Idaho, a charter school is a public school authorized by Chapter 52, Title 33-5205, Idaho Code. A charter school operates as a nonprofit, publicly funded, nonsectarian school in one of two ways:

1. as a school within a district, if authorized by the local board of trustees of a school district (LEA); or

2. as its own LEA, if authorized by the Idaho Public Charter School Commission.

A charter school is bound by the conditions of its charter, all federal laws, and Idaho Code.

B. The Rights of Charter School Students and Their Parents

A charter school student is a public school student. Students with disabilities who attend charter schools and their parents have all of the same rights granted to students who attend other public schools. These rights are provided under the Individuals with Disabilities Education Improvement Act 2004 (IDEA 2004); the Elementary and Secondary Education Act (ESEA), reauthorized as the No Child Left Behind Act (NCLB); Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA); and the Family Education Rights and Privacy Act (FERPA). Idaho law specifically states that charter schools cannot discriminate against any student on any basis prohibited by federal or state constitutions or any federal, state, or local law. Under Idaho State Law, the charter of an authorized charter school outlines specific mission statements, policies and procedures.

Section 2. Responsibility for Services

A. Charter School Authorized by the District (See definition in Section 1.A.1)

The district is ultimately responsible to ensure that the requirements of the IDEA 2004 are met with respect to students attending charter schools authorized by the district. A charter school's compliance with the IDEA 2004, Part B, is required regardless of whether the charter school receives any Part B funds.

1. To ensure that a charter school authorized by the district meets IDEA 2004 requirements, the district shall ensure services to students with disabilities attending the charter schools are provided in the same manner as the district serves students with disabilities in its' other schools, including providing supplementary and related services onsite at the charter school to the same extent to which the district has a policy or practice of providing such services on the site to its' other public schools.

2. The district shall have information on file with the State Department of Education (SDE) that demonstrates students with disabilities who attend charter schools authorized by the district will receive special education and related services from either the district or the charter school (or a combination of both).

3. The district will ensure that its charter schools participate in all monitoring activities conducted by the SDE.

B. Charter School Operating as an LEA (See definition in Section 1.A.2)

Only the Idaho Public Charter School Commission has the authority to allow the creation of a public charter school that operates as an LEA. A charter school LEA, whether virtual or brick-and-mortar or combination thereof, has an obligation to accept and appropriately serve students with disabilities and is solely responsible to ensure that the requirements of the IDEA 2004 are met with respect to students enrolled. Compliance with the IDEA 2004, Part B, is required regardless of whether the public charter school receives any Part B funds. A charter school LEA shall:

1. participate in all monitoring activities conducted by the SDE; and,

2. in its first year of operation, participate in an onsite technical assistance visit by an SDE special education monitoring team to ensure that the essential components of a special education program are in place.

Section 3. Essential Components of a Special Education Program

The Idaho charter school law requires each petition for a charter to describe the manner by which special education and related services will be provided to eligible students with disabilities.

Prior to approving a petition for a charter school, the authorizing entity—either the district or the Idaho Public Charter School Commission—shall ensure the petition includes:

1. Nondiscriminatory enrollment procedures.

2. Adequate plans, policies, procedures, contractual or other arrangements, and budget to ensure that students with disabilities attending the charter school will receive special education and related services that meet all the requirements of the IDEA 2004. The petition should describe how the charter school and its authorizing entity will:

    a. have special education and related services as identified in student IEPs, in place by the first day of the school year;

    b. conduct Child Find activities and evaluations;

    c. develop, review, and revise IEPs in accordance with state and federal law;

    d. employ and use highly qualified special education personnel;

    e. meet LRE requirements;

    f. implement the IDEA 2004 discipline procedures; and

    g. protect student and parent rights.

3. Provisions to employ special education and related services professionals who are appropriately licensed and/or certificated for the duties they are assigned.

4. A professional development plan for the training needs of special education personnel as well as general education teachers in order to meet the needs of students with disabilities who are enrolled in the charter school.

5. A plan that ensures access to charter school programs, as required by the ADA. This plan may include the actual location of the school, classrooms, and settings within the classrooms to permit access by students with disabilities.

6. A transportation plan for special education students who may, because of the nature of their disabilities, be entitled to specialized transportation as a related service, even if the charter school does not provide transportation to other students.

7. Provisions for notifying the authorizing entity in the event that a formal complaint or due process hearing request is filed by or on behalf of a charter school student.

Section 4. Charter Schools and Dual Enrollment

The Board of Trustees of a district shall adopt procedures governing dual enrollment. The parent or guardian of a student of school age who is enrolled in a public charter school shall be allowed to enroll the student in a public non-charter school for dual enrollment purposes. Any charter school student participating in dual enrollment may enter into any program in the non-charter public school that is available to other students. Special education services (specially designed instruction and related services designed to meet the unique needs of a student with a disability) will be provided as appropriate only in conjunction with enrollment in academic or non-academic programs so the students can meet the education standards of the district.

For detailed requirements and responsibilities governing dual-enrollment of charter school students, see Idaho Code 33-203 in Appendix 8.

Section 5. Funding

A. State Funds

The SDE will make apportionment payments (from state general funds) to each charter school based on attendance figures. The SDE will pay state funds directly to charter schools using the funding formula described in state law. A charter school may also be eligible for the following funds:

1. state funds for special education students who live in licensed group, foster, or personal care services homes under the provision of Idaho Code 33-1002B;

2. district-to-agency contract funds under a provision of Idaho Code 33-2004;

3. funds to serve high numbers of students with emotional disturbance under Idaho Code 33-2005; and

4. state enhancement funding sources.

B. Federal Funds

The SDE disburses federal flow-through funds to all authorized local education agencies (LEA's).

1. Charter School Authorized by the District

   The district provides funds under Part B to those charter schools that are part of the district on the same basis as the district provides funds to the other public schools. This includes proportional distribution based on relative enrollment of students with

disabilities. This distribution is made at the same time as the district distributes funds to their other public schools and must be consistent with Idaho's charter school law. The individual school's approved charter will identify whether the district will provide funding or services of comparable value.

a. The amount of funds or comparable services will generally be equal to the per student amount the district is allocated from the SDE in the current year multiplied by the charter school's December 1 Child Count from the **previous** school year.

b. Under certain circumstances the district shall allocate Part B funds to an eligible charter school based on the number of special students enrolled and served in the **current** school year.

(1) The district will allocate funds to a charter school within 5 months of opening or significantly expanding its enrollment if the charter school notifies the district at least 120 calendar days before it opens or significantly expands its enrollment due to a significant event that is unlikely to occur on a regular basis (such as the addition of one or more grades or educational programs in major curriculum areas), and it takes place before February 1.

(2) When these conditions are met, the district will allocate funds to the charter school as follows:

i. If the opening or expansion occurs prior to November 1, the charter school will be allocated funds in the current school year based on the current school year's December 1 Child Count.

ii. If the opening or expansion occurs after November 1 but before February 1, the charter school will be allocated a pro-rata share of funds in the current school year based on the number of enrolled special education students with active IEPs 30 days after the opening or expansion. The pro-rata share will be the number of days the charter school will be open or expanded, divided by the number of days in the school year, multiplied by the number of special education students.

(3) If the opening or expansion occurs on or after February 1, the charter school will be allocated funds in the following school year based on the **following** school year's December 1 Child Count.

c. For school districts that have authorized a virtual charter school and the charter school's students are enrolled in the district but live outside district boundaries and receive education outside the district, the SDE will determine the district's Title VI-B funding in the following way:

(1) The calculation of the district's allocation will be made exclusive of the charter school's enrollment and special education enrollment (student count).

(2) After calculating the allocations for all districts using the federal funding formula and the distribution formula for any supplemental award, the SDE will determine the statewide average per-student allocation.

(3) The SDE will add to the district's base allocation an amount equal to the statewide average per-student allocation times the number of students with disabilities enrolled in and determined to be eligible for and receiving special education services.

2. Charter School Operating as an LEA

Public charter schools that are LEA's are responsible for adopting and implementing approved policies and procedures for special education and providing an assurance that funds will be used in accordance with Part B allowable uses.

a. In the second and subsequent years of operation, Charter School LEAs will be allocated Part B funds in the same manner as all school districts – in accordance with the federally prescribed funding formula for the distribution of flowthrough funds.

b. The policy for providing federal special education funds to new charter LEAs in the first year of operation, as required by federal regulation, includes the following steps:

(1) The LEA submits its December 1 Child Count as required by IDEA 2004.

(2) A Special Education Section monitoring team visits the new LEA to review the files of the students reported on the Child Count.

(3) The monitoring team determines the number of students meeting all eligibility requirements <u>and</u> receiving appropriate special education and related services.

(4) Based upon the number of students determined to be eligible, amounts of first-year Part B funds for allocation to the charter LEA are calculated as follows:

i. The statewide average per-student amount of Part B funding in the current year is determined.

ii. That amount is multiplied by the number of students who meet all eligibility requirements and are receiving appropriate special education services to determine the total allocation.

(5) The charter LEA then shall complete the Title VI-B application documents. These include:

i. Assurances and Policies and Procedures Adoption

ii. Maintenance of Effort Assurance

iii. Title VI-B Budget Form

(6) Once the application is submitted and approved, the charter LEA may begin drawing down these funds for the approved special education purposes.

Chapter 9
PRIVATE SCHOOL STUDENTS

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Chapter 9
PRIVATE SCHOOL STUDENTS

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) and Idaho Administrative Code includes the following:

- statutory and regulatory language, which states that students who are voluntarily enrolled in private schools are not entitled to all of the same services, including the right to FAPE, as public school students;
- district responsibilities for special education students under Idaho's dual enrollment law; and
- the legal requirements that come into play when a parent unilaterally enrolls his or her child in a private school and asks the district for reimbursement of these costs.

Section 1. Definitions of Private School Placements

In order to describe the district's responsibilities for serving private school students, it is helpful to distinguish three separate ways that students are placed in private schools. These are defined by who enrolls or places the student in a private school and why.

A. Definition of Voluntary Enrollment by a Parent

A parent may choose to enroll his or her child in a private school for a variety of personal reasons, such as to obtain a religious education, to attend a school with a particular philosophy or curriculum, or because the parent is dissatisfied with the services offered or provided by the district. This is considered a voluntary enrollment. See Section 2 and Section 4 of this chapter for district responsibilities.

B. Definition of District Placement

At times, the district may place a student in a private school or facility to fulfill its obligation to provide a free appropriate public education (FAPE). These placements are always made by an individualized education program (IEP) team in accordance with the requirements of Section 3 of this chapter.

C. Definition of Unilateral Placement of Students with disabilities by their Parents when FAPE is an issue

A parent may withdraw a student with a disability from a public school and then enroll the student in a private school or provide services from a private provider at parent expense because he or she believes the district has not provided FAPE in a timely manner. The parents may attempt to seek-reimbursement for the costs associated with the placement. All students who are

placed by a parent when FAPE is an issue are also voluntarily enrolled in a private school. Specific information regarding a parent's request for reimbursement of costs of student enrollment in a private school in this situation is included in Section 5 of this chapter.

Section 2. Students Voluntarily Enrolled by Parents

A. District Consultation with Private School Representatives (may be done in coordination with Title 1 requirements for consultation)

To ensure timely and meaningful consultation a district will consult with private school representatives and representatives of parents of parentally placed private school students with disabilities during the design and development of special education and related services for the students. The consultation process shall include;

1. Child Find: The Child Find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process.

2. Proportionate Share of Funds: The determination of the proportionate amount of federal funds available to serve parentally placed private school children with disabilities under this subparagraph, including the determination of how the amount was calculated. Refer to Section 2 for information regarding the calculation of the proportionate share of funds.

3. Determination of Special Education and Related Services: Given the amount of funds to be dedicated by the district, the discussion will include the consideration of how, where, and by whom special education and related services will be provided for parentally placed private school students with disabilities, including:

    a. types of services, including direct services and alternate service delivery mechanisms;

    b. how such services will be apportioned if funds are insufficient to serve all students;

    c. how and when these decisions will be made; and

    d. how the provided services will be evaluated.

4. Ongoing Communication: Clarify how the private schools and district will operate throughout the school year to ensure that parentally placed private school students with disabilities identified through the Child Find process can meaningfully participate in special education and related services Annual consultation is not required to make these decisions. The district determines the period between consultations based on changing circumstances within the district, such as significant changes in the total amount of

funds to be expended and/or the number and location of private school students with disabilities.

5. Written Affirmation: When timely and meaningful consultation has occurred:

   a. the district will obtain a written affirmation signed by the representatives of participating private schools;

   b. if the representatives do not provide the affirmation within a reasonable period of time the district will forward the documentation of the consultation process to the State Department of Education (SDE).

6. District Decisions: Following consultation with the private school representatives, the district will make final decisions concerning items a-d addressed above in number 3.

7. Written Explanation by the District Regarding Services: If the 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 district will provide to the private school officials a written explanation of the reasons why the district chose not to provide services directly or through a contract.

B. Compliance with Consultation Process

1. General Compliance: A private school official has the right to submit a complaint to the SDE that the district:

   a. did not engage in consultation that was meaningful and timely; or

   b. did not give due consideration to the views of the private school official.

2. Procedure for Complaint

   a. If the private school official wishes to submit a complaint, the official will provide the basis of the complaint to the SDE.

   b. The district will forward the appropriate documentation to the SDE.

   c. If the private school official is dissatisfied with the decision of the SDE, the official may submit a complaint to the Secretary of the US Department of Education by providing the basis of the complaint against the district to the Secretary, and the SDE will forward the appropriate documentation to the Secretary.

C. Child Find Requirements

The district shall have an ongoing Child Find system to locate, identify, and evaluate all students with disabilities ages 3 through 21 who are educated within the district's geographic boundaries. This includes students who have been placed by a parent in a private elementary or secondary school (including a religious school) located in the district regardless of the student's state or local residency.

The Child Find process will be designed to encompass the following:

1. The Child Find process will ensure the equitable participation of parentally placed private and home school students with disabilities.

2. Child Find activities for private school students will be similar to Child Find activities for public school students, which include the evaluation process within comparable timelines.

3. The district will consult with private school representatives and representatives of parents who place their children in private schools regarding the Child Find procedures.

D. Annual Count of Eligible Students

The district shall conduct an annual count on December 1 and report to the State Department of Education the number of private school children evaluated, the number found eligible and the number who are provided with special education services. This includes 3-5 year olds identified though the child find process that are enrolled in private schools that meet the definition of an elementary school. This count will be used to determine the amount of funds the district shall expend providing special education and related services to private school students in the next school year (see Section 2E). The district will consult with representatives of private school students to determine how to conduct the count.

E. Provision of Services

Provision of services applies to all eligible students who attend private schools within the district's geographical boundaries regardless of where they reside. Parentally placed private school students with disabilities do not have an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school. Services offered to parentally placed private school students are determined through the district and private school consultation process.

1. District Responsibilities

a. Private school students with disabilities may receive a different amount of services than public students with disabilities; they are not entitled to every service or the amount of service that they would receive if enrolled in public school. This means that it is possible for a private school student to receive only a related service or piece of equipment.

b. Special education and related services provided to parentally placed private school students with disabilities, including materials and equipment, will be secular, neutral and non-ideological.

c. The district is required to offer FAPE to private school students who reside in their district, including when the student attends a private school outside of the district boundaries unless the parent makes clear their intention to keep their child in the private school.

d. Services may be provided at a public school building or another agreed upon site (including parochial schools to the extent consistent with the law) determined by the district in consultation with appropriate representatives of private school students.

e. Services provided to private school students with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools.

2. Eligibility for Services

If an evaluation team determines that a student needs special education and related services:

a. The district of residence shall offer to make FAPE available upon enrollment or dual enrollment in a district public school; or

b. If the parent chooses not to enroll the student in the district of residence and designated funds are available in the district in which the private school is located, a meeting will be held to develop a Services Plan (SP). The meeting will include a representative of the private school to develop a Services Plan (SP).

c. Any services the district provides to a private school student shall be in accordance with an SP.

3. Service Plan Development

The Service Plan (SP) shall describe the specific special education and related services that will be provided to the student in light of the determinations that have been made

by the district**.** To the extent appropriate, the district shall initiate and conduct meetings to develop, review, and revise SPs in accordance with the following requirements:

a. Given the services that the district has elected to provide to private school students, the SP must meet the requirements of the IEP to the extent appropriate (see Chapter 5). The SP excludes sections pertaining to:

   (1) extended school year (ESY) services;

   (2) participation in statewide and district wide assessments;

   (3) placement determination (LRE);

   (4) December 1 federal report settings; and

   (5) elements that, although typical for an IEP, would be inappropriate given the services the district has elected to provide.

b. An SP shall be in effect at the beginning of each school year and accessible to each person responsible for its implementation.

c. Meetings shall be held to review and revise SPs at least annually to address any lack of student progress toward goals and in the general education curriculum.

d. The SP team members include the same members as an IEP team. The district will ensure that a representative of the private school attends these meetings or participates by some other means.

e. A parent shall be invited to SP meetings at a mutually agreed upon date and time. The invitation must indicate the purpose, time, and location of the meeting. The parent shall be informed that he or she may bring other persons knowledgeable about the student to the meeting. A copy of the SP will be given to the parent.

f. The team developing the SP will consider the student's strengths and results of the most recent evaluations. The private school general education teacher should participate in the development, review, and revision of the SP.

g. If necessary for a private school student to benefit from or participate in the services the district has selected to provide, the district shall provide transportation from the student's school or home to the site where services will be provided. The district shall take the student back to either the private school or the home, depending on the timing of the services. In this sense, transportation is not a related service but a means of making the services offered accessible. Transportation costs may be included in the district's expenditure requirement. The district is not required to transport the student from home to the private school.

F. Dispute Resolution

Due process hearings are available to parents of private school students only on the issue of Child Find and evaluation. Parents may challenge decisions regarding the provision of services by filing a formal complaint with the SDE.

G. Determining the proportionate funding for private school students

IDEA 2004 requires school districts to dedicate a proportionate share of funds received under Part B to provide services for parentally placed students with disabilities who attend private schools within the boundaries of the district, regardless of their place of residence. To determine this proportionate amount, the district shall first determine the number of these private school students through the Child Find activities developed in the consultation process with private school representatives.

The number of parentally placed private school students is divided by the total (public and private) number of students with disabilities in the district to arrive at the percentage of private school students with disabilities. This percentage is then applied to the total funding received by the district under Part B grants Section 611 (ages 3-21) and Section 619 (ages 3-5) to determine the district's obligation.

Example for the XYZ School District:

A. The number of parentally placed private school children within the district on December 1, 2005: **10**

B. The number of public school children with disabilities on December 1, 2005: **90**

C. Percentage of private school children with disabilities: **A** divided by **A+B = 10%**

D. Total Part B funds allocated for school year 2006-2007: **$150,000**

E. Amount the district shall spend on providing special education and related services to parentally-placed private school students in 2006-2007: **C x D = $15,000**

1. State and local funds may supplement but may not supplant the proportionate amount of Federal funds required to be expended for parentally-placed private school children with disabilities.

2. The costs of private school consultations and of carrying out child find activities may not be paid from the proportionate share of funds.

3. The cost of any special education or related service, such as direct service, consultation, equipment, materials, or transportation may be used to determine that the district has

satisfied its expenditure requirement for private school students with disabilities.

4. If all proportionate funds set aside for private school students in a given fiscal year are not expended in that year they shall be carried forward into the next year for the purpose of providing equitable services.

H. Expenditure Guidelines

1. The district may place equipment and supplies that are purchased with Part B funds in a private school for a period of time needed for a program for eligible students with disabilities; however, the district shall:

   a. retain title and exercise continuing administrative control over all equipment and supplies;

   b. ensure that all equipment and supplies are used only for Part B purposes;

   c. ensure that all equipment and supplies can be removed without remodeling the private school; and

   d. remove equipment and supplies if necessary to prevent unauthorized use.

2. The district may use Part B funds to pay an employee of a private school to provide services to students with disabilities when the employee performs the services:

   a. outside of his or her regular hours of duty; and

   b. under public supervision and control.

3. Part B funds shall not be used to:

   a. finance the existing level of instruction in the private school or otherwise benefit the private school;

   b. meet the needs of the private school; or

   c. meet the general needs of students enrolled in the private school.

4. Part B funds shall not be used for repairs, remodeling, or construction of private school facilities.

5. If it is possible for classes to include students enrolled in both public and private schools, then the classes must not be organized separately on the basis of school enrollment or religion.

6. The district shall not appropriate any funds to private schools controlled by any church, sectarian, or religious denomination.

Section 3. Students Placed by the District

When the district places a student with a disability in a private school or facility, as a means of providing special education services, the district shall ensure the following:

1. All special education procedures and timelines are followed.

2. Special education and related services are provided in accordance with an IEP.

3. A representative of the private school or facility attends or participates in the meeting to develop the IEP.

4. The responsibility for reviewing and revising IEPs remain with the district.

5. Services are provided at no cost to the parent, including reimbursement to the parent for transportation and other costs associated with participation at an IEP meeting conducted in a geographical area outside the jurisdiction of the district.

6. The placement in the private school or facility is the LRE for that student.

7. The student is provided an education that meets state and district standards.

8. The student is afforded the same rights as students with disabilities who attend public schools.

9. The parent is afforded the same rights as parents of students attending public schools.

In accordance with federal and state law, the SDE shall approve special education programs in private schools and facilities. The district shall ensure a program is approved prior to placing a student in that school or facility.

At the discretion of the district, once a student with a disability enters a private school or facility, meetings to review and revise the IEP may be initiated and conducted by the private school or facility. If the private school conducts a meeting, the district shall ensure that the parent and a district representative are involved in and agree to any proposed changes in the IEP before the changes are implemented.

Section 4. Dual Enrollment of Private School Students by Parents

According to Idaho Code, parents of private school students "shall be allowed to enroll the student in a public school for dual enrollment purposes." Private school students who are dually enrolled are considered to be nonpublic school students. The district shall allow private school students who are eligible for special education and who are otherwise qualified to participate in school programs under the dual enrollment law to:

1. enroll in general education courses under the same criteria and conditions as students without disabilities; and

2. receive accommodations in the general education courses for which they are enrolled on a 504 plan, if needed.

Private school students may not dually enroll solely for special education. The dual enrollment statute does not establish an entitlement to FAPE for a student with a disability. This means that there is no individual right to receive some or all special education services that the student would receive if enrolled in public school.

The reporting of attendance for private school students in the district is allowed under dual enrollment. If a student attends at least 2.5 hours per week without rounding hours, he or she shall be included in the weekly aggregate attendance. The average daily attendance (A.D.A.) is computed as .5 if the aggregate weekly hours are 2.5 or greater but less than 4.0 hours. When there are 4.0 hours or greater, divide by 4 to get the A.D.A.

Dually enrolled private school students could also be eligible to receive services that have been agreed upon through the district and private school consultation process. These services would be delivered through a Service Plan.

Section 5. Unilateral Placement of Student by Parents When FAPE is an Issue

A. General Provisions for Reimbursement to the Parent

1. The district is required to make FAPE available to all eligible students with disabilities. If parents do not access FAPE, then the district is required to make provisions for private school students to receive Part B services consistent with Section 2E of this chapter.

2. The district is not required to pay for costs of tuition, special education, or related services and associated costs at a private school or facility for a student who was unilaterally placed there by a parent if the district made FAPE available to the student in a timely manner. If a parent disagrees with the availability of FAPE and there is a question about financial responsibility, the parent may request a due process hearing

3. If the parent of a student with a disability, who previously received special education and related services from the district, enrolls the student in a private elementary or secondary school without the consent of the district, a court or hearing officer may order the district to reimburse the parent for the costs of unilaterally placing the student in a private school if the court or a hearing officer determines that:

    a. the district had not made FAPE available to the eligible student in a timely manner prior to the time the parent enrolled the student in the private school; and

    b. the parent's placement is appropriate.

4. A hearing officer may find a student's placement in a private school or facility by a parent appropriate even if the private school or facility does not meet state standards.

B. Denial or Reduction of Reimbursement to the Parent

A court or hearing officer may reduce or deny reimbursement to a parent for the cost of a unilateral placement in a private school or facility under the following circumstances:

1. The parent did not inform the district that he or she rejected the placement proposed by the district to provide FAPE and did not state his or her concerns and intent to enroll the student in a private school. This written notification by the parent shall be provided to:

    a. the IEP team at the most recent IEP meeting prior to removing the student from the public school; or

    b. the district at least 10 business days (including any holidays that occur on a business day) prior to removing the student from public school.

2. Prior to removal of the student from the public school, the district informed the parent of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parent did not make the student available for the evaluation.

3. A judicial decision finds unreasonableness with respect to the actions taken by the parent.

Reimbursement shall not be reduced or denied under any of the following circumstances:

1. The district did not notify the parent of his or her obligation to provide the notice set forth in number 3 above or the district/school prevented the parent from providing that notice.

2. The parent had not received written notice.

3. The district's proposed placement would likely result in physical harm to the student.

Reimbursement may not be reduced or denied at the discretion of a court or hearing officer for failure to provide this notice if:

1. The parents are not literate or can not write in English, or

2. The district's proposed placement would likely result in serious emotional harm to the student.

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AFFIRMATION OF CONSULTATION WITH PRIVATE SCHOOL OFFICIALS AND REPRESENTATIVES OF PARENTS

P.L. 108-448 Individuals with Disabilities Education Improvement Act of 2004 (IDEA, 2004) requires that timely and meaningful consultation occur between the district and private school representatives and representatives of parents of parentally placed private school students with disabilities.

The following topics are to be discussed during the consultation:

- The child find process and how parentally placed private school students suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;

- The determination of the proportionate amount of Federal funds available to serve such students, including the determination of how the amount was calculated;

- The consultation process among the district, private school officials, and representatives of such students, including how such process will operate throughout the school year to ensure that such students identified through the child find process can meaningfully participate in special education and related services;

- How, where, and by whom special education and related services will be provided for such students, including a discussion of types of services, including direct services and alternate service delivery mechanism, how such services will be apportioned if funds are insufficient to serve all [such students], and how and when these decisions will be made; and

- If the district and a private school official disagree on the provision of services or types of services, the district will provide a written explanation of its decision to the private school official.

The district shall obtain a written affirmation signed by the representatives of participating private schools. If such representatives do not provide such affirmation within a reasonable period of time, the district shall forward documentation of the consultation process to the State Department of Education (SDE).

A private school official shall have the right to submit a complaint to the SDE that the district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. The district shall forward the appropriate documentation to the SDE. If the private school official is dissatisfied with the decision of the SDE, such official may submit a complaint to the Secretary of Education by providing the basis for the noncompliance.

Provision of equitable services shall be provided by employees of the district or through contract by the district with an individual, association, agency, organization, or other entity. Special education and related services provided to such students, including materials and equipment, shall be secular, neutral, and nonideological.

The control of funds used to provide special education and related services, and title to materials, equipment, and property purchased with [Federal special education] funds shall be in the district for the uses and purposes provided, and the district shall administer the funds and property.

We agree that the district provided timely and meaningful consultation regarding the bulleted items above.

District Official	Date	Private School Official	Date
District Name & Number		Private School Name	

Chapter 10
IMPROVING RESULTS

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Chapter 10
IMPROVING RESULTS

This chapter reflects the changes in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) that focus on improving educational outcomes, analyzing and reporting data to the public, and ensuring that personnel who work with students with disabilities are prepared to meet their unique needs.

Section 1. Monitoring Priorities and Indicators

IDEA 2004 requires increased accountability for programs serving students with disabilities. Monitoring priorities include both performance and compliance goals. Accountability areas established by IDEA 2004 include FAPE in the LRE, Effective General Supervision, and Disproportionality. Each priority area encompasses specific performance indicators. These indicators include both performance and compliance components. Data on those indicators shall be collected, submitted to the SDE, and publicly reported annually. That data shall be used to evaluate the effectiveness of programs and identify strategies to improve student outcomes.

The district is required to submit timely and accurate data from which the district's performance will be calculated on the following goals:

A. FAPE in the LRE

1. Graduation Rate
2. Dropout Rate
3. Participation and Performance of Students with Disabilities on Statewide Assessments
4. Suspension and Expulsion Rates for students with disabilities
5. Students ages 6-21 educated with typically developing peers
6. Students ages 3-5 educated with typically developing peers
7. Students ages 3-5 developing positive social-emotional skills, early literacy, and behavior
8. School facilitation of parent involvement to improve services and results

B. Disproportionality

1. Representation of race/ethnicity in special education programs
2. Representation of race/ethnicity in specific disability categories

C. Effective General Supervision

1. Initial eligibility established within 60 days of consent

2. Eligibility established for children referred from Part C and receiving services by their 3rd birthday

3. By age 16, students have a coordinated, measurable post-secondary goal(s) and transition services needed to meet their goals

4. Students no longer in secondary school who are employed, in post-secondary school, within one year of leaving high school

5. Identify and correct noncompliance as soon as possible, but no later than 1 year from identification

D. SDE Responsibility

The SDE is required to collect, review, and analyze data on an annual basis to determine if the state and districts are making adequate progress toward the required performance goals. This monitoring process includes:

1. Measuring performance on goals both for the state and the districts.

2. Monitoring based on district data, compliance with IDEA Regulations, and progress made toward meeting state goals.

3. Identifying districts in one of the following categories: Meets requirements; Needs Assistance; Needs Intervention; Needs Substantial Intervention.

4. Providing technical assistance statewide, and targeted technical assistance to districts demonstrating the highest needs.

5. Reporting to the public on the state and districts' performance on state goals.

6. Developing and submitting an Annual Performance Report and revising the State Performance Plan, as needed, to address state performance on required goals.

E. District Responsibility

Progress on the state's performance goals is directly linked to the districts' efforts and progress in these same areas. On an annual basis and as part of Continuous Improvement Monitoring, the district shall:

1. ensure the data it collects and reports to the SDE regarding special education students and personnel is accurate;

2. use data-based decision-making procedures to review and analyze data to determine if the district is making adequate progress toward performance goals;

3. adjust strategies, as needed, to meet goals and improve student outcomes.

Section 2. Early Intervening Services

Under IDEA 2004, the district may use up to 15% of its IDEA Part B allocation in any fiscal year to provide early intervening services for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.

These funds may be used for activities that include:

1. Professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software

2. Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

A. Budget Requirements

If the district chooses to use IDEA Part B funds in any fiscal year to provide early intervening services, the district will budget the amount used to provide these services, up to a maximum of 15% of the total allocation, in the Title VI-B budget that is submitted annually to the SDE as part of the Title VI-B and Preschool Application.

B. Reporting Requirements

When the district uses IDEA Part B funds to provide early intervening services, an annual report shall be submitted to the SDE on:

1. The number of children who received early intervening services; and
2. The number of children who received early intervening services and subsequently receive special education and related services during the preceding two year period.

C. Relationship between FAPE and Early Intervening Services

Early intervening services provided by the district shall not be construed to either limit or create a right to FAPE under IDEA 2004 or to delay appropriate evaluation of a student suspected of having a disability.

Section 3. Personnel

The district shall ensure that personnel working with students with disabilities meet the qualifications established by the State Department of Education and have the content knowledge and skills to meet the needs of these students.

A. Appropriate Certification or Licensure

Public school personnel shall meet the appropriate certification or licensure requirements for position assignments. Complete certification standards for personnel providing special education or related services may be found in the handbook titled Idaho Standards for the Initial Certification of Professional School Personnel (June 2005). This handbook is available from the SDE Division of Innovation and Choice.

The lists that follow are general guidelines only. They do not include every possible position or licensing situation. For more information call the SDE Division of Innovation and Choice at 208/332-6800.

1. The following special education and related services positions require individuals who are employed by the district to be certificated and to meet any additional licensure requirements:

    a. audiologist;

    b. consulting teacher;

    c. counselor;

    d. director of special education;

    e. early childhood special education teacher;

    f. school psychologist;

    g. special education teacher;

    h. speech-language pathologist; and

i. supervisor/coordinator of special education.

2. Some special education service providers need both licensure in their area of expertise and certification from the SDE.

   a. School nurses are certificated by the SDE and licensed by the State Board of Nursing.

   b. School social workers are certificated by the SDE and licensed by the Bureau of Occupational Licenses.

3. Some special education service providers must meet the licensure or certification requirements in their respective professions, but certification from the SDE is not required.

   a. Occupational therapists and physical therapists are licensed by the State Board of Medicine.

   b. Vocational education teachers are certificated by the Idaho Division of Professional-Technical Education.

   c. Vocational rehabilitation counselors must meet national standards for Certified Rehabilitation Counseling (CRC) to be employed by the Idaho Division of Vocational Rehabilitation.

4. Individuals who used a consultant specialist provision or a letter of authorization in the past are no longer able to use these emergency certificates as an alternative for individuals to become certificated teachers in Idaho. The district shall use the alternative authorization options to request alternative endorsement/certification when a professional position cannot be filled with someone who holds the appropriate endorsement/certification.

B. Highly Qualified Special Education Teachers

In addition to being certified, K-12 special education teachers in the district shall meet the "highly qualified teacher standards" identified in the No Child Left Behind (NCLB) Act. The highly qualified special education teacher requirement does not apply to preschool programs since early childhood education is not a part of the Idaho public elementary and secondary school system at this time.

1. General Requirements for Special Education Teacher

   Any K-12 special education teacher who is not teaching a core academic subject and only consults with regular education teachers or reinforces instruction from a regular education teacher is highly qualified if the teacher holds a K-12 Exceptional Child Certificate. No waiver or temporary certification qualifies. However, a special education

teacher can meet the general requirements of highly qualified if they are enrolled in an approved alternative route to certification program.

2. Requirements for Special Education Teachers teaching a core academic subject

   If a special education teacher is the primary deliverer of instruction in a core content subject, they shall have met the highly qualified teacher standard in each area taught.

3. Requirements for Special Education Teachers teaching multiple subjects

   In the case of a teacher who is not new to the profession, the special education teacher shall demonstrate competence in all the core academic subjects which the teacher teaches in the same manner as is required for elementary, middle, or secondary school teachers who are not new to the profession.

   In the case of a new special education teacher who teaches multiple subjects, and who is highly qualified in mathematics, language arts, or science, the teacher shall demonstrate competence in the other core academic subjects which the teacher teaches not later than two years after the date of employment.

4. Requirements for Special Education Teachers teaching to Alternate Standards

   Both new and veteran special education teachers who teach core academic subjects exclusively to students assessed against alternate achievement standards (students with significant cognitive disabilities) shall be highly qualified by either:

   (1) meeting the NCLB Act requirement for any elementary, middle school, or high school teachers who are new or not new to the profession; or

   (2) meeting the requirements of the ESEA as applied to an elementary school teacher, or, in the case of instruction above the elementary level, demonstrate subject matter knowledge appropriate to the level of instruction being provided and needed to effectively teach to those grade level standards.

5. Assurance of Highly Qualified Standards

   The district shall take measurable steps to recruit, train, hire, and retain highly qualified special education teachers. The district will collect and monitor data about special education personnel qualifications and ensure that personnel are appropriately and adequately prepared to serve students with disabilities.

   In Title I schools, parents will be notified if students are taught for 4 or more consecutive weeks by a special education teacher who is not highly qualified.

B. Shortage of Personnel

If there is a shortage of highly qualified personnel, the district shall take measurable steps to recruit and hire highly qualified personnel to provide special education and related services to students with disabilities. However, when a professional position cannot be filled with an individual who has the appropriate certification, vacant positions may be filled with personnel on the following approved alternate pathways to teaching:

1. Teacher to New Certification – An individual holds a Bachelor's degree and a valid teaching certificate without full endorsement in area of need. The candidate works towards completing a preparation program for special education certification and is employed by the district.

2. Content Specialist – An individual who is highly and uniquely qualified in an area holds a Bachelor's degree. The candidate works towards completing a preparation program while employed by the district. The preparation program must include mentoring, one classroom observation per month until certified, and prior to entering the classroom; the candidate completes an accelerated study in education pedagogy.

3. Computer Based Route to Teacher Certification – An individual may acquire interim certification through a computer-based alternative route to teacher certification that is approved by the State Board of Education. On November 4, 2003, the Idaho State Board of Education passed a temporary rule approving ABCTE (American Board for Certification of Teacher Excellence) as an alternate route to Idaho certification. During the interim certification, teaching shall be done in conjunction with a two year mentoring program approved by the Board.

Further information and all requirements for each alternative route to certification are available in Idaho Administrative Code (IDAPA 08.02.02) and the Idaho Standards for the Initial Certification of Professional School Personnel document (June 2005).

Nothing in the IDEA 2004 creates a right of action for due process on behalf of a student or class of students for failure to employ highly qualified staff.

C. Paraprofessionals, Assistants, and Aides

The district may employ paraprofessionals, assistants, and aides who are appropriately trained and supervised to assist in the provision of special education and related services to students with disabilities if they meet standards established by the SDE (see pages 147-156).

Appropriate duties to be performed by paraprofessionals are:

1. Provide one-on-one tutoring for eligible students during non-instructional time by a teacher or related service provider.
2. Assist with classroom management and organizing materials.
3. Provide assistance in a computer lab or media center.

4. Conduct parental involvement activities.
5. Act as a translator.
6. Assist in provision of instructional services only under the direct supervision of a certified teacher or related service provider.
   a. Teacher plans instruction and evaluates student achievement.
   b. Paraprofessional works in close and frequent physical proximity to teacher or related service provider.

A special education paraprofessional working in a Title I school-wide program shall be highly qualified as demonstrated by the competencies listed in the NCLB Act.

1. Strategies to Assist Individuals in Meeting Paraprofessional Standards

   The district shall assist individuals in meeting the paraprofessional standards established by the SDE. A variety of strategies may be used to assist individuals in developing the skills necessary to meet the paraprofessional standards, including:

   a. participating in on-the-job training with follow-up provided by the supervising teacher;

   b. reading printed materials;

   c. participating in workshops;

   d. viewing videos;

   e. completing university course work;

   f. conducting personal research and studying; or

   g. training sponsored by the district.

2. Verifying that an Individual Has Met Paraprofessional Standards

   The district will determine the means of verification that will be used to assess whether individuals working with students with disabilities have met the paraprofessional standards. Competence may be demonstrated in a variety of ways, such as:

   a. successful performance of duties;

   b. interview with the paraprofessional;

   c. observation;

   d. portfolio assessment;

e. completion of a course or workshop; or

f. verification from a former employer.

The district may encourage qualified para-educators employed in their classrooms to become certified teachers. The alternative route preparation program for para-educator to teacher must be completed within five years of admission to the program. Candidates work toward completion of a preparation program while employed by the school district.

D. Educational Interpreters

The district may only employ an individual as an educational interpreter if they have met the state qualifications identified in Idaho Code 33-1304. Educational interpreters employed by the district shall complete a minimum of eighty (80) hours of training in the areas of interpreting or translating every five years.

E. Supervision of Staff

A teacher and/or a related service provider with appropriate certification or licensure who has been informed of his or her specific responsibilities related to a student's IEP has the primary responsibility to ensure the appropriate implementation of the IEP. The district has policies and procedures for the supervision and evaluation of all certificated/licensed or contracted employees.

The certificated/licensed teacher and/or related service provider will generally be responsible for the supervision of all paraprofessionals, assistants, and aides who provide direct services to students with disabilities. All paraprofessionals, assistants, and aides must have a supervision plan developed by a certificated or licensed professional.

F. Professional Development Plan

The district will take measures to ensure that all personnel necessary to provide special education and related services according to IDEA 2004 are appropriately and adequately prepared. Personnel may use a variety of opportunities for technical assistance and training activities to further develop professional knowledge and skills in order to meet the needs of students with disabilities.

To the extent the district determines it is appropriate, paraprofessional personnel may use the technical assistance and training activities offered by the district or SDE to fulfill part of the Standards for Paraprofessionals Supporting Special Needs Students. See pages 151-160 for a list of the standards.

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STANDARDS FOR PARAPROFESSIONALS SUPPORTING STUDENTS WITH SPECIAL NEEDS

State and federal law requires paraprofessionals who assist in the provision of special education and related services have the skills and knowledge necessary to meet the needs of students with disabilities. To this end, the State Department of Education has developed "Standards for Paraprofessionals Supporting Special Needs"

Orientation and training in the paraprofessional's first year of employment target entry-level standards to ensure that all paraprofessionals are knowledgeable, have the skills needed to support the programs to which they are assigned, and comply with legal and policy requirements. Training to address intermediate standards can extend over a two-year period and is planned according to the needs of the paraprofessional, as determined by the annual evaluation. Training to address advanced standards is not required.

(E) = Entry Level (I) = Intermediate (A) = Advanced

Principle 1: The paraprofessional has a basic knowledge of the discipline(s) taught and supports the teacher/provider in creating learning experiences that make the subject matter meaningful for students.

Knowledge

1. The paraprofessional has the basic academic skills needed to perform his or her assignments. (E)

2. The paraprofessional possesses basic educational terminology regarding students, programs, roles, and instructional activities. (I)

Disposition

1. The paraprofessional realizes how the application of learning is useful in life.

Performance

1. The paraprofessional demonstrates the academic skills needed to perform his or her assignment(s). (E)

2. The paraprofessional is able to use basic educational terminology to understand assigned tasks. (I)

3. The paraprofessional presents subject area content accurately to students. (I)

Principle 2: The Paraprofessional has a basic knowledge of how students learn and develop and assists in providing opportunities that support the students' intellectual, social, and personal development.

Knowledge

1. The paraprofessional understands which materials and activities are chronologically age appropriate. (I)

Disposition

1. The paraprofessional appreciates individual variations within each domain of development.

Performance

1. The paraprofessional uses developmentally-appropriate and age-appropriate strategies, equipment, materials, and technologies as directed by the teacher/provider. (I)

Principle 3: The paraprofessional knows that students differ in their approaches to learning and assists in creating instructional opportunities that are adapted to students with diverse needs.

Knowledge

1. The paraprofessional understands the impact that a disability or a combination of disabilities may have on a student's life. (E)

2. The paraprofessional knows about different methods that are used by teacher/providers to accommodate individual student learning needs. (I)

3. The paraprofessional has a basic knowledge of the strategies used to support the learning of students whose first language is not English. (I)

4. The paraprofessional has an awareness of common assistive technology devices used to accommodate student learner needs. (I)

5. The paraprofessional understands, in general terms, Idaho's special education requirements, including definitions, qualifications, and services. (I)

6. The paraprofessional knows about areas of exceptionality, such as learning disabilities, visual and perceptual difficulties, emotional and behavioral problems, physical and cognitive delays, and giftedness. (I)

7. The paraprofessional understands variations of beliefs, traditions, and values regarding disability across cultures and their effect on relationships among the student, the family, and school personnel. (A)

Disposition

1. The paraprofessional has an appreciation of programs for students with diverse needs.

2. The paraprofessional believes that all students can learn.

3. The paraprofessional believes his or her role includes advocating for, encouraging, motivating, and facilitating individual learning.

4. The paraprofessional respects students as individuals with differing backgrounds, skills, talents, and interests.

5. The paraprofessional is sensitive to community and cultural norms.

Performance

1. The paraprofessional uses his or her understanding of program requirements to carry out assignments. (E)

2. The paraprofessional persists in helping all students achieve success. (E)

3. The paraprofessional assists in adapting instructional strategies and materials according to student needs and ability levels. (I)

4. The paraprofessional assists the teacher/provider to maintain assistive/adaptive/medical services. (I)

5. The paraprofessional demonstrates the ability to carry out a variety of teacher/provider directed accommodations and adaptations to address the individual student's needs. (I)

6. The paraprofessional demonstrates proper lifting, carrying, and transferring techniques. (I)

7. The paraprofessional uses a number of teacher/provider directed strategies to support the learning of students whose first language is not English. (I)

Principle 4: The paraprofessional understands and uses a variety of instructional strategies to assist the teacher/provider.

Knowledge

1. The paraprofessional knows where to access a variety of learning resources. (E)

2. The paraprofessional understands that students from diverse experiential, cultural, economic, and language backgrounds may need different strategies for learning. (I)

3. The paraprofessional has a basic understanding of a variety of instructional techniques used by the teacher/provider. (I)

4. The paraprofessional understands basic instructional, remedial, and accelerated methods, techniques, and materials for teaching a variety of students. (A)

Disposition

1. The paraprofessional believes that a variety of instructional strategies may be necessary to meet individual needs.

2. The paraprofessional values flexibility and resourcefulness in supporting the teacher/provider in adapting and modifying instruction to address student needs.

Performance

1. The paraprofessional uses a variety of instructional techniques as modeled by the teacher/provider. (I)

2. The paraprofessional locates and maintains a variety of instructional resources as directed by the teacher/provider. (I)

Principle 5: The paraprofessional understands the impact of the educational environment on student learning, self-motivation, and positive social interaction and assists in creating a positive learning environment.

Knowledge

1. The paraprofessional understands district guidelines for protecting the safety, health, and well-being of students and staff (e.g., universal precautions for preventing illnesses and infections, the proper body mechanics for lifting students and heavy objects, CPR, and first aid). (E)

2. The paraprofessional understands how social groups function and influence people and how people influence groups. (I)

3. The paraprofessional recognizes factors and situations that are likely to promote or diminish intrinsic motivation and knows how to help students become self-motivated. (I)

4. The paraprofessional understands the goal of promoting student self-determination and self-advocacy skills and his or her role in supporting that goal. (I)

5. The paraprofessional has a general understanding of positive behavioral supports. (I)

6. The paraprofessional understands the demands of various classroom and nonclassroom environments on individuals with diverse learning needs. (A)

Disposition

1. The paraprofessional values the role of students in promoting one another's learning and recognizes the importance of peer relationships in establishing a climate of learning.

2. The paraprofessional recognizes the value of intrinsic motivation to students' lifelong growth and learning.

3. The paraprofessional values and understands student independence and the "dignity of risk."

4. The paraprofessional respects a wide diversity of beliefs, traditions, and values found across cultures and environments.

5. The paraprofessional is committed to helping students develop self-confidence and competence.

Performance

1. The paraprofessional carries out school behavior management policies and practices. (E)

2. The paraprofessional uses positive behavioral supports, crisis intervention, and restraint techniques consistent with the district/agency policy. (E)

3. The paraprofessional assists in establishing a positive climate in the classroom and participates in maintaining such a climate in the school as a whole. (E)

4. The paraprofessional plans for smooth transitions between activities and environments. (E)

5. The paraprofessional maintains a safe and effective learning environment for academic and nonacademic settings (e.g., lunchrooms, study halls, playgrounds, and buses). (E)

6. The paraprofessional supports a learning community in which individual differences are respected and valued. (E)

7. The paraprofessional assists in creating a learning community in which students assume responsibility for themselves and one another, participate in decision making, work collaboratively and independently, resolve conflicts, and engage in purposeful learning activities. (I)

8. The paraprofessional assists in modifying the learning environment to manage behavior. (I)

9. The paraprofessional implements behavioral prevention, intervention, and reinforcement plans that have been developed by the teacher/provider. (I)

Principle 6: The paraprofessional uses a variety of communication techniques, including verbal, nonverbal, and media in and beyond the classroom.

Knowledge

1. The paraprofessional is aware of effective communication styles. (I)

2. The paraprofessional understands how diversity affects community in the classroom. (I)

3. The paraprofessional has an understanding of verbal and nonverbal communication. (I)

4. The paraprofessional has knowledge of the basic functions of multimedia technology (e.g., computer, video, recorder, projector). (I)

5. The paraprofessional has knowledge of basic computer software and functions, e-mail, and the Internet. (I)

6. The paraprofessional knows strategies and techniques that facilitate communication for students with diverse needs. (A)

Disposition

1. The paraprofessional values the ways in which people seek to communicate and encourages various modes of communication in the classroom.

Performance

1. The paraprofessional effectively communicates with team members. (E)

2. The paraprofessional is a thoughtful and responsive listener. (E)

3. The paraprofessional demonstrates sensitivity to cultural and other differences in communication methods (e.g., appropriate use of eye contact, interpretation of body language and verbal statements, acknowledgement of and responsiveness to different modes of communication and participation). (I)

4. The paraprofessional uses a variety of media communication tools, including audiovisual aids and computers, to enrich learning opportunities. (I)

Principle 7: The paraprofessional implements teacher/provider designed instructional plans based upon knowledge of subject matter, students, the community, and curriculum goals.

Knowledge

1. The paraprofessional understands that instruction is more effective when designed around student strengths, interests, and abilities. (I)

2. The paraprofessional knows that a variety of elements (instructional materials, individual student interests, needs, aptitudes, and community resources) are considered when planning instruction for students. (I)

3. The paraprofessional understands that curriculum and instructional planning are based on learning theory and child and adolescent development. (A)

Disposition

1. The paraprofessional believes that plans shall always be open to adjustment and revision, as directed by the teacher/provider, based on student needs, student input, and changing circumstances.

2. The paraprofessional values planning as a collegial and collaborative activity.

3. The paraprofessional values both long-term and short-term planning.

Performance

1. The paraprofessional follows teacher/provider written and verbal plans, seeking clarification as needed. (E)

Principle 8: The paraprofessional supports the teacher/provider in evaluating the intellectual, social, and physical development of the student.

Knowledge

1. The paraprofessional understands the purposes of formative and summative assessment and evaluation. (I)

2. The paraprofessional realizes the need to use multiple strategies to assess individual student progress. (I)

3. The paraprofessional understands the distinctions in the roles of teachers/providers, other licensed district/agency professionals, and paraprofessionals in assessing student strengths and needs. (I)

Disposition

1. The paraprofessional values ongoing assessment as essential to the instructional process and recognizes that many different assessment strategies, accurately and systematically used, are necessary for monitoring and promoting student learning.

Performance

1. The paraprofessional assists teachers/providers with maintaining student records required by the state or the district. (E)

2. The paraprofessional gathers information by using informal and functional assessment methods under teacher/provider direction. (I)

3. The paraprofessional objectively shares relevant information about student performance to assist the teacher/provider in the planning process. (I)

4. The paraprofessional assists in providing assessment accommodations and adaptations as designed by the teacher/provider. (I)

5. The paraprofessional administers formal assessments when given appropriate training and supervision. (A)

Principle 9: The paraprofessional engages in continued professional improvement toward an identified goal.

Knowledge

1. The paraprofessional has an awareness of his or her professional strengths and needs. (E)

2. The paraprofessional is aware of the personal biases and differences that affect job performance. (I)

3. The paraprofessional is knowledgeable about resources that provide opportunities for professional growth. (I)

Disposition

1. The paraprofessional embraces lifelong learning.

2. The paraprofessional is committed to ongoing reflection, assessment, and learning as a process.

3. The paraprofessional is committed to seeking, developing, and continually refining practices.

4. The paraprofessional values constructive feedback as a learning tool.

5. The paraprofessional values competency and integrity.

Performance

1. The paraprofessional uses self-reflection as a means of improving job performance. (E)

2. The paraprofessional asks for and accepts feedback from the teacher/provider. (E)

3. The paraprofessional documents progress toward his or her professional development. (I)

4. The paraprofessional participates in meaningful professional development opportunities in order to demonstrate current, effective practices. (I)

Principle 10: The paraprofessional interacts in a professional, effective manner with colleagues, parents, and other members of the community to support students' learning and well-being.

Knowledge

1. The paraprofessional understands the distinction between the roles of all team members in support of student learning. (E)

2. The paraprofessional understands the relationships among school personnel, families, and the larger community and how such partnerships foster student learning. (E)

3. The paraprofessional understands the common concerns that the parents of students with diverse needs may have. (E)

4. The paraprofessional knows how to respond respectfully to a parent, the community, or another educator in conflict situations. (E)

5. The paraprofessional knows the rights and responsibilities of parents, students, teachers, professionals, and schools as they relate to students with learning needs. (E)

6. The paraprofessional knows signs of emotional distress, child abuse, substance abuse, and neglect in students and how to follow the procedures to report known or suspected abuse or neglect to the appropriate authorities. (E)

7. The paraprofessional understands the expectations for professional conduct, policies, procedures, and laws with regard to student and parent rights. (E)

Disposition

1. The paraprofessional respects the need for beneficial relationships among families, school personnel, and community members.

2. The paraprofessional is concerned about all aspects of the student's well-being and is alert to signs of difficulties.

3. The paraprofessional respects the dignity, rights, and privacy of students and families.

4. The paraprofessional is respectful of distinctions among the roles and responsibilities of paraprofessionals, professionals, and other team members.

Performance

1. The paraprofessional respects student privacy, student rights, and the confidentiality of information. (E)

2. The paraprofessional effectively collaborates with team members. (E)

3. The paraprofessional follows teacher/provider instructions and honors team decisions in daily practice. (E)

4. The paraprofessional provides positive representation of the student, school, and district. (E)

5. The paraprofessional develops a rapport with students (e.g., talks with and listens to students) is sensitive and responsive to clues of distress, and seeks outside help as needed. (E)

6. The paraprofessional demonstrates professional conduct in accordance with district policies and state laws. (E)

7. The paraprofessional exercises objective and prudent judgment. (E)

8. The paraprofessional follows policy regarding reporting suspected child abuse, neglect, or threat of harm to the student or others. (E)

Chapter 11
PROCEDURAL SAFEGUARDS

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Chapter 11
PROCEDURAL SAFEGUARDS

This chapter reflects changes in procedural safeguards as a result of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004).

Section 1. Procedural Safeguards Notice

A parent and/or adult student has specific procedural safeguards given to him or her by the IDEA 2004 and state law. Each district has a document titled *Procedural Safeguards Notice* that is provided to parents/adult students which contains a full explanation of the special education rights. The *Procedural Safeguards Notice* shall include a full explanation of the procedural safeguards, written in the native language of the parents (unless it clearly is not feasible to do so) and written in an easily understandable manner.

A. Procedural Safeguards Notice Contents

The following table lists various topics contained in the *Procedural Safeguards Notice* and identifies what chapter in this manual provides more information about each topic.

Topic	Chapter
1. parental consent	11
2. written notice	11
3. access to educational records	11
4. independent educational evaluation (IEE)	11
5. the opportunity to present and resolve complaints, including: a. the time period in which to make a complaint b. the opportunity for the district to resolve the complaint c. the availability of mediation d. the differences between a due process hearing complaint and state administrative complaint	13
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B. When the Procedural Safeguards Notice Is Provided

The district will provide a *Procedural Safeguards Notice* that includes a full explanation of the special education rights afforded the parent and/or adult student only once per year, except that a copy will be given to the parent and/or adult:

1. upon an initial referral or parent and/or adult student request for evaluation;

2. upon the first occurrence of a filing of a due process hearing or an administrative complaint;

3. when a decision is made to take a disciplinary action that constitutes a change of placement; and

4. upon request by the parent.

A *Procedural Safeguards Notice* suitable for copying can be found in the document section of this chapter.

Section 2. Domestic Considerations

A. Parent

1. Definition

   The term "parent" means:

   a. a biological, adoptive, or foster parent of a child;

   b. a guardian (but not the state if the child is a ward of the state);

   c. an individual acting in the place of a biological or adoptive parent (including a grandparent, step parent, or other relative) with whom the child lives;

   d. an individual who is legally responsible for the child's welfare

   e. an adult student; or

   f. a surrogate parent who has been appointed by the district.

2. Determining Who Has Parental Rights

   In determining who has parental rights, individuals should be considered in the following order of priority:

a. a biological parent who retains guardianship;

b. a person who has legal documentation (guardianship, power of attorney, custody agreement) of being responsible for the student's welfare;

c. a grandparent, stepparent, other relative, or foster parent with whom the student lives and who is acting as a parent; or

d. a surrogate parent appointed by the district to represent the student's interests in educational decisions.

B. Surrogate Parent

1. Definition

A "surrogate parent" is an individual assigned by the district to assume the rights and responsibilities of a parent under the IDEA 2004 in any of the following circumstances:

a. No parent can be identified or located for a particular student.

b. The student is a ward of the state.

c. The student is an unaccompanied homeless youth.

The surrogate parent has the same rights as a biological parent throughout the special educational decision-making process.

2. Referral for a Surrogate Parent

Any person who is aware that a student may need a surrogate parent may make a referral for a determination to the district's special education director or an appropriate district administrator. The district will appoint a surrogate in any of the following circumstances:

a. A parent cannot be identified.

b. A parent cannot be found after reasonable efforts to locate the parent.

c. The student is a ward of the state. If a state judge has appointed a surrogate to oversee the care of a student who is a ward of the state, the judge-appointed surrogate may make decisions regarding the student's education, including special education, provided he or she meets the criteria for a district-appointed surrogate.

d. The student is a homeless youth who is unaccompanied.

The district will make a good faith effort and maintain records of attempts to locate a parent. The district cannot appoint a surrogate parent when the biological parent is available but chooses not to participate. When a surrogate parent is needed for a student, the district will appoint a surrogate who meets the conditions set forth in item 3, below. The district will make reasonable efforts to assign a surrogate within 30 calendar days after it determines that the student needs a surrogate.

3. Criteria for Serving as a Surrogate Parent

   A surrogate parent may represent the student in all matters relating to identification, evaluation, placement, and the provision of FAPE. The surrogate parent shall:

   a. Have knowledge and skills that ensure effective representation.

   b. Have no personal or professional interest that conflicts with the interest of the student.

   c. Meet one of the following conditions:

      (1) is not an employee of the SDE, the district, or any other agency that is involved in the education or care of the student; or

      (2) is not an employee of a nonpublic agency that provides educational care for the student.

   Note: A person who otherwise qualifies to be a surrogate parent is not an employee of the district or agency solely because he or she is paid to serve as a surrogate parent.

   In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate can be appointed that meets all the requirements.

C. Adult Students and the Transfer of Rights

An "adult student" is a student who is at least 18 years of age to whom special education rights have transferred under the IDEA 2004 and Idaho Code.

1. Discussion of the Transfer of Rights: Not later than the student's 17th birthday, the IEP team shall discuss the transfer of special education rights to the student. Special education rights will transfer from the parent to the adult student when the student turns 18 years of age unless:

   a. the IEP team determines that the student does not have the ability to make informed decisions with respect to his or her educational program; or

b. a parent has obtained legal guardianship including the scope of educational matters.

2. Basis for Denial of Transfer: During the IEP meeting to discuss the transfer of rights, the IEP team will use the following as the basis for any denial of the transfer:

   a. Evaluation data, test results, written reports, teacher observation, education records, and parent input, including whether the parent intends to seek guardianship.

   b. Answers to the following questions:

      (1) Is the student capable of understanding his or her rights?

      (2) Is the student capable of exercising his or her rights?

      (3) Is the student capable of understanding the consequences and impact of his or her decisions?

3. Following a Determination Concerning the Transfer of Rights: When the student's special education rights transfer at age 18, the parent and student will be informed that rights have transferred. The IEP shall contain a statement referring to the transfer (or not) of rights:

   a. If the team determines that there is no relevant information about the student to prohibit the transfer of rights at age 18, the student's IEP shall contain a statement that the student has been informed that special education rights will transfer to him or her. The parent retains the right to receive notices required by the IDEA 2004.

   b. If the IEP team determines that the student lacks the ability to provide informed consent with respect to his or her educational program, a statement will be included in the IEP indicating that the parent, or other individual if the parent is not available, will retain all special education rights after the student reaches age 18.

   c. If rights have transferred, the district shall continue to provide notices to the parent, but nothing under the IDEA 2004 requires parent participation in the process.

4. Revoking a Transfer of Rights: There is nothing in federal or state law that prohibits the IEP team from changing its decision later, based on new information and input. Under state law, a parent can provide legal documentation of a student's incompetence *after* the student reaches age 18.

D. Emancipated or Married Minors

Idaho law does not provide for the emancipation of minors. However, minors who have been emancipated by a court of law in another state are considered an adult in Idaho. Emancipated minors should be able to provide the legal court document awarding them the power and capacity of an adult. A student under age 18 who claims to be an emancipated minor but is

unable to provide documentation should be assigned a surrogate parent by the district if a parent cannot be located.

Students under the age of 18 who are married to an adult, 18 years or older, are not emancipated minors in Idaho and do not have the power and capacity of an adult student. Instead, the spouse acts as the guardian of the student regarding legal rights and responsibilities.

E. Ward of the State

The term "ward of the state" means a child who, as determined by the state where the child resides, is a foster child, or a ward of the state *or* is in the custody of a public child welfare agency. The term does not include a foster child who has a foster parent who meets the definition of a parent in Section 2A.

F. Child Custody

1. Definitions of Custody

   The following definitions of custody are used by Idaho courts in divorce proceedings:

   a. **Joint custody** means an order awarding custody of a minor child to both parents and providing that physical custody shall be shared by the parents in such a way as to assure the child frequent or continuing contact with both parents. A court may award either joint physical custody or joint legal custody, or both. If the court has declined an order awarding joint custody, the court order shall state in the decision the reason for denial of joint custody.

   b. **Joint physical custody** means awarding each of the parents significant periods of time in which a child resides with or is under the care and supervision of each of the parents. The actual amount of time with each parent is determined by the court. Generally, one of the parents is awarded primary physical custody.

   c. **Joint legal custody** means that the parents or parties are required to share the decision-making rights, responsibilities, and authority relating to the health, education, and general welfare of a child. In Idaho, parents have joint legal custody unless the rights of one or both parents have been terminated.

2. Conflicts Between Parents Who Have Joint Custody

   a. **Custody questions**: When it is known that a custody question exists that involves the relevant legal status of one or both parents of a student, the district will ask the parent(s) to furnish a copy of the pertinent court order or decree, if one exists, to clarify the question at issue. School personnel will abide by the most recent court order or decree.

When district personnel receive conflicting information about custody, they will (a) initially follow the instructions of the parent with whom the child currently resides and (b) request a certified court document to clarify the custody issue.

b. **Conflicting instructions**: When parents who have joint legal custody give conflicting instructions, the district's obligation is to inform the parents that any action proposed or refused will be based on the needs of the student and in accordance with the IDEA 2004 requirements. Both the district and either parent have options under the IDEA 2004 to resolve disagreements, including SDE mediation and due process hearings.

c. **Access to records**: A parent who does not have primary physical custody has the same right to access records and to participate in special education decision making as does the parent with primary physical custody, unless otherwise stipulated by a court. Idaho Code states, "Notwithstanding any other provisions of law, access to records and information pertaining to a minor child including, but not limited to medical, dental, health, and school or educational records, shall not be denied to a parent because the parent is not the child's custodial parent." Another provision of the law allows the parent with primary physical custody to request in writing that a minor child's address be deleted from any record to prohibit the other parent from learning the child's address by having access to school records.

Section 3. Informed Consent

A. Definition

Consent is written approval given by a parent and/or adult student who has been fully informed of and understands all information relevant to the activity for which consent is sought. The request for consent describes the activity for which consent is sought and lists the records, if any, that will be released and to whom. All information shall be provided in the native language or mode of communication of the parent and/or adult student, unless not feasible. The parent and/or adult student shall be informed that the approval is voluntary and may be revoked at any time prior to the action. Consent is indicated by the parent's/adult student's signature.

B. Actions Requiring Consent

The following actions require the district to obtain written consent. Some of the actions that require written consent from the parent and/or adult student also require prior written notice from the district.

1. Informed written consent *and* written notice are required when:

   a. Conducting assessments as part of an initial evaluation to determine whether a student is eligible for special education.

b. Conducting any assessment for reevaluation. This includes any assessments that are conducted after a student has been determined eligible for special education. If a specific assessment was not listed on the *Consent for Assessment* form, then the district shall secure written consent again in order to conduct that particular assessment.

c. Initially providing special education and related services to a student with a disability.

2. Informed written consent only is required when:

a. Using an individual family service plan (IFSP) instead of an IEP for students ages 3 through 5.

b. Disclosing personally identifiable information to unauthorized persons, unless provided as an exception under the Family Educational Rights and Privacy Act (FERPA) regulations. The written consent shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party to whom the disclosure will be made.

c. Accessing private insurance to pay for services listed in the IEP.

d. When the district bills Medicaid. The parent and/or adult student shall be informed of the frequency, amount, and type of services that the district will be submitting to Medicaid for reimbursement.

e. Inviting outside agency representatives providing transition services to an IEP team meeting.

f. Sharing of information between the district of location and the district of residence with a parentally placed elementary or secondary student.

C. When Consent Is Not Required

The district is not required to obtain informed consent when:

1. A review of existing data is part of an evaluation or a reevaluation.

2. Tests are administered to both general and special education students in a grade or class and consent is not required for all students.

3. Teacher or related-service-provider observations, ongoing classroom evaluation, or criterion-referenced tests are used as assessments in determining the student's progress toward goals and benchmarks/objectives on the IEP.

4. Screening to determine appropriate instruction strategies for curriculum implementation.

5. A disclosure of personally identifiable information to persons authorized to have access under FERPA.

6. An IEP team reviews and revises a student's IEP. However, the parent and/or adult student may file a written objection if he or she disagrees with all or part of the changes to the IEP.

D. Refusal to Give Consent

At times, a parent and/or adult student may refuse to give written consent for an assessment or the release of information that the district believes is necessary to ensure FAPE during the reevaluation process.

If the parent does not provide consent for the reevaluation assessment, the district may choose not to pursue requesting SDE mediation and/or a due process hearing if the district determines through a review of existing data, that the information does not continue to support the determination of eligibility for special education services. In this case the district shall provide the parent with written notice of the proposed action to discontinue the provision of FAPE to the student based on a review of existing data.

The district may also choose to pursue the reevaluation through SDE mediation and/or by requesting a due process hearing. If the hearing officer determines that the action is necessary, and the parent and/or adult student does not appeal the decision, the district may proceed with the proposed action. The district shall provide the parent with written notice of the proposed actions.

The district shall secure written consent for the initial provision of special education and related services. There is no mechanism available to overturn a parent's/adult student's decision *not* to provide written consent for initial evaluation or initial provision of services. In the case of an initial evaluation or initial provision of services, if a parent and/or adult student fails to respond to reasonable measures to gain consent or does not consent the district cannot be charged with failing to provide FAPE to the student and is not required to convene an IEP meeting or develop an IEP for special education or related services.

E. Failure to Respond to a Request for Consent Regarding Reevaluation Assessment

When a parent and/or adult student fails to respond to reasonable measures taken by the district to obtain written consent to determine continued eligibility, the district may proceed with the evaluation. The district shall have a record of its attempts to gain consent by documenting telephone calls made or attempted, correspondence sent, or visits made to the home or place of employment. Failure to respond is not the same as refusing consent for reevaluation.

F. Revoking Consent

Consent previously given for an evaluation or an individual assessment, the initial provision of special education and related services, and the disclosure of information may be revoked only before the action occurs. If consent is revoked, the district may continue to pursue the action by using SDE IEP Facilitation, mediation and/or requesting a due process hearing (this does not include the initial provision of special education and related services). If the hearing officer determines that the action for which consent is sought is necessary, and the decision is not appealed, the district may proceed with the action without the written consent of the parent and/or adult student. Consent must be revoked in writing.

Section 4. Written Notice

A. Definition

Written notice is the act of informing a parent and/or adult student, in writing within a reasonable amount of time, before the district proposes or refuses to initiate or change the student's identification, the evaluation, educational placement, or provision of FAPE.

B. Criteria for Written Notice

1. Written notice must be provided in a reasonable amount of time before implementing the proposed action.

2. Written notice shall be in a language understandable to the general public. It must be provided in the native language or other mode of communication normally used by the parent and/or adult student unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the district shall take steps to ensure the following:

    a. The notice is translated orally or by other means in the native language or other mode of communication.

    b. The parent and/or adult student understands the content of the notice.

    c. There is written evidence that the notice requirements of this section have been met, such as a written record in the student's special education file documenting what was discussed.

When a parent and/or adult student disagrees with the district's written notice of a proposed or refused action, he or she can attempt to remedy the dispute using SDE IEP Facilitation, mediation, formal complaint procedures, or due process hearing procedures afforded by the IDEA 2004. In addition, the parent and/or adult student may have the right to prevent the district from taking action by filing a written objection with the district.

C. Written Notice Is Required

1. The district shall provide written notice before proposing to initiate or change the following:

    a. identification of the student;

    b. any assessments for initial evaluation or reevaluation;

    c. educational placement; or

    d. the provision of FAPE.

2. After the district's decision to refuse a parent and/or adult student's request to initiate or change the identification, assessment, placement, or provision of FAPE.

3. If the district refuses to convene an IEP team meeting at the request of a parent and/or adult student.

4. When the evaluation team determines that additional assessments are not required during a reevaluation to determine whether the student continues to meet eligibility criteria, the district shall provide written notice to the parent and/or adult student of the decision and the reasons for that decision. The parent and/or adult student must also be informed of his or her right to request assessments when necessary to determine continued eligibility.

5. The district is required to give written notice specifically to the issues raised in the due process hearing request within 10 days of receiving the request.

D. Written Notice is Not Required

The district is not required to provide written notice in the following situations:

1. When reviewing existing data as part of an evaluation or a reevaluation. However, the parent and/or adult student shall be afforded the opportunity to participate in the review of existing data.

2. When tests are administered to both general and special education students in a grade or class.

3. When teacher or related service provider observations, ongoing classroom evaluation, or criterion-referenced tests are used as assessments in determining the student's progress toward goals and benchmarks/objectives on the IEP.

4. Notice is not required if outside observation is in relation to teacher's general practices.

E. Content of Written Notice

The content of written notice is intended to provide the parent and/or adult student with enough information so that he or she is able to fully understand the district's proposed action or refused action and to make informed decisions, if necessary. The written notice shall include the following:

1. a description of the action proposed or refused by the district;

2. an explanation of why the district proposes or refuses to take the action;

3. a description of any other options the IEP team considered and the reasons why those options were rejected;

4. a description of each procedure, assessment, record, or report that the district used as a basis for the proposed or refused action;

5. a description of any other factors relevant to the proposed or refused action;

6. a statement that the parent and/or adult student has special education rights and a description of how to obtain a copy of the *Procedural Safeguards Notice*; and

7. sources to contact in obtaining assistance in understanding the *Procedural Safeguards Notice*.

F. Objection to District Proposal

If a parent and/or adult student disagrees with an IEP change or placement change that is proposed by the district, he or she may file a written objection to all or part of the proposed change. The district will respond as follows:

1. If the objection is postmarked or hand delivered within 10 calendar days of the date the parent and/or adult student received the written notice, the changes to which the parent and/or adult student objects cannot be implemented.

2. If a proposed change is being implemented during the 10-day period and an objection is received, the implementation of that change shall cease.

3. If an objection is made after 10 calendar days, the district may continue to implement the change, but the parent and/or adult student retains the right to exercise other procedures under the IDEA 2004.

The parties may resolve a disagreement using informal methods, such as additional IEP team meetings, IEP facilitation, and SDE mediation. If these informal attempts fail, the district may request a due process hearing regarding the proposed change. A parent's/adult student's written

objection to an IEP or placement change cannot be used to prevent the district from unilaterally placing the student in an IAES in accordance with the IDEA 2004 procedures for discipline of a student.

Section 5. Confidentiality and Access to Records

The district shall collect, use, and maintain information about a student to make appropriate decisions concerning special education and the provision of FAPE. A student's special education case manager, usually the special education teacher, should organize all relevant records specific to district guidelines and the IDEA 2004 requirements.

The IDEA 2004 and FERPA contain provisions to protect the confidentiality of personally identifiable information in student special education records. These statutes also provide for the right to review and inspect records.

A. Definition

A "record" is defined as personally identifiable information directly related to the student and maintained by the district. A student record can be written or electronic.

1. The term "record" may include, but is not limited to, the following:

    a. identifying data (name, address, parents, siblings, Social Security number, list of personal characteristics making identification possible);

    b. academic work completed (courses taken, transcript);

    c. level of achievement (grades, portfolios, performance assessments, scores on standardized achievement tests, etc);

    d. attendance data;

    e. scores and protocols of standardized intelligence, aptitude, and psychological tests;

    f. records of teachers, counselors, medical personnel, and psychologists working directly with a student if disclosed to others;

    g. interest inventory results;

    h. observations and verified reports of serious or recurring behavior patterns;

    i. videotapes or audiotapes;

    j. health data including medical assessments;

    k. family background information;

l. transportation records; and

m. student records maintained by agencies and individuals contracting with the district.

2. The term "record" does not include:

a. records of instructional, supervisory, ancillary, and administrative personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

b. records created by law enforcement units of schools and maintained separately for non-educational purposes; and

c. employment records about a student who is employed by a school or district.

B. Protection of Records

The district shall prevent unauthorized disclosure of personally identifiable information pertaining to students with disabilities. "Disclosure" is the release, transfer, or other communication of education records or of personally identifiable information contained in those records to any party, by any means, including oral, written, or electronic.

To ensure protection of records, the district shall do the following:

1. Obtain written and dated consent from the parent and/or adult student before disclosing personally identifiable information:

a. to unauthorized individuals; or

b. for any purpose except as required by the IDEA 2004, Part B.

In the event that a parent and/or adult student refuses consent for disclosure, SDE mediation may be offered as a voluntary way of resolving the disagreement

2. Designate and train a records manager to assure security of confidential records for students with disabilities.

3. Maintain a log of requests for access to education records if the disclosure is not to:

a. a parent and/or adult student;

b. a school employee with a legitimate educational interest;

c. a party seeking designated directory information; or

d. a party receiving the records as directed by a federal jury or other subpoena ordering no one to disclose the existence of the request to access records.

This log includes the name, agency affiliation, date, and purpose for accessing the records. A log documenting denials for records and partially fulfilled requests should also be maintained.

4. Maintain, for public inspection, a current listing of names and positions of employees who have access to personally identifiable information.

5. Establish procedures to ensure the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

6. Ensure that, if any education record includes information on more than one student, a parent and/or adult student will only be allowed to inspect, review, or be informed about the record of the student at issue.

7. Ensure that each person collecting or using personally identifiable information receives training or instruction regarding the policies and procedures governing confidentiality. All staff members, even those who do not have access to special education records, should be informed about what is considered appropriate and inappropriate access to and use of information within the records. The district may maintain a record of the training provided—including the name of the person or persons providing the training, dates of the training, those attending, and the subjects covered—for the purpose of documenting that new staff members have been trained as soon as possible after they have been hired.

C. Access to Records

The district shall:

1. Annually notify the parents of all students, including students with disabilities currently in attendance, of their rights under FERPA. The notice shall include all of the following:

   a. procedures for exercising the right to inspect and review education records;

   b. procedures for requesting amendment of records; and

   c. a specification of criteria for determining who constitutes a school official or employee in the district and what constitutes a legitimate educational interest.

2. Permit a parent and/or adult student, or his or her representative, to inspect and review any record relating to educational matters that is collected, maintained, or used by the

district. The district will presume that a custodial or non-custodial parent has the authority to inspect and review a record relating to his or her child unless there are legal documents limiting access to those records under state law. A minor student's address will be deleted from any record if requested in writing by a custodial parent to prohibit a non-custodial parent from learning the address simply by having access to the school records.

The district will make records available to a parent and/or adult student for review:

a. without delay but no later than 45 days after the request;

b. before any meeting regarding an IEP;

c. before a resolution session; and

d. not less than 5 business days before any due process hearing.

The district should note that test protocols may be part of a student's educational record. Test publishers require districts to maintain the integrity and validity of tests. Parents or others interested in a student's test results are allowed to view the student's responses to test items, but only if the information is shared in the presence of a person qualified to explain the results and meaning of the various items and data contained in the protocol.

3. Upon request, provide a parent and/or adult student with a list of the types of education records the school collects, maintains, or uses and where they are kept.

4. Respond to any reasonable request made by a parent and/or adult student for an explanation and interpretation of a record.

5. Provide a copy of education records if a parent and/or adult student would otherwise be unable to exercise his or her right to inspect and review those records. An education record may include test protocols. Even though it is important that standardized test items are protected from general release so that tests remain usable and valid, FERPA and the IDEA 2004 allow copies in these unique situations. A fee may be charged for the copies, but not to search for or retrieve information. The district will publish a schedule of fees it intends to charge.

6. Always provide a parent and/or adult student a copy of the IEP and any documentation of identification and eligibility.

D. Disclosures Not Requiring Consent

Consent is generally required to disclose personally identifiable information to others. However, consent is not required when:

1. A school official or employee has a legitimate educational interest to access the records.

2. A representative of the Federal Comptroller General, the United States Department of Education, or the State Department of Education (SDE) accesses records necessary for an audit or evaluation of a federal program or for enforcement or compliance with federal regulations.

3. A student transfers to another school or school system in which the student intends to enroll unless a district has adopted a procedure requiring consent. However, the parent and/or adult student should be notified of the request for records at the last known address of the parent and/or adult student unless he or she initiated the request.

4. The health and safety of the student or other individuals is in jeopardy because of an emergency.

5. The disclosure concerns the juvenile justice system's ability to effectively serve the student or the ability to respond to court orders or subpoenas, as specified in state law. The district will make a reasonable effort to notify the parent of the court order in advance of compliance, unless the subpoena specifically states that it is not to be disclosed.

6. An organization conducts studies on behalf of education agencies or institutions under specified FERPA criteria.

7. The disclosure is in connection with an application for financial aid and is necessary to determine eligibility for the aid, the amount of the aid, conditions for the aid, or to enforce the terms and conditions of the aid ("financial aid" means a payment of funds to an individual that is conditioned on the individual's attendance at an education agency or institution).

8. The district has designated information as "directory information" under the conditions in FERPA.

E. Destruction of Records

The district will maintain education records, including eligibility documentation and IEPs, for at least 5 years after disenrollment from the district to demonstrate fiscal accountability and program compliance with the IDEA 2004 requirements. The district shall inform a parent and/or adult student when personally identifiable information collected, maintained, or used is to be destroyed because the information is no longer needed to provide educational services to the student.

The parent and/or adult student must be informed of the personally identifiable information that the district intends to destroy and that the information will be destroyed no earlier than 45 calendar days from the date of the notice. The parent and/or adult student must also be informed of the procedure to follow if he or she wishes to formally object to the destruction of the information and wants the records sent to him or her.

Written records of individual students are confidential and shall be shredded or burned under supervision of the staff member responsible for the records if not released to the parent and/or adult student. The records manager should maintain a log that documents the date of destruction or release of records.

A permanent record of the student's name, address, phone number, grades, classes attended, immunization records, test scores, attendance record, grade level, and year completed may be maintained by the district without a time limitation. Any other personally identifiable information shall be destroyed at the request of the parent and/or adult student if it is older than 5 years and no longer needed to provide special education. When informing the parent and/or adult student of his or her rights, the district should remind the parent and/or adult student that the records might be needed for Social Security benefits or other purposes in the future.

F. Request for Amendment of Records

A parent and/or adult student may request that the district amend the student's records if he or she believes that information collected, maintained, or used in the education record is inaccurate, misleading, or in violation of the privacy or other rights of the student. The district will use the following procedure:

1. The district, within a reasonable period of time—not to exceed 45 days of receipt of the request—must decide whether to amend the record. If the district refuses to amend the record, the parent and/or adult student must be informed of the refusal and be advised of the right to and procedure for requesting a district hearing. A district hearing is an informal hearing that does not have all the requirements of a due process hearing.

2. If a district hearing is requested and the district decides that the information is inaccurate, misleading, or in violation of the student's rights, the district shall amend the record and inform the parent and/or adult student in writing.

3. If a district hearing is requested and the district decides the information is accurate and does not violate the student's rights, the district shall inform the parent and/or adult student that he or she may place a statement in the record. This statement may comment on the information in the record or set forth the parent's/adult student's reasons for disagreeing with the district. Any statement placed with a record must accompany the record for as long as the district maintains the record. If the district discloses the record to any person, the district shall also disclose the statement.

G. District Hearings on Procedures for Records

If a parent and/or adult student requests a district hearing on a proposed amendment of education records, the district will follow these procedures:

1. The district hearing will be held within a reasonable amount of time after receiving the request. The district will give the parent and/or adult student notice of the date, time, and place reasonably in advance of the hearing.

2. The district's hearing will be conducted by an employee of the district or other individual who does not have a direct interest in the outcome of the hearing. The district will give the parent and/or adult student a full and fair opportunity to present evidence relevant to the issues raised. The parent and/or adult student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

3. The district will make its decision in writing within a reasonable period of time after the hearing. The decision shall be based solely on the evidence presented at the district's hearing and shall include a summary of the evidence and the reasons for the decision.

H. Students' Rights

When special education rights transfer to a student under the IDEA 2004 and Idaho Code, the FERPA rights regarding education records also transfer to the student. The district shall inform the adult student and the parent that both the IDEA 2004 and FERPA rights regarding education records transfer.

Section 6. Independent Educational Evaluations

A. Definition

An independent educational evaluation (IEE) means one or more individual assessments, each completed by a qualified examiner who is not employed by the district responsible for the education of the student in question.

B. Right to an IEE

1. A parent and/or adult student has the right to obtain an IEE at public expense if he or she disagrees with an evaluation obtained or conducted by the district. The parent and/or adult student is entitled to only one IEE at public expense for each district evaluation.

2. The parent and/or adult student has the right to an IEE at his or her own expense at any time, and the IEP team shall consider the results.

3. The parent and/or adult student is not automatically entitled to have additional assessments beyond those determined necessary for an evaluation. However, if the parent and/or adult student is interested in additional or different assessments and the district refuses to provide them, he or she may pursue additional assessments through a due process hearing request. In addition, the district may initiate a due process hearing,

without undue delay, to determine if the evaluation it conducted is appropriate. If the final decision of a hearing officer, or a court of law's decision on an appeal, is that the evaluation conducted by the district was appropriate, the parent and/or adult student still has the right to an IEE but at his or her own expense.

4. A hearing officer may order an IEE at public expense if he or she determines that the evaluation conducted by the district was not appropriate.

C. Procedures for Requesting an IEE

If a parent and/or adult student requests an IEE at public expense, the district may ask why he or she disagrees with the evaluation obtained by the district, but the district cannot require an explanation. The district shall give the parent and/or adult student the criteria under which an IEE can be obtained. The district's IEE criteria shall include the following information:

1. the location for the evaluation;

2. the required qualifications of the examiner;

3. the eligibility requirements for the specific disability categories; and

4. reasonable cost containment criteria applicable to personnel for specified assessments to eliminate unreasonably excessive fees.

Except for the criteria listed above, the district may not impose other conditions or timelines if doing so would be inconsistent with the parent's/adult student's right to an IEE. Upon request, a list of qualified examiners who can conduct an IEE will be provided.

A parent and/or adult student may request an opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the district's cost criteria. If an IEE that falls outside the district's cost criteria is justified, that IEE will be publicly funded.

D. District Responsibilities Following IEE Requests

1. If a parent and/or adult student requests an IEE at public expense, the district shall do one of the following without unnecessary delay:

    a. Provide the district's IEE criteria and information about where an IEE may be obtained.

    b. Offer SDE mediation to try to resolve differences.

    c. Request a due process hearing to show that the district's evaluation is appropriate. If the final hearing decision is that the district's evaluation is appropriate, the parent and/or adult student may pursue an IEE, but at his or her own expense.

2. If a parent and/or adult student asks the district to pay for an IEE that has already been obtained, the district shall pay for the IEE if it meets the criteria for publicly funded IEEs. If the district believes that its evaluation was appropriate but agrees to pay for the IEE, the district should state this in writing within the same document in which it agrees to pay. The district can also request mediation.

E. Consideration of the IEE Results

If a parent and/or adult student obtains an IEE and makes that evaluation available to the district, the results must be considered by the district in any decision made with respect to the provision of FAPE. The results may also be presented as evidence at a hearing regarding the student. This is true regardless of whether the IEE is at the expense of the parent and/or adult student or district.

The results of an IEE cannot be the sole determining factor for eligibility. The evaluation team has the responsibility to use existing evaluation data in addition to the IEE to determine whether a student has or continues to have a disability under the IDEA 2004.

Documents
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APPLICATION FOR SURROGATE PARENT

The District shall ensure that the rights of a student are protected when: no parent can be identified; the District, after reasonable efforts, cannot locate a parent; the child is a ward of the State under the laws of Idaho; or the child is an unaccompanied homeless youth. The duties of District include the assignment of an individual to act as a surrogate for the parents. This shall include a method for determining whether a student needs a surrogate parent and for assigning a surrogate parent to the student. The District shall ensure that a person selected as a surrogate parent is not an employee of the State Department of Education, the District or any other agency that is involved in the education or care of the student; has no personal or professional interest that conflicts with the interest of the student the surrogate parent represents; and has knowledge and skills that ensure adequate representation of the student. A person otherwise qualified to be a surrogate parent is not an employee of the District solely because he or she is paid by the District to serve as a surrogate parent.

Please return this form to the District office at:

Your name: _____ Date: _____
Home address: _____
_____
Home Phone: _____ Work Phone: _____

Do you have children in your care who are foster children or children with disabilities? .....[ ] Yes [ ] No
If yes, please describe:

Are you conversant in any languages other than English? .....[ ] Yes [ ] No
If yes, what languages other than English?

Are you able to attend meetings during the school or work day? .....[ ] Yes [ ] No
Do you have sufficient time to devote as a surrogate parent? .....[ ] Yes [ ] No
Are you willing to serve as a surrogate parent for at least one full academic year? .....[ ] Yes [ ] No
Please list your experiences with children or you such as parenting, organizations, etc.

Please list your previous training or experience with special education processes.

Please list your previous experiences as a surrogate parent.

Please list any preferences or exceptions regarding the student's school location or disability.

Please list three references we may contact:
Name: _____ Address: _____ Phone: _____
Name: _____ Address: _____ Phone: _____
Name: _____ Address: _____ Phone: _____

For District Use Only

Documentation of reference checks:
Date trained as a surrogate parent:

Appointment history	Student	School	Date Appointed	Date Terminated

PROCEDURAL SAFEGUARDS NOTICE

Part B PROCEDURAL SAFEGUARDS NOTICE

The Individuals with Disabilities Education Act (IDEA 2004), the Federal law concerning the education of students with disabilities, requires schools to provide parents of a student with a disability with a notice containing a full explanation of the procedural safeguards available under the IDEA 2004 and U.S. Department of Education regulations.

A copy of this notice under 34 CFR §300.504(a) must be given to parents only one time a school year, except that a copy must be given to the parents:

(1) upon initial referral or parent request for evaluation;

(2) upon receipt of an initial State complaint and upon receipt of an initial due process hearing request 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.

Your school district can provide more information on these rights. If you have questions, you should speak to the special education teacher, school principal, director of special education, or superintendent in the district.

For further explanation on any of these rights you may also contact:

Idaho State Department of Education
Division of Student Achievement and School Accountability

P.O. Box 83720
Boise, Idaho 83720-0027
(208) 332-6910
TT: 800-377-3529

Idaho Parents Unlimited, Inc.
600 North Curtis, Suite 145
Boise, Idaho 83705
800-242-4785

Comprehensive Advocacy, Inc. (Co-Ad)
4477 Emerald St., Suite B-100
Boise, Idaho 83706
866-262-3462
V/TT: (208) 336-5353

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GENERAL INFORMATION

PRIOR WRITTEN NOTICE

34 CFR §300.503

Notice

Your school district must give you written notice (provide you certain information in writing), whenever it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; **or**
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

Content of notice

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child's individualized education program (IEP) Team considered and the reasons why those choices were rejected; **and**
8. Provide a description of other reasons why your school district proposed or refused the action.

Notice in understandable language

The notice must be:

1. Written in language understandable to the general public; **and**
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; **and**
3. There is written evidence that 1 and 2 have been met.

NATIVE LANGUAGE

34 CFR §300.29

Native language, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents;
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

ELECTRONIC MAIL

34 CFR §300.505

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; **and**
3. Notices related to a due process complaint.

PARENTAL CONSENT - DEFINITION

34 CFR §300.9

Consent

Consent means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.

2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; **and**
3. You understand that the consent is voluntary on your part and you may withdraw your consent at anytime.

Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

PARENTAL CONSENT

34 CFR §300.300

Consent for initial evaluation

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under the heading ***Parental Consent.***

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing the Act's mediation or due process complaint, resolution meeting, and impartial due process hearing procedures (unless required to do so or prohibited from doing so under State law). Your school district will not violate its obligations to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances, unless State law requires it to pursue the evaluation.

Special rules for initial evaluation of wards of the State

If a child is a ward of the State and is not living with his/her parent —

The school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the child's parent;
2. The rights of the parents have been terminated in accordance with State law; **or**
3. A judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

Ward of the State, as used in the IDEA, means a child who, as determined by the State where the child lives, is:

1. A foster child;
2. Considered a ward of the State under State law; **or**
3. In the custody of a public child welfare agency.

Ward of the State does not include a foster child who has a foster parent.

Parental consent for services

Your school district must obtain your informed consent before providing special education and related services to your child for the first time.

The school district must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, your school district may not use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; **and**
2. Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

The timeline from consent to IEP implementation is 60 calendar days which excludes vacation time exceeding 5 consecutive school days, unless parties agree otherwise. IDAPA 8.02.03.109.04

Parent’s Right to Object
Once you consent to the initial start of services, the school district is not required to obtain your consent to make changes to the IEP. However, if you do not want the school district to implement the changes to the IEP, you must submit your objections in writing. Your written objections must either be postmarked or hand-delivered to the school district within 10 days of receiving the written notice of the changes.
IDAPA 8.02.03.109.05a

Parental consent for reevaluations

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; **and**
2. You did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, your school district does not violate its obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.

The school district must develop and implement procedures to ensure that your refusal to consent to any of these other services and activities does not result in a failure to provide your child with a free appropriate public education (FAPE).

Documentation of reasonable efforts to obtain parental consent

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluation and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; **and**
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Other consent requirements

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a reevaluation; **or**
2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents of all children.

Your school district may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity.

If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its consent override procedures (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) and is not required to consider your child as eligible to receive equitable

services (services made available to parentally-placed private school children with disabilities).

INDEPENDENT EDUCATIONAL EVALUATIONS

34 CFR §300.502

General

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an independent educational evaluation, the school district must provide you with information about where you may obtain an independent educational evaluation and about the school district's criteria that apply to independent educational evaluations.

Definitions

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of the IDEA, which allow each State to use whatever State, local, Federal and private sources of support are available in the State to meet the requirements of Part B of the Act.

Parent right to evaluation at public expense

You have the right to an independent educational evaluation of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an independent educational evaluation of your child at public expense, your school district must, without unnecessary delay, <u>either</u>: (a) File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; <u>or</u> (b) Provide an independent educational evaluation at public expense, unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district's criteria.
2. If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.
3. If you request an independent educational evaluation of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and

may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child.

You are entitled to only one independent educational evaluation of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

Parent-initiated evaluations

If you obtain an independent educational evaluation of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education (FAPE) to your child; **and**
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

Requests for evaluations by hearing officers

If a hearing officer requests an independent educational evaluation of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

School district criteria

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation).

Except for the criteria described above, a school district may not impose conditions or timelines unrelated to obtaining an independent educational evaluation at public expense.

CONFIDENTIALITY OF INFORMATION

DEFINITIONS

34 CFR §300.611

As used under the heading **Confidentiality of Information**:

- *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- *Education records* means the type of records covered under the definition of ‘‘education records’’ in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).
- *Participating agency* means any school district, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

PERSONALLY IDENTIFIABLE

34 CFR §300.32

Personally identifiable means information that has:

(a) Your child's name, your name as the parent, or the name of another family member;

(b) Your child's address;

(c) A personal identifier, such as your child’s social security number or student number; **or**

(d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

NOTICE TO PARENTS

34 CFR §300.612

The State Educational Agency must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; **and**
4. A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as "child find"), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of the activity to locate, identify, and evaluate children in need of special education and related services.

ACCESS RIGHTS

34 CFR §300.613

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your school district under Part B of the IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an individualized education program (IEP), or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; **and**
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

RECORD OF ACCESS

34 CFR §300.614

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

RECORDS ON MORE THAN ONE CHILD

34 CFR §300.615

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

LIST OF TYPES AND LOCATIONS OF INFORMATION

34 CFR §300.616

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

FEES

34 CFR §300.617

Each participating agency may charge a fee for copies of records that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records.

A participating agency may not charge a fee to search for or to retrieve information under Part B of the IDEA.

AMENDMENT OF RECORDS AT PARENT'S REQUEST

34 CFR §300.618

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information.

The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose as described under the heading ***Opportunity For a Hearing***.

OPPORTUNITY FOR A HEARING

34 CFR §300.619

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

HEARING PROCEDURES

34 CFR §300.621

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the Family Educational Rights and Privacy Act (FERPA).

RESULT OF HEARING

34 CFR §300.620

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform you in writing.

If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; **and**
2. If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

34 CFR §300.622

Unless the information is contained in education records, and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy

Act (FERPA), your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

SAFEGUARDS

34 CFR §300.623

Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under Part B of the IDEA and the Family Educational Rights and Privacy Act (FERPA).

Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

DESTRUCTION OF INFORMATION

34 CFR §300.624

Your school district must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child'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.

STATE COMPLAINT PROCEDURES

DIFFERENCE BETWEEN DUE PROCESS HEARING COMPLAINT AND STATE COMPLAINT PROCEDURES

The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B requirement by a school district, the State Educational Agency, or any other public agency. Only you or a school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child. While staff of the State Educational Agency generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45-calendar-days after the end of the resolution period, as described in this document under the heading Resolution Process, unless the hearing officer grants a specific extension of the timeline at your request or the school district's request. The State complaint and due process complaint, resolution and hearing procedures are described more fully below.

ADOPTION OF STATE COMPLAINT PROCEDURES

34 CFR §300.151

General

Each State Educational Agency must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another State;
2. The filing of a complaint with the State Educational Agency;
3. Widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

Remedies for denial of appropriate services

In resolving a State complaint in which the State Educational Agency has found a failure to provide appropriate services, the State Educational Agency must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the child; **and**
2. Appropriate future provision of services for all children with disabilities.

MINIMUM STATE COMPLAINT PROCEDURES

34 CFR §300.152

Time limit; minimum procedures

Each State Educational Agency must include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. Carry out an independent on-site investigation, if the State Educational Agency determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; **and** (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; **and**
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; **and** (b) the reasons for the State Educational Agency's final decision.

Time extension; final decision; implementation

The State Educational Agency's procedures described above also must:

1. Permit an extension of the 60 calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; **or** (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution, if available in the State.
2. Include procedures for effective implementation of the State Educational Agency's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; **and** (c) corrective actions to achieve compliance.

State complaints and due process hearings

If a written State complaint is received that is also the subject of a due process hearing as described below under the heading ***Filing a Due Process Complaint***, or the State complaint contains multiple issues of which one or more are part of such a hearing, the State must set aside the State complaint, or any part of the State complaint that is being addressed in the due process hearing until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue and the State Educational Agency must inform the complainant that the decision is binding.

A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the State Educational Agency.

FILING A COMPLAINT

34 CFR §300.153

An organization or individual may file a signed written State complaint under the procedures described above.

The State complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of the IDEA or its regulations;
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations regarding a specific child:
   (a) The name of the child and address of the residence of the child;
   (b) The name of the school the child is attending;
   (c) In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
   (d) A description of the nature of the problem of the child, including facts relating to the problem; **and**
   (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received as described under the heading ***Adoption of State Complaint Procedures.***

The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with the State Educational Agency.

DUE PROCESS COMPLAINT PROCEDURES

FILING A DUE PROCESS COMPLAINT

34 CFR §300.507

General

You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child.

The due process complaint must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process complaint within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; **or**
2. The school district withheld information from you that it was required to provide you under Part B of the IDEA.

Information for parents

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, **or** if you or the school district file a due process complaint.

DUE PROCESS COMPLAINT

34 CFR §300.508

General

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process complaint to the other party. That complaint must contain all of the content listed below and must be kept confidential.

You or the school district, whichever one filed the complaint, must also provide the State Educational Agency with a copy of the complaint.

Content of the complaint

The due process complaint must include:

1. The name of the child;

2. The address of the child's residence;
3. The name of the child's school;
4. If the child is a homeless child or youth, the child's contact information and the name of the child's school;
5. A description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; **and**
6. A proposed resolution of the problem to the extent known and available to you or the school district at the time.

Notice required before a hearing on a due process complaint

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney), files a due process complaint that includes the information listed above.

Sufficiency of complaint

In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above) unless the party receiving the due process complaint (you or the school district) notifies the hearing officer and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above.

Within five calendar days of receiving the notification the receiving party (you or the school district) considers a due process complaint insufficient, the hearing officer must decide if the due process complaint meets the requirements listed above, and notify you and the school district in writing immediately.

Complaint amendment

You or the school district may make changes to the complaint only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described below; **or**
2. By no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the complaining party (you or the school district) makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

Local educational agency (LEA) or school district response to a due process complaint

If the school district has not sent a prior written notice to you, as described under the heading ***Prior Written Notice***, regarding the subject matter contained in your due

process complaint, the school district must, within 10 calendar days of receiving the due process complaint, send to you a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; **and**
4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from asserting that your due process complaint was insufficient.

Other party response to a due process complaint

Except as stated under the sub-heading immediately above, ***Local educational agency (LEA) or school district response to a due process complaint***, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

MODEL FORMS

34 CFR §300.509

The State Educational Agency must develop model forms to help you file a due process complaint and a State complaint. However, your State or the school district may not require you to use these model forms. In fact, you can use this form or another appropriate model form, so long as it contains the required information for filing a due process complaint or a State complaint.

MEDIATION

34 CFR §300.506

General

The school district must make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B of the IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve disputes under Part B of the IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading ***Filing a Due Process Complaint***.

Requirements

The procedures must ensure that the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part B of the IDEA; **and**
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State; **and**
2. Who would explain the benefits and encourage the use of the mediation process to you.

The State must have a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. The State Educational Agency must select mediators on a random, rotational, or other impartial basis.

The State is responsible for the cost of the mediation process, including the costs of meetings.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; **and**
2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under Part B of IDEA.

Impartiality of mediator

The mediator:

1. May not be an employee of the State Educational Agency or the school district that is involved in the education or care of your child; **and**
2. Must not have a personal or professional interest which conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.

THE CHILD'S PLACEMENT WHILE THE DUE PROCESS COMPLAINT AND HEARING ARE PENDING

34 CFR §300.518

Except as provided below under the heading ***PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES,*** once a due process complaint is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the State or school district agree otherwise, your child must remain in his or her current educational placement.

If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process complaint involves an application for initial services under Part B of the IDEA for a child who is transitioning from being served under Part C of the IDEA to Part B of the IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of the IDEA and you consent for the child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

RESOLUTION PROCESS

34 CFR §300.510

Resolution meeting

Within 15 calendar days of receiving notice of your due process complaint, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or members of the individualized education program (IEP)

Team who have specific knowledge of the facts identified in your due process complaint. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; **and**
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and the school district agree in writing to waive the meeting; **or**
2. You and the school district agree to use the mediation process, as described under the heading ***Mediation***.

Resolution period

If the school district has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.

If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that a hearing officer dismiss your due process complaint. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint **or** fails to participate in the resolution

meeting, you may ask a hearing officer to order that the 45-calendar-day due process hearing timeline begin.

Adjustments to the 30-calendar-day resolution period

If you and the school district agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, then the 45-calendar-day timeline for the due process hearing starts the next day.

If you and the school district agree to use the mediation process, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district withdraws from the mediation process, then the 45-calendar-day timeline for the due process hearing starts the next day.

Written settlement agreement

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; **and**
2. Enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States or by the State Educational Agency, if your State has another mechanism or procedures that permit parties to seek enforcement of resolution agreements.

Agreement review period

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

HEARINGS ON DUE PROCESS COMPLAINTS

IMPARTIAL DUE PROCESS HEARING

34 CFR §300.511

General

Whenever a due process complaint is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described in the ***Due Process Complaint*** and ***Resolution Process*** sections.

Impartial hearing officer

At a minimum, a hearing officer:

1. Must not be an employee of the State Educational Agency or the school district that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of the IDEA, and Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts; **and**
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Each school district must keep a list of those persons who serve as hearing officers that includes a statement of the qualifications of each hearing officer.

Subject matter of due process hearing

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

Timeline for requesting a hearing

You or the school district must request an impartial hearing on a due process complaint within two years of the date you or the school district knew or should have known about the issue addressed in the complaint.

Exceptions to the timeline

The above timeline does not apply to you if you could not file a due process complaint because:

1. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; **or**
2. The school district withheld information from you that it was required to provide to you under Part B of the IDEA.

HEARING RIGHTS

34 CFR §300.512

General

Any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of children with disabilities;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; **and**
5. Obtain written, or, at your option, electronic findings of fact and decisions.

Additional disclosure of information

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing.

A hearing officer may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

Parental rights at hearings

You must be given the right to:

1. Have your child present;
2. Open the hearing to the public; **and**
3. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

HEARING DECISIONS

34 CFR §300.513

Decision of hearing officer

A hearing officer's decision on whether your child received a free appropriate public education (FAPE) must be based on substantive grounds.

In matters alleging a procedural violation, a hearing officer may find that your child did not receive FAPE only if the procedural inadequacies:

1. Interfered with your child's right to a free appropriate public education (FAPE);
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to your child; **or**
3. Caused a deprivation of an educational benefit.

Construction clause

None of the provisions described above can be interpreted to prevent a hearing officer from ordering a school district to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536).

Separate request for a due process hearing

Nothing in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

Findings and decision to advisory panel and general public

The State Educational Agency or the school district, (whichever was responsible for your hearing) after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; **and**
2. Make those findings and decisions available to the public.

APPEALS

FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW

34 CFR §300.514

Finality of hearing decision

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described below.

TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS

34 CFR §300.515

The State Educational Agency must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings **or**, as described under the sub-heading ***Adjustments to the 30-calendar-day resolution period,*** not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; **and**
2. A copy of the decision is mailed to each of the parties.

A hearing officer may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party.

Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS

34 CFR §300.516

General

Any party (you or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

Time limitation

The party (you or the school district) bringing the action shall have 42 calendar days from the date of the decision of the hearing officer to file a civil action.

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Additional procedures

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; **and**
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

Jurisdiction of district courts

The district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

Rule of construction

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under the IDEA (i.e., the due process complaint, resolution meeting, and impartial due process hearing procedures) before going directly into court.

ATTORNEYS' FEES

34 CFR §300.517

General

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you.

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing State Educational Agency or school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without

foundation; **or** (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; **or**

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing State Educational Agency or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding.

Award of fees

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if:
   a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 calendar days before the proceeding begins;
   b. The offer is not accepted within 10 calendar days; **and**
   c. The court or administrative hearing officer finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.

   Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.
3. Fees may not be awarded relating to any meeting of the individualized education program (IEP) Team unless the meeting is held as a result of an administrative proceeding or court action.

   A resolution meeting, as described under the heading ***Resolution meeting***, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;

3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; **or**
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading ***Due Process Complaint***.

However, the court may not reduce fees if the court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of the IDEA.

PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES

AUTHORITY OF SCHOOL PERSONNEL

34 CFR §300.530

Case-by-case determination

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

General

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting (which must be determined by the child's individualized education program (IEP) Team), another setting, or suspension. School personnel may also impose additional removals of the child of not more than **10 school days** in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement (see ***Change of Placement Because of Disciplinary Removals*** for the definition, below).

Once a child with a disability has been removed from his or her current placement for a total of **10 school days** in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading ***Services***.

Additional authority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see ***Manifestation determination***, below) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under ***Services***. The child's IEP Team determines the interim alternative educational setting for such services.

Services

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a child with a disability who has been removed from his or her current placement for **10 school days or less** in that

school year, if it provides services to a child without disabilities who has been similarly removed.

A child with a disability who is removed from the child's current placement for **more than 10 school days** must:

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

After a child with a disability has been removed from his or her current placement for **10 school days** in that same school year, and **if** the current removal is for **10 school days** in a row or less **and** if the removal is not a change of placement (see definition below), **then** school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see definition below), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

Manifestation determination

Within **10 school days** of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, the parent, and relevant members of the IEP Team (as determined by the parent and the school district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; **or**
2. If the conduct in question was the direct result of the school district's failure to implement the child's IEP.

If the school district, the parent, and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the school district, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

Determination that behavior was a manifestation of the child's disability

If the school district, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; **or**
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading ***Special circumstances***, the school district must return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

Special circumstances

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district; **or**
3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district.

Definitions

Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

Serious bodily injury has the meaning given the term ''serious bodily injury'' under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

Weapon has the meaning given the term ''dangerous weapon'' under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

Notification

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the school district must notify the parents of that decision, and provide the parents with a procedural safeguards notice.

CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS

34 CFR §300.536

A removal of a child with a disability from the child's current educational placement is a **change of placement** if:

1. The removal is for more than 10 school days in a row; **or**
2. The child has been subjected to a series of removals that constitute a pattern because:
   a. The series of removals total more than 10 school days in a school year;
   b. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals;
   c. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another; **and**

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

DETERMINATION OF SETTING

34 CFR § 300.531

The individualized education program (IEP) Team must determine the interim alternative educational setting for removals that are **changes of placement**, and removals under the headings ***Additional authority*** and ***Special circumstances***, above.

APPEAL

34 CFR § 300.532

General

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions; **or**
2. The manifestation determination described above.

The school district may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Authority of hearing officer

A hearing officer that meets the requirements described under the sub-heading ***Impartial Hearing Officer*** must conduct the due process hearing and make a decision. The hearing officer may:

1. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading ***Authority of School Personnel***, or that the child's behavior was a manifestation of the child's disability; **or**
2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a parent or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings ***Due Process Complaint Procedures, Hearings on Due Process Complaints***, except as follows:

1. The State Educational Agency or school district must arrange for an expedited due process hearing, which must occur within **20** school days of the date the hearing is requested and must result in a determination within **10** school days after the hearing.
2. Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process complaint.

3. A State may establish different procedural rules for expedited due process hearings than it has established for other due process hearings, but except for the timelines, those rules must be consistent with the rules in this document regarding due process hearings.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings (see ***Appeals***, above).

PLACEMENT DURING APPEALS

34 CFR §300.533

When, as described above, the parent or school district has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the State Educational Agency or school district agree otherwise) remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading ***Authority of School Personnel***, whichever occurs first.

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

34 CFR §300.534

General

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

Basis of knowledge for disciplinary matters

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child;
2. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; **or**
3. The child's teacher, or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school district's director of special education or to other supervisory personnel of the school district.

Exception

A school district would not be deemed to have such knowledge if:

1. The child's parent has not allowed an evaluation of the child or refused special education services; **or**
2. The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

Conditions that apply if there is no basis of knowledge

If prior to taking disciplinary measures against the child, a school district does not have knowledge that a child is a child with a disability, as described above under the sub-headings ***Basis of knowledge for disciplinary matters*** and ***Exception***, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by the parents, the school district must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

34 CFR §300.535

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; **or**
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Transmittal of records

If a school district reports a crime committed by a child with a disability, the school district:

1. Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; **and**
2. May transmit copies of the child's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

REQUIREMENTS FOR UNILATERAL PLACEMENT BY PARENTS OF CHILDREN IN PRIVATE SCHOOLS AT PUBLIC EXPENSE

GENERAL

34 CFR §300.148

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

Reimbursement for private school placement

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or a hearing officer may require the agency to reimburse you for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education (FAPE) available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. A hearing officer or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the State Educational Agency and school districts.

Limitation on reimbursement

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) At the most recent individualized education program (IEP) meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;
2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you, of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; **or**
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) The school prevented you from providing the notice; (b) You had not received notice of your responsibility to provide the notice described above; or (c) Compliance with the requirements above would likely result in physical harm to your child; **and**

2. May, in the discretion of the court or a hearing officer, not be reduced or denied for the parents' failure to provide the required notice if: (a) The parent is not literate or cannot write in English; or (b) Compliance with the above requirement would likely result in serious emotional harm to the child.

Chapter 12
DISCIPLINE

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Chapter 12
Discipline

Schools are encouraged to address student misconduct through appropriate school wide discipline policies, instructional services, and/or related services. If a student has behavior problems that interfere with his or her learning or the learning of others, an individualized education program (IEP) team shall consider the use of strategies, including positive behavioral supports and interventions, to address the behavior. If the IEP team determines that such services are needed, they be included in the IEP and be implemented.

Students with disabilities who are subject to disciplinary actions by a district are entitled to all of the due process rights afforded students without disabilities under Idaho Code 33-205. In addition to these rights, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) provides special education rights and additional discipline procedures to a student with a disability whom the district is removing from his or her current educational placement. These procedures come into play when the district is unable to work out an appropriate placement for the student with the parent and/or adult student. Further, these procedures do not prevent district personnel from maintaining a safe environment conducive to learning that is critical for all students.

Even though Idaho Code allows district personnel to “temporarily suspend” students for up to 20 school days, all students with disabilities who have been suspended or expelled for more than 10 cumulative school days in a school year retain the right to a free appropriate public education. (FAPE).

Section 1. General Discipline Guidelines

The general requirements pertaining to the discipline procedures of special education students are as follows:

1. District personnel may remove a student from his or her current placement to an appropriate interim alternative education setting (IAES) or another setting for not more than 10 consecutive days to the extent those alternatives are applied to students without disabilities.

2. District personnel may suspend any student, including a special education student, for up to 10 cumulative school days in a school year if he or she violates the code of student conduct, and services may cease during this period. In accordance with Idaho Code:

    a. A school principal has the authority to order a disciplinary suspension for up to 5 school days.

    b. The superintendent can extend the disciplinary suspension for up to 5 additional school days.

3. A series of suspensions exceeding 10 days in a school year shall not constitute a pattern of removals resulting in a change of placement, without following the procedures discussed in this chapter.

4. Students who have not been determined eligible for special education may be entitled to an evaluation and other IDEA 2004 rights—including the right to FAPE during periods of disciplinary suspension that extend beyond 10 cumulative school days in a school year if:

    a. The district had knowledge that the student met the IDEA 2004 eligibility prior to the behavior that precipitated the disciplinary suspension; and

    b. The parent and/or adult student asserts the right to FAPE.

Section 2. Actions Involving a Change of Placement

A change of placement is a removal from the student's current educational placement for more than 10 consecutive school days or a series of removals that constitute a pattern when they total more than 10 cumulative school days in a school year. Factors such as the student's behavior is substantially similar to behavior in previous incidents that resulted in series of removals, the length of the removal, the proximity of the removals to one another, and the total amount of time the student is removed are indicators of a pattern. Whether a pattern of removals constitutes a change of placement will be determined on a case-by-case basis by the district; the district's determination is subject to review through an expedited due process hearing and judicial proceedings. The District may consider any unique circumstances in determining whether to pursue a disciplinary change of placement.

Even if the disciplinary action is to suspend or expel a student, FAPE [educational services] cannot cease for more than 10 cumulative school days in a school year.

A manifestation determination is required if the district is considering removing a student with a disability from his or her educational placement for disciplinary reasons which constitute a change of placement. A manifestation determination is defined as a review of the relationship between the student's disability and the behavior subject to disciplinary action. See Section 4 of this chapter for more information.

A. District Actions Resulting in a Change of Placement

District administrators change a student's placement by:

1. Unilaterally removing a special education student from his or her current placement for:

    a. More than 10 consecutive school days in a school year; or

b. Subjecting a special education student to a series of removals that constitute a pattern:

(1) Because the series of removals total more than 10 school days in a school year;
(2) Because the student's behavior is substantially similar to behavior in previous incidents that resulted in the series of removals; and
(3) Because of such additional factors as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

2. District personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:

a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA; or

b. Knowingly possesses or uses illegal drugs *or* sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA, defined as bodily injury that involves:
(1) A substantial risk of death;
(2) Extreme physical pain; or
(3) Protracted and obvious disfigurement; or protracted loss or impairment of the function of the bodily member, organ, or mental faculty.

B. Hearing Officer Actions Resulting in a Change of Placement

Through an expedited due process hearing, district administrators may ask a hearing officer to place a student with a disability in an appropriate IAES.

1. In requesting a hearing officer to place a student in an IAES, the district must:

a. Demonstrate by substantial evidence that maintaining the current placement is substantially likely to result in injury to the student or others; and

b. Indicate whether the request is for an *initial* period of not more than 45 school days or an *additional* period of not more than 45 school days.

2. In determining whether to grant a district's request to place a student in an IAES, the hearing officer must:

    a. Determine that the IAES proposed by district personnel in consultation with the student's special education teacher or the IEP team is appropriate.

C. Court Actions Resulting in a Change of Placement (Honig Injunction)

District administrators may seek a court order (Honig Injunction) to remove a special education student from school or the current placement at any time. FAPE [educational services] shall not cease during an injunction.

Section 3. FAPE Considerations

Services may not cease and the district shall always provide FAPE to the student with a disability:

1. After a student with a disability is removed for 10 school days in the same school year and subsequent days of removal do not constitute a change of placement;

2. There is a disciplinary change of placement.

A. District Actions When There is Not a Change in Placement Reference:

1. Notify the parent and/or adult student of the disciplinary action to be taken on the date of the decision;

2. School personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed so as to enable the child to continue to participate in the general education curriculum although in another setting and to progress towards meeting IEP goals;

3. Conduct as appropriate a functional behavioral assessment (FBA) and provide behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

B. District Actions When There is a Change of Placement

Whenever disciplinary action results in a change in placement, the district must:

1. Notify the parent and/or adult student of the disciplinary action to be taken on the date of the decision and provide a copy of the *Procedural Safeguards Notice*;

2. The IEP team determines the extent to which services are needed so as to enable the child to continue to participate in the general education curriculum although in another setting and to progress towards meeting IEP goals;

3. Conduct a manifestation determination immediately, if possible, but not later than 10 school days after the date on which the decision to take the disciplinary action is made.

C. FAPE Requirements in an IAES

If the student's placement will change to an IAES, the IEP team shall select an IAES that enables the student to:

1. Continue to participate in the general education curriculum;

2. Progress toward meeting the goals set out in his or her IEP; and

3. Receive, as appropriate, an FBA and behavioral intervention services to address the behavior violation so that it does not recur.

D. Transportation

If the IEP team determines that special transportation is required and documents it on the IEP, all procedural safeguards under the IDEA 2004 shall be afforded to the student in matters concerning transportation. Whether a suspension from the bus counts as a suspension from school depends on whether bus transportation is identified on the IEP:

1. If bus transportation is on the IEP, a suspension from the bus would be treated as a suspension from school (unless the district provides transportation services in some other way, such as "transportation in lieu of") because transportation is necessary for the student to obtain access to the location where all other services will be delivered.

2. If bus transportation is not on the IEP, a suspension from the bus would not be counted as suspension from school. In these cases, the student and the parent would have the same obligation to get to and from school as a student without a disability who had been suspended from the bus.

If the student's behavior on the bus results in a suspension from the bus, the IEP team shall consider whether the behavior should be addressed in a BIP

Section 4. Procedures for a Manifestation Determination

A manifestation determination by the parent and relevant IEP team members (as determined by the district and parents) involves a review of the relationship between the student's disability and the behavior subject to disciplinary action.

A. Actions Involving a Manifestation Determination

When a disciplinary action results in a change of placement, the district will take the following actions:

1. The parent and/or adult student will be notified of the disciplinary action and provided with a copy of the *Procedural Safeguards Notice* not later than the date on which the decision to take disciplinary action is made.

2. A meeting will be held immediately, if possible, but no later than 10 school days after the date on which the decision to take disciplinary action is made. This meeting will include the district, the parent and/or adult student, and other relevant members of the IEP team (as determined by the parent and the district). The purpose of the meeting is to review all relevant information in the student's file including:

   a. The student's IEP; and

   b. Any teacher observations; and

   c. Any relevant information provided by the parent and/or adult student.

3. Based on a review of the information, the IEP team, (relevant members determined by the parent and the district) will determine if the conduct in question was:

   a. Caused by or had a direct and substantial relationship to the student's disability; or

   b. The direct result of the district's failure to implement the IEP. [If so, the deficiencies must be immediately remedied.]

   If the IEP team, (relevant members determined by the parent and the district), finds that either a or b above is true, the student's behavior will be determined to be a manifestation of his or her disability.

B. When Behavior Is a Manifestation of the Disability

If a student's behavior is determined to be a manifestation of his or her disability, the IEP team, (relevant members determined by the parent and the district), will:

1. Conduct an FBA and implement a BIP for the student if the district had not conducted such an assessment prior to the behavior that resulted in a change in placement;

2. Review the BIP if one had previously been developed and modify it as necessary to address the behavior;

3. Return the student to the placement from which he or she was removed, unless the parent and district agree in writing to a change of placement as part of the modification of the BIP.

C. When Behavior Is Not a Manifestation of Disability

If the IEP team, (relevant members determined by the parent and the district), determines that the student's behavior was not a manifestation of his or her disability, the same disciplinary procedures applicable to students without disabilities, including long-term suspension or expulsion, may be applied to the student with a disability. The district will forward special education and disciplinary records for consideration to the board of trustees, which makes the final decision regarding the disciplinary action.

Even if the disciplinary action is to suspend or expel, the following provisions shall be met:

1. Educational services cannot cease for more than 10 school days in a school year. Educational services shall be provided to the extent necessary to allow the student with a disability access to the general education curriculum and the opportunity to advance toward achieving the goals set out in his or her IEP.

2. An IEP team shall convene to develop an IEP that specifies what special education and related services will be provided during the period of suspension or expulsion.

Section 5. Other Considerations

A. Request for an Expedited Hearing

An expedited hearing is a hearing that occurs within 20 school days of the request with a decision rendered within 10 school days of the hearing.

1. The parent and/or adult student may request an expedited due process hearing if he or she:

    a. Disagrees with the determination that the behavior was not a manifestation of the student's disability;

    b. Disagrees with any decision of the IEP team regarding a change of placement during a disciplinary proceeding; or

    c. Disagrees with the decision regarding the student's placement in an IAES.

2. The district may request an expedited hearing if it believes that maintaining the current placement is substantially likely to result in injury to the student or to others.

3. When an appeal of a disciplinary action is requested (either by the parent to challenge the action or by the district to seek removal to an interim setting), the student remains in the IAES pending the decision of the hearing officer or the expiration of the disciplinary placement term, whichever occurs first unless the parent and district agree otherwise.

4. Resolution meeting requirements apply but are shortened to 15 and 7 days. No challenge for sufficiency of request is available.

5. A decision of a hearing officer in an expedited hearing may be appealed to federal or state district court.

See Chapter 13, Sections 4 and 5, for an explanation of regular and expedited due process hearing rights and procedures.

B. Protections for Students Not Yet Eligible for Special Education

A student who has not been determined eligible for special education and who has violated any rule or code of conduct of the district may assert the protections of the IDEA 2004 *if* the district had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action.

1. Basis of knowledge

   With limited exceptions, which are described in item 2 below, the district will be deemed to have knowledge that an individual is a student with a disability if one or more of the following is true:

   a. The parent and/or adult student has expressed concern to supervisory or administrative district personnel or a teacher of the child that the student is in need of special education and related services. The concern must be expressed in writing unless the parent and/or adult student is unable to write or has a disability that prevents a written statement.

   b. The parent and/or adult student has requested that the student be evaluated for special education.

   c. The student's teacher or other district personnel have expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other district supervisory personnel in accordance with the district's established Child Find system or special education referral system.

2. No basis of knowledge

The district will be deemed not to have knowledge that an individual is a student with a disability if one or more of the following is true:

a. An evaluation was conducted and a determination was made that the student did not have a disability.

b. The parent and/or adult student did not give written consent for an evaluation.

c. The parent and/or adult student refused special education services.

If the district did not have a basis of knowledge that a student was a student with a disability prior to taking disciplinary measures, the student is subjected to the same disciplinary measures applied to all other students who engage in comparable behaviors.

C. Parent and/or adult student Request for Evaluation of a Disciplined Student

If a request for an evaluation of a student who is not currently eligible for special education is made during the period in which the student is subject to disciplinary measures, the evaluation will be conducted in an expedited manner. Pending the results of the evaluation, the student will remain in the educational placement determined by district officials, which can include suspension or expulsion without educational services.

1. If the student is subsequently determined eligible for special education, the district will:

   a. Convene an IEP team meeting to develop an IEP.

   b. Conduct a manifestation determination.

      (1) If the behavior is caused by or had a substantial relationship to the student's disability, the disciplinary action must be set aside, and the student must be provided appropriate educational services in the least restrictive environment (LRE).

      (2) If the behavior is not caused by nor had a substantial relationship to the student's disability, the student is subject to the disciplinary placement that had been determined, but he or she is still entitled to receive FAPE, which is determined by the IEP team. Educational services cannot cease for more than 10 school days in a school year. Educational services shall be provided to the extent necessary to allow the student with a disability access to the general education curriculum and the opportunity to advance toward achieving the goals set out in his or her IEP.

2. If the evaluation team determines that the student is not eligible for special education, he or she will be subject to the same disciplinary actions as all other students.

D. Referrals to and Action by Law Enforcement and Judicial Authorities

1. The district may report a crime committed by a student with a disability to appropriate authorities. The IDEA 2004 does not prevent state law enforcement or judicial authorities from exercising their responsibilities, with regard to the application of federal and state law, for crimes committed by a student with a disability.

2. If a student brings a firearm to school, law enforcement shall be contacted pursuant to the Gun-Free Schools Act.

3. If the district reports a crime, it will ensure that copies of the special education and disciplinary records of the student are given to the appropriate law enforcement authorities for their consideration, to the extent the release of records is permitted by the Family Educational Rights and Privacy Act (FERPA). Generally, the release of records requires consent, but exceptions are listed in Chapter 11, Section 5.

E. Transfer of Discipline Records

Idaho Code 33-209 requires that whenever a student transfers to a new school and a school record contains information concerning violent or disruptive behavior or disciplinary action involving the student, this information will be included in the transfer of records to the new school. The transmission of the student's record shall include both the student's current IEP, including the FBA, BIP, and any current or previous disciplinary action taken. This information will be contained in a sealed envelope marked to indicate the confidential nature of the contents and addressed to the principal or other administrative officer of the school.

When the district initiates disciplinary proceedings applicable to all students, the special education and disciplinary records of students with disabilities shall be given to authorized district personnel for their consideration in making the final determination regarding the disciplinary action.

Chapter 13
DISPUTE RESOLUTION

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Chapter 13
Dispute Resolution

On occasion, conflicts arise between school districts and parents/adult students. Several mechanisms are available through the State Department of Education (SDE) to assist in resolving disputes. The processes are individualized education program (IEP) facilitation, mediation, formal complaint, due process hearings, and expedited due process hearings. This chapter contains information on each of these processes.

Contact Information

The SDE accepts formal complaints and requests for IEP facilitation, mediation and hearings via fax, mail, and personal delivery. Additionally, requests for IEP facilitation and mediation may also be made by telephone. The SDE does not accept requests for any type of dispute resolution identified in this chapter via email because a parent signature is required. Formal complaints and requests should be directed to:

Dispute Resolution Coordinator
State Department of Education
Division of Student Achievement and School Accountability
Special Education
P.O. Box 83720
Boise, ID 83720-0027
208/332-6912
800/432-4601
TT: 800/377-3529
Fax: 208/334-4664

For further assistance in matters relating to dispute resolution, you may contact:

Comprehensive Advocacy, Inc. (Co-Ad)
4477 Emerald Street, Suite B-100
Boise, ID 83706
V/TT: 208/336-5353
V/TT: 866/262-3462

Idaho Parents Unlimited, Inc. (IPUL)
4696 Overland Road, Suite 478
Boise, ID 83705
800/242-IPUL
V/TT: 208/342-5884

Comparing Dispute Resolution Systems

IEP Facilitation	Mediation	Complaint	Impartial Due Process Hearing
Oral and written requests accepted	Oral and written requests accepted	Only written requests with signature accepted (e-mail requests not acceptable)	Only written requests with signature accepted (e-mail requests not acceptable)
Non-adversarial	Non-adversarial	Adversarial	Adversarial
Informal	Informal	Formal	Formal
Confidential	Confidential	Confidential	Confidential
No cost to parties	No cost to parties	Could be costly	Costly for schools/parents
Supports mutual problem-solving	Supports mutual problem-solving	SDE investigator makes final determination	Hearing officer orders solution
May take more than one IEP meeting	Takes less than a day Efforts made to complete entire process within 21 days	May take several weeks Investigation shall be completed within 60 days with a final written report	May take several days Decision shall be issued within 45 days of the request unless the timeline is extended by the hearing officer
Includes a legally constituted IEP Team	Up to three people on either side	As determined by the investigator	No limits on participants
Supports open, direct communication	Supports open, direct communication	Communication with investigator	Communication through attorneys and hearing officer
Agreements made by IEP Team	Agreements made jointly	Any corrective actions determined by SDE	Law-based solution
If unsuccessful, either party may pursue other alternatives	If unsuccessful, either party may pursue other alternatives	Currently no formal appeal	Decision is binding, but may be appealed to state or federal court

Section 1. IEP Facilitation

A request for IEP facilitation may be made by the parent and/or adult student or by a district representative, such as a director of special education. Requests may be made in writing or by phone to the SDE Dispute Resolution Coordinator as directed in the Introduction to this chapter.

A. Definition

IEP facilitation is a voluntary process during which an SDE-contracted individual is appointed to facilitate an IEP team meeting. The role of the facilitator is to help team members communicate more effectively and efficiently. IEP facilitation supports early dispute resolution, providing assistance to the IEP team before a potential conflict develops into a more serious dispute. The facilitator is an impartial third party, not a member of the IEP team, and has no stake in decisions made by the team. All IEP facilitators have received specialized training provided by the SDE. Facilitators are selected on a rotational and/or geographical basis.

The SDE provides IEP facilitation at no charge to the district or the parent and/or adult student.

B. IEP Facilitation Requests

A request for IEP facilitation may be made by either a parent and/or adult student or a designated district representative, such as a special education director, who has the authority to allocate resources and has knowledge of special education. A request for IEP facilitation:

1. may concern an initial, annual, or amended IEP that may be considered too difficult to manage; and

2. should be made at least two weeks prior to the scheduled IEP meeting.

The SDE will consider IEP facilitation requests on a case-by-case basis. As part of this consideration, the SDE Dispute Resolution Coordinator will contact the other party to determine whether that party is willing to participate; both parties shall agree to IEP facilitation for the process to go forward.

Section 2. Mediation

The SDE has developed a mediation system to help resolve disagreements between districts and parents/adult students regarding the identification, evaluation, educational placement, and the provision of a free appropriate public education (FAPE). A request for mediation may be made by either the parent and/or adult student or the district at any point without the necessity to request a due process hearing. Requests may be made in writing or by phone to the SDE Dispute Resolution Coordinator as directed in the introduction to this chapter.

The ultimate goal of mediation is to obtain a written agreement that is acceptable to both parties. Even if a written agreement is not achieved, mediation may be helpful in clarifying issues.

A. Definition of Mediation

Mediation is a structured, voluntary, informal process in which an impartial third party (a mediator) assists parents/adult students and district personnel resolve disputes. Mediation builds positive working relationships, encourages mutual understanding, and helps the parties focus on their common interest—the student. The district will not use the term "mediation" to refer to any district-level process for resolving disputes.

The Special Education Mediation Process Is:

Voluntary for parents and school personnel;

Offered when disputes arise, including, but not limited to, formal complaints and due process hearing requests;

Confidential, thus encouraging all participants to speak freely;

A **No-Cost Service** to parents and schools provided by the Idaho State Department of Education (SDE); and

An **Alternative** that does not delay the status of a due process hearing or formal complaint.

B. Mediation Policies

1. No video or audio recording of the mediation proceedings will be made.

2. Each party is limited to no more than three participants and shall designate a person who has the authority to make final resolution decisions.

3. The district shall have at least one representative present who has the authority to commit resources.

4. Because mediation is a non adversarial process that offers the parties the opportunity to communicate directly with each other, legal representation during a mediation session is strongly discouraged.

5. Except for the signed agreement, confidentiality pledge, and mediator evaluation forms, all notes or records taken during the proceedings will be collected and destroyed by the mediator at the conclusion of the mediation session.

7. The mediator will provide signed copies of the agreement to each party and the SDE.

8. The mediator will be excluded from subsequent actions—complaint investigations, due process hearings, and legal proceedings.

9. A due process hearing requested prior to mediation may be canceled by the requesting party.

10. If for any reason the mediation fails, the mediator will provide each party and the SDE with a statement certifying that the mediation was unsuccessful.

11. Either party has the option to make another request for mediation.

C. Mediation System

Mediation offered by the SDE is voluntary, confidential, and at no cost to the parent and/or adult student or district.

1. Both the district and the parent and/or adult student may request mediation at any time.

2. The SDE has the discretion to suggest mediation to either party at any time it deems appropriate, but is required to make mediation available to the parties after a formal complaint or a request for a due process hearing has been filed.

Following a request for mediation, the SDE will contact the other party and ask whether they are willing to participate in mediation. Mediation may not be used to deny or delay the right to a due process hearing or any other rights afforded to students and parents.

D. SDE Contracted Mediators

Idaho SDE **contracted** mediators are impartial and trained in effective mediation, communication, negotiation, and problem-solving skills, and in laws and regulations relating to the provision of special education and related services. A mediator assists the parent and/or adult student and the district in resolving disputes. The SDE will select the mediator on a random, rotational, or other impartial basis from a list of highly qualified mediators. At times, the SDE may appoint two individuals to serve as co-mediators.

1. In all cases a mediator shall not:

    a. be an employee of the SDE or district involved in the dispute;

    b. have children enrolled in the district involved in the dispute; or

    c. have a personal or professional interest that conflicts with the person's objectivity.

2. Additionally, if the parties have agreed to mediation following a due process hearing requested:

a. co-mediators may not be used; and

b. the mediator may not be an employee of any district or state agency providing services that are publicly funded under the IDEA 2004, Part B.

3. The mediator:

a. Contacts the parties to explain the mediation process, identify issues, and help the parties establish a date, time, and place to hold the mediation.

b. Establishes the ground rules for all parties to follow.

c. Guides the process.

d. Encourages open and honest communication.

e. Ensures that each party is heard.

f. Rephrases information and summarizes issues.

g. Facilitates the writing of the agreement.

E. Mediation Timelines

The SDE will appoint a mediator within 3 business days of a request for mediation. The mediation will be held in a location convenient to the parties involved, and every effort will be made to complete the process within 21 calendar days.

F. Confidentiality

Discussions that occur during the SDE mediation process are confidential and cannot be used as evidence in any subsequent due process hearing or civil proceeding. The parties in the SDE mediation process will be required to sign a confidentiality pledge before mediation begins.

G. Mediation Agreement

An agreement reached by the parties through SDE mediation shall be set forth in writing and is enforceable in state and federal courts.

Section 3. Formal Complaints

A formal complaint may be filed with the SDE by any individual or organization from Idaho or another state who believes the district or other education agency has violated a requirement of Part B of the IDEA 2004, including the alleged failure to comply with a due process hearing decision rendered. The SDE will accept a complaint received by mail, fax or hand delivery. A

complaint filed by email will not be accepted. Contact information is listed in the introductory paragraph to this chapter.

See the document section at the end of this chapter for "Procedures for Resolving Complaints."

A. Filing Complaints

A formal complaint can be made by any person or organization. The complaint shall be in writing and include the following information:

1. current date;
2. the name, address, and telephone number of the person making the complaint (or available contact information);
3. the signature of the person making the complaint;
4. if alleging violations regarding a specific student, the name and address of the student involved (or available contact information in the case of a homelessness student or family);
5. the school and district or other education agency that is the subject of the complaint;
6. one or more statements (allegations) that the district has violated one or more requirements of Part B of the IDEA 2004;
7. the facts and/or a description of the events that support each allegation; and
8. proposed resolution of the problem or the relief sought.

The complaint shall allege a violation that occurred not more than one year prior to the date that the complaint is received. The SDE has a form available that may be used.

B. SDE Complaint Procedures

Upon receipt of a written complaint, the SDE will do the following:

1. Determine whether the complaint meets all of the required criteria. The SDE will notify the complainant if his or her submission is sufficient as listed in Section A, above.
2. Notify the district that a complaint has been received and offer both parties SDE mediation. Parents shall receive a copy of the Procedural Rights statement.
3. Set aside all or any part of the written complaint that is being addressed in a due process hearing until the conclusion of the hearing. Any issue that is not a part of the due process action will be resolved using the SDE complaint procedures and timelines. If a

hearing officer's decisions are not adequately addressed by the district, the SDE will investigate.

4. Give the complainant the opportunity to provide additional information about the allegations, either orally or in writing.

5. Resolve the complaint and issue a Final Report that includes the findings of fact, conclusions, and resolution for each allegation within 60 calendar days of receipt of the complaint. This time period may be extended, but only under exceptional circumstances, which shall be documented by the SDE. The resolution will state:

   a. how to remedy any denial of services, which may include the award of compensatory services, monetary reimbursement or other corrective action as appropriate to the needs of the student; and

   b. the future provision of services for a student with a disability, if such clarification is needed.

6. Ensure the district takes corrective action if it is determined that the district was out of compliance.

C. Methods of Resolving Complaints

The SDE will make every effort to resolve complaints in the least adversarial manner possible. Mediation will be offered to the disputing parties. If mediation is not accepted by the parties or fails to resolve the allegation(s), then resolution of a formal complaint may be achieved through one or more of the following four processes:

1. **Verification of resolution**: Upon receipt of the initial complaint from the SDE outlining the allegations, the district may submit information to the SDE to document that one or more of the allegations of the complaint have been resolved. The SDE may also receive similar information from other sources.

2. **Corrective action plan (CAP)**: The district may propose a CAP to address the allegations in the complaint. The SDE may accept, reject, or negotiate the proposed CAP or require other corrective actions or timelines to ensure the district will achieve compliance for each allegation stated in the complaint. If this process is not successful, the SDE will conduct a full investigation.

3. **Early complaint resolution (ECR)**: The SDE may propose the use of ECR to resolve the complaint. This approach, which shall be mutually agreed upon, provides the complainant and the district an opportunity to immediately resolve the issues prompting the complaint, even though the parties may not agree on particular allegations. The SDE Dispute Resolution Coordinator or an SDE-contracted complaint investigator will facilitate a resolution through the development of a written agreement to be signed by both parties. If this process is not successful the SDE will conduct a full investigation.

4. **Full investigation**: If necessary, the SDE will investigate the complaint by conducting interviews and reviewing files, correspondence, and other information. An on-site investigation may occur if necessary. The SDE will write a Final Report, including Findings of Fact, Conclusions, and identify appropriate Corrective Actions, if required.

Section 4. Due Process Hearings

A request for a due process hearing may be made by either a parent and/or adult student or the district.

A parent and/or adult student or district may file a request for hearing with the other party. The request shall be mailed, faxed, or hand delivered. When the request is filed with the district, the parent and/or adult student shall send copies to the Dispute Resolution Coordinator at the SDE.

All applicable timelines for due process hearing and resolution sessions will start when the request has been filed with the other party and the SDE.

A. Definition

Idaho's due process system has two types of hearings, a regular due process hearing and an expedited due process hearing:

1. A regular due process hearing is an administrative hearing to resolve disputes on any matter related to the identification, evaluation, educational placement, and the provision of FAPE.

2. An expedited due process hearing is as an administrative hearing to resolve disputes concerning discipline occurring within 20 school days of the request, with a decision rendered within 10 school days of the hearing.

B. Due Process Hearing Request from Parent and/or adult Student

A due process hearing may be requested on behalf of a student by a parent, adult student or by an attorney representing the student.

1. A due process hearing shall be initiated within two years of the date the parent and/or adult student knew or should have known of the dispute. The two-year timeline will not apply if the parent and/or adult student was prevented from requesting a hearing due to misrepresentations or the withholding of information by the district.

2. A due process hearing can be initiated regarding issues pertaining to identification, evaluation, educational placement, or the provision of FAPE if:

    a. the district proposes to initiate or change any of these matters; or

b. the district refuses the parent's and/or adult student's request to initiate or change any of these matters.

See the Documents Section of this chapter for a *Due Process Hearing Request* form. The parent and/or adult student, or his or her attorney filing a due process hearing request shall forward a copy to the SDE and the district. The SDE will provide reasonable accommodations to individuals who need assistance in filing a written request.

C. Due Process Hearing Request by a District

A district may initiate a due process hearing within two years of the dispute in an attempt to accomplish one or more of the following:

1. override a parent's/adult student's refusal of consent for an initial evaluation or the release of information;

2. override a parent's/adult student's written objection to an IEP change, an educational placement change, or disciplinary actions when there is an imminent threat to safety;

3. ask a hearing officer to place a student in an interim alternate education setting (IAES) when there is substantial evidence that maintaining the current educational placement is likely to result in injury to the student or others; or

4. request that a hearing officer determine whether an evaluation conducted by the district was appropriate or whether an evaluation obtained by a parent and/or adult student meets the criteria for a publicly funded independent educational evaluation (IEE).

If the district initiates a hearing, the district will inform the parent and/or adult student and the SDE.

D. Contents of a Request for a Due Process Hearing

A request for a due process hearing shall be made in writing and shall include the following information:

1. the current date;–

2. the student's name, address (or available contact information in the case of a homeless student), and school district;

3. the signature of the individual make the request for a due process hearing;

4. a description of the nature of the problem, including supporting facts; and

5. a proposed resolution of the problem or the relief sought.

E. Actions for Due Process Hearings

1. A Due Process Request Is Filed

   a. A request may be filed by either party.

   b. Either party may challenge the sufficiency of the due process hearing request within 15 days of the receipt of the hearing request. The hearing officer shall render a decision regarding the sufficiency within five calendars days and immediately notify the parties of the decision in writing.

   c. The district superintendent has the responsibility for informing the district's board of trustees of any request for a hearing.

   d. The district shall inform a parent and/or adult student of any free or low-cost legal or other relevant services available to him or her and provide a copy or the Procedural Safeguards if a due process hearing is requested or if the parent and/or adult student requests such information.

2. A Hearing Officer Is Assigned

   a. Within 10 calendar days of a request for a hearing, an impartial hearing officer will be assigned by the SDE. The SDE maintains a list of trained hearing officers, along with their qualifications, and assignments are made on a rotational basis.

   b. A hearing officer may not be an employee of the district or the SDE, an individual having any personal or professional interest that would conflict with his or her objectivity in the hearing, or a member of the board of trustees of the district.

   c. The district will pay for all actual expenses incurred by the hearing officer and for the cost of a verbatim transcript of the hearing. The hearing officer will be compensated at rates set by the SDE.

3. SDE Mediation Is Offered

   The SDE is required to offer mediation as an alternative dispute resolution mechanism to the involved parties.

3. Response to a Due Process Request

   a. The other party shall file a response with 10 calendar days addressing the issues raised.

   b. If the district has not sent a written notice to the parent and/or adult student regarding the subject matter contained in the due process request, the district will,

within 10 calendar days of receiving the request, send the parent and/or adult student a response that includes all the components of written notice.

c. Either party may amend the request, upon obtaining written consent from the other party or as granted by the hearing officer, at least 5 calendar days prior to the hearing. If the request is amended, timelines for resolution and resolving the issues begin again as of the date of the amended request.

5. Pre-hearing Resolution Session

a. A resolution session will be held within 15 calendar days of a request for a due process hearing unless: (the IDEA 2004 requires the resolution session only if the parent has requested the due process hearing. Some states, through state regulations, are expanding this also to hearing requests initiated by the district.)

(1) Both parties agree in writing to waive the resolution meeting.

(2) Both parties agree to go to mediation.

b. A "resolution team" includes the parent and/or adult student, a representative of the district who has decision-making authority, and relevant members of the IEP team who have specific knowledge of the facts identified in the request for a due process hearing as determined by the parties. The district's attorney will not attend the resolution session unless the parent and/or adult student will be accompanied by an attorney. Note: The SDE will offer the services of a facilitator with the approval of both parties.

c. The purpose of the meeting is for the parent of the student to discuss the due process hearing request, and the facts that form the basis of the request, so that the district has the opportunity to resolve the dispute.

d. If a resolution is reached regarding the issues raised in the request for a due process hearing, the district representative and parent and/or adult student will sign a legally binding document that is enforceable in state and federal court. Either party may void this agreement within 3 business days of signing the agreement.

e. A due process hearing will be scheduled if no resolution is reached within 30 calendar days of receiving the request for a due process hearing.

f. If the district is unable to obtain the participation of the parents after reasonable efforts have been made and documented, at the conclusion of the 30 calendar day period, the district may request that the hearing officer dismiss the parents due process hearing request.

g. A parent may request an immediate due process hearing from the hearing officer if the district has not scheduled or participated in a resolution session within 15 days of the request.

The 45 day timeline for the due process hearing request starts the day after one of the following events:

a. Both parties agree in writing to waive the resolution meeting;

b. After either the mediation or resolution meeting starts but before the end of the 30 day period, the parties agree in writing that no agreement is possible;

c. If both parties agree in writing to continue the mediation at the end of the 30 day resolution period, but later, the parent or public agency withdraws from the mediation process.

6. Hearing Preparation

a. A parent and/or adult student will be allowed to inspect and review reports, files, and records pertaining to the student not less than 5 business days prior to a due process hearing. A district may charge a fee for copies of records if the fee does not effectively prevent a parent and/or adult student from exercising his or her right to inspect and review those records. The district may not charge a fee to search for or retrieve records.

b. Not less than 5 business days prior to a due process hearing, each party will disclose to all other parties:

(1) Evaluations completed by that date; and

(2) Recommendations based on those evaluations intended to be used at the hearing.

(3) Copies of exhibits which will be introduced and a list of witnesses each party intends to call at the hearing.

c. The hearing officer will provide notification as to the time and place of the due process hearing to the parent and/or adult student, district officials, and the SDE. The hearing shall be conducted at a time and place reasonably convenient to the parent and/or adult student.

7. The Due Process Hearing

a. The hearing officer will preside over and conduct the proceedings in a fair and impartial manner, permitting all parties an opportunity to present their information

and opinions pursuant to the Idaho Administrative Procedure Act (IDAPA) and IDEA 2004 requirements.

b. A parent and/or adult student and district personnel may be accompanied and advised by legal counsel and other persons with special knowledge or training about students with disabilities.

c. A parent and/or adult student has the right to open the hearing to the public and to have the student who is the subject of the hearing present.

d. Only a parent and/or adult student, a district, and their respective attorneys have the right to present evidence, to compel the attendance of witnesses and the production of documents, and to confront and cross examine witnesses.

e. New issues (issues not in the original due process request) may not be raised at the hearing unless agreed to by the other party. Any party may, however, prohibit the introduction of any evidence at the hearing that was disclosed less than 5 business days before the hearing.

f. During the hearing the district will provide reasonable accommodations as required by federal regulations. Disputes will be referred to the SDE for resolution.

g. A record of the hearing will be made. The record will be a written verbatim transcript. The parent and/or adult student may choose an electronic verbatim record. The district will pay the transcript costs, and a copy of the transcript will remain with the SDE. The parent and/or adult student and district personnel have the right to obtain a copy of the record upon formal request.

8. Decision of the Hearing Officer

a. The decision of the hearing officer will be based solely on presentations made at the due process hearing.

b. The decision made by the hearing officer will be made on substantive grounds based on a determination of whether a student received FAPE.

(1) In matters alleging a procedural violation, a hearing officer may find that a student did not receive FAPE only if the procedural inadequacies:

(a) impeded the student's right to FAPE;

(b) significantly impeded a parent's/adult student's opportunity to participate in the decision-making process; or

(c) caused a deprivation of educational benefit.

(2) A hearing officer may order a district to comply with procedural requirements, regardless of whether a district's failure in this area did or did not result in a denial of FAPE.

c. The decision will include findings of fact and conclusions of law.

d. The hearing officer's written decision shall be available within 45 calendar days from the date of the request for a hearing. The 45-calendar-day timeframe begins when the written request is actually received by the district or the SDE, whichever is earlier.

e. The findings of fact and decision shall be sent to the parent and/or adult student at no cost. Copies will also be mailed to the district superintendent, the SDE, and representatives of the district.

f. After deleting personally identifiable information, the SDE will transmit the decision to the Special Education Advisory Panel (SEAP) and make the decision available to the public upon request.

g. A hearing officer's decision will be enforceable in state and federal court. It will be implemented not later than 14 calendar days from the date of issuance unless:

(1) the decision specifies a different implementation date; or

(2) either party appeals the decision by initiating civil action in state or federal district court.

h. Nothing in the section can be interpreted to prevent a parent from filing a separate due process hearing request on an issue separate from the request already filed. The SDE may consolidate multiple hearing requests involving the same IEP.

i. Stay Put

(1) During the pendency of any due process hearing, the student shall remain, or "stay put," in his or her current educational placement unless the district and parent and/or adult student agree otherwise.

(2) The stay-put placement continues during any subsequent appeals unless a hearing officer agrees with a parent and/or adult student that a change of placement is appropriate, in which case, the placement identified in the hearing officer's decision becomes the stay-put placement.

(3) If the dispute involves an application for initial admission to public school in Idaho, the student, with the written consent of his or her parent, shall be placed in the public school program until the proceedings are completed.

(4) "Stay put" does not apply when a student is transitioning from Part C (the Infant Toddler program) to Part B services in Idaho. Following the development of an IEP or an individual family service plan (IFSP), if an educational placement dispute arises involving a student transitioning from Part C to Part B, the student cannot "stay put" in Part C:

(a) With written consent of the parent, the student shall be placed in the public school until completion of all the hearing proceedings.

(b) If the parent does not give written consent, the student will not receive services until completion of the hearing proceedings.

(c) If the student is eligible for special education and related services, and the parent consents, then the district shall provide those special education and related services which are not in dispute.

Section 5. Expedited Due Process Hearings

A request for an expedited due process hearing may be made by either a parent and/or adult student or the district. The request should be mailed, faxed or hand delivered to the Dispute Resolution Coordinator at the SDE. A request for an expedited due process hearing filed by email will not be accepted. Contact information is listed in the Introduction to this chapter.

A. Definition

An expedited due process hearing is defined as an administrative hearing to resolve disputes concerning discipline occurring within 20 school days of the request, with a decision rendered within 10 school days of the hearing.

B. Expedited Hearing Requests

1. A district may request an expedited hearing if the district believes maintaining the current placement or returning the student to the prior placement is substantially likely to result in injury to the student or others.

2. A parent and/or adult student may request an expedited hearing if:

   a. he or she disagrees with a determination that the student's behavior was not a manifestation of the disability; or

   b. he or she disagrees with the district's discipline decision, which resulted in a change of placement.

See Section 5D of this chapter for additional information regarding placement during a hearing.

C. The Expedited Hearing Process and Decisions

An expedited hearing will be conducted in a fair and impartial manner. Guidelines and proceedings will be the same as those in a regular due process hearing, except for the following changes:

1. The SDE will appoint a hearing officer within 2 business days of a request.

2. A resolution session shall occur within 7 days of receiving a due process hearing request unless the parties agree in writing to waive the resolution session or go to mediation.

3. A due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 day of the receipt of the expedited due process hearing request.

4. Any party may prohibit the introduction of any evidence at the hearing that was not disclosed at least 2 business days before the hearing.

5. The hearing shall occur within 20 school days of the request, with a decision rendered within 10 school days of the hearing. A written decision will be mailed to both parties.

6. A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other original due process hearings.

D. Placement During an Expedited Hearing

When a hearing has been requested by either the parent and/or adult student or the district regarding placement decisions, the student shall "stay put" during the pendency of the hearing. In relation to disciplinary proceedings, stay put means:

1. The student will remain in the IAES until the timeline for the disciplinary action expires or the hearing officer renders a decision, whichever occurs first.

2. Upon expiration of the IAES placement, the student will be placed in the setting he or she was in prior to the IAES. However, if district personnel maintain that it is dangerous for the student to return to that placement, the district may request an expedited hearing to continue the IAES for up to an additional 45 school days. This procedure may be repeated as necessary.

If the hearing officer finds for the parent and/or adult student, the change of placement cannot occur and the IEP team will need to determine the extent of services that are appropriate to meet the student's individual needs and to address the student's behavior. If the hearing officer finds for the district, the district may use the same disciplinary procedures, including expulsion, as it uses for any other student, except that FAPE shall be provided according to the requirements in Chapter 12, Section 3.

Section 6. Appeals and Civil Action

1. An appeal to state or federal court shall be filed within 42 calendar days from the date of issuance of the hearing officer's decision.

2. Either party shall exhaust all dispute resolution procedures available under the IDEA 2004 prior to filing action in civil court. However, nothing in the IDEA 2004 restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or other Federal laws protecting the rights of children with disabilities. This means either party may have remedies available under these laws that overlap with IDEA 2004. To obtain relief under those other laws, either party shall first use the available dispute resolution procedures under the IDEA 2004 before going directly into court.

Section 7. Attorney Fees

A district court will have jurisdiction in the awarding, determination, or prohibition of attorney fees. The court may:

1. award reasonable attorney fees as part of the costs to the prevailing party; and

2. determine the amount of attorney fees, using prevailing rates in the community in which the action occurred, for the kind and quality of services provided. No bonus or multiplier may be used in calculating the amount of fees awarded.

Funds under Part B of the IDEA 2004 cannot be used by the district to pay any attorney fees or costs of a party related to an action or proceeding, such as deposition, expert witnesses, settlements, and other related costs. However, Part B funds may be used to pay hearing officer fees or the costs of a meeting room to conduct the hearing.

A. Prohibition of Attorney Fees

1. Attorney fees may not be awarded:

   a. for legal representation at an IEP meeting, including a resolution session, unless such a meeting is convened as a result of a due process hearing or a judicial action; or

   b. for mediation that is conducted prior to a request for a due process hearing.

2. Attorney fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to a parent and/or adult student if:

a. the district makes an offer at least 10 calendar days before a due process hearing or a civil proceeding begins;

b. the offer is not accepted by the parent and/or adult student within 10 calendar days after it is made; and

c. a court or due process hearing officer finds that the relief obtained by the parent and/or adult student is not more favorable to the parent and/or adult student than the offer of settlement.

B. Exception to the Prohibition of Attorney Fees

An award of attorney fees and related costs may be made to a parent and/or adult student who is a prevailing party and who was substantially justified in rejecting the district's settlement offer.

C. Reduction in the Amount of Attorney Fees

A court may reduce an award for attorney fees under any of the following circumstances:

1. During the course of the action or proceeding, the parent and/or adult student or his or her attorney unreasonably extended the final resolution.

2. The amount of the award unreasonably exceeds the prevailing rate in the community for similar services by attorneys of reasonably comparable skills, reputation, and experience.

3. The time spent and legal services rendered were excessive considering the nature of the action.

4. The attorney representing the parent and/or adult student did not provide the information required in a due process hearing request.

D. Exception to the Reduction of Attorney Fees

The amount of attorney fees will not be reduced if the court finds that the district or SDE unreasonably extended the final resolution of the action or proceeding.

E. Special Provisions Regarding Attorney Fees

1. A district or SDE that prevails may seek attorney fees from a court against the parent's/adult student's attorney if the action is deemed frivolous, unreasonable, without foundation or prolongs the litigation.

2. A district or SDE that prevails may seek attorney fees from a court against the parent's/adult student's attorney or the parent and/or adult student if the hearing request

was presented for improper purposes such as to harass the district, cause unnecessary delay or needlessly increase the cost of litigation.

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SPECIAL EDUCATION MEDIATION IN IDAHO

MANAGING PARENT AND SCHOOL CONFLICT THROUGH EFFECTIVE COMMUNICATION

If conflict occurs between a parent and school personnel regarding the educational program of a special education student, mediation provides a non-adversarial alternative to resolve the dispute.

Mediation is a structured, yet informal, voluntary process in which an impartial third party, a mediator, helps parents and school personnel who are experiencing conflict to reach a suitable agreement. Mediation builds positive working relationships, encourages mutual understanding, and helps parents and school personnel focus on their common interest—the student.

Section 1. Mediation in Idaho

The mediation process:

1. May resolve disputes regarding the identification, evaluation, educational placement, or related services for students with disabilities;

2. Clarifies areas of agreement and disagreement; and

3. Fosters better relationships between parents and schools

Section 2. Requesting Mediation

An oral or a written request for mediation may be made to the SDE by the parent of a student with a disability, a legal guardian, a surrogate parent, or the district. In addition, the SDE will encourage parents and districts to participate in mediation when it seems appropriate. Following a request for mediation, the SDE will make every effort to complete the process within 21 days.

A request for mediation:

1. Is appropriate when parents and/or schools are unwilling or unable to modify their position without outside assistance;

2. May occur when parents and schools, after making a good-faith effort, face an impasse in attempting to resolve the conflict; and

3. Can be scheduled prior to, or concurrent with, a request for a due process hearing.

Section 3. Proposed Mediation by the SDE

The SDE will automatically offer mediation to resolve a dispute between parents and the district:

1. When there is a formal request for a due process hearing; and
2. At any other time the SDE deems the use of mediation appropriate.

Section 4. Appointment of a Mediator

The SDE maintains a list of qualified mediators. When both parties in a dispute agree to mediate, every attempt will be made by the SDE to appoint a mediator within 3 business days of the request. A mutually agreed upon time, date, and place of the mediation will be coordinated by the mediator.

If a due process hearing has been requested, the SDE will use a rotation list to select the mediator or both parties will be involved in and agree with the selection of the mediator.

If a due process hearing has been requested, the mediator may not be an employee of any district or state agency providing publicly funded services under the IDEA 2004 and co-mediators may not be used.

Section 5. The Mediator

A mediator is a neutral third party trained in communication, problem-solving and negotiation skills, and specific mediation techniques who acts as a facilitator to assist s and schools in resolving conflicts. The mediator:

1. Educates the parties about the mediation process.
2. Establishes the ground rules for all parties to follow.
3. Guides the process.
4. Encourages open and honest communication.
5. Ensures that each party is heard.
6. Rephrases information and summarizes issues.
7. Facilitates the writing of the agreement.

Section 6. Roles of Parents and Schools

It is in the best interest of all parties, including the student, to explore mediation as a means to an informal resolution of the conflict. Parents and school personnel play a very important role in mediation. As active participants, each party can help design a mutually agreeable solution.

Section 7. Prior to the Mediation

The SDE will provide:

1. Formal notification to the disputing parties of the mediator appointed.

2. A copy of *Special Education Mediation in Idaho* and the *Procedural Safeguards Notice* to each party.

3. A copy of the "Confidentiality Pledge" to the parent, district, and mediator. The parties should review the pledge, come to the mediation with any questions regarding confidentiality, and be prepared to sign the pledge.

The mediator will:

1. Contact the parties to explain the mediation process, identify issues, and help the parties establish a date, time, and place to hold the mediation.

2. Assist in determining who will attend the mediation session and inform the parties that participants need to be knowledgeable about the student and of available resources or services the student may need.

3. Advise the SDE of the names of all parties who will participate in the mediation session.

The parent and district will:

1. Determine who will attend the mediation session and advise the mediator of their choices.

2. Advise the mediator that the individual(s) with authority to commit resources and make final resolution decisions will participate in the mediation session.

Section 8. Preparing for the Mediation Session

The following guidelines can help participants prepare for the mediation session:

1. Keep your schedule free and be willing to give at least one full day to the mediation process.

2. Put aside personality conflicts and center on the educational interests of the student.

3. Approach mediation in good faith.

4. Be open, honest, and willing to listen.

5. Be familiar with all documents related to the dispute, including the Individualized Education Program (IEP).

6. Organize your information and materials.

7. Set goals you would like to achieve during the session.

8. Be open to alternatives.

Section 10. The Mediation Session

Every mediator has his or her own personal style of conducting a mediation. Participants should feel free to ask questions and seek clarification on any issue during the session. The mediation may include the following stages:

1. **Introduction:** The mediator will explain the process, set the ground rules for all parties, respond to questions, and encourage the parties from the onset to deal with issues – not personalities.

2. **Identification of issues:** Each party will have an opportunity, without interruption, to identify issues and share information. The mediator may seek additional information or summarize the issues.

3. **Expression of interests:** At this stage, the mediator helps the parties identify their interests (those factors underlying their issues). Goals, needs, beliefs, hopes, and fears are expressed, explored, and clarified.

4. **Caucus:** On occasion, issues and underlying interests may not be clear. Opportunity is provided for each party to "caucus" with the mediator for the purpose of sharing information or seeking clarification about the issues. The mediator will not disclose information from caucus sessions without consent.

5. **Recess:** A break may be requested by any participant during the session. This time provides an excellent opportunity for all parties to gather their thoughts and absorb what has transpired.

6. **Creating alternatives:** After the basic issues and interests have been identified, discussed, and clearly understood by all parties, the mediator will assist the parties in identifying or developing options to resolve the conflict. At any time during an open session or in a caucus, either party may propose solutions.

7. **Developing and writing a plan:** The ultimate goal of mediation is to obtain a written resolution to the conflict. The parties establish the terms of the agreement. The mediator writes the final agreement, which is signed by the parent(s), school representatives, and mediator. Each party retains a copy of the agreement. If an agreement involves proposed changes to a student's IEP, an IEP team meeting should be convened as soon as possible.

8. **Implementation:** For the final agreement to work effectively, its provisions shall be implemented. The signed agreement demonstrates a commitment by both parties to abide by the conditions of the agreement. Ultimately, it is the responsibility of the parties to fulfill their obligations.

For additional information, contact:

Dispute Resolution Coordinator
State Department of Education
Division of Student Achievement and School Accountability
P.O. Box 83720
Boise, Idaho 83720-0027
208/332-6912
800/432-4601
TT: 800/377-3529
FAX: 208/334-4664

Regional Special Education

North:	208/667-2588	Coeur d'Alene
	208/885-9060	Moscow
Southeast:	208/282-3610	Pocatello
	208/736-4263	Twin Falls
Southwest:	208/426-4315	Boise
	208/426-4397	Boise

Comprehensive Advocacy, Inc. (Co-Ad)
4477 Emerald Street, Suite B-100
Boise, ID 83706
V/TT: 208/336-5353
V/TT: 866/262-3462

Idaho Parents Unlimited, Inc. (IPUL)
4696 Overland Road, Suite 478
Boise, ID 83705
800/242-IPUL
V/TT: 208/342-5884

IDAHO STATE DEPARTMENT OF EDUCATION
PROCEDURES FOR RESOLVING COMPLAINTS
UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT 2004

Section 1. Filing Complaints

A. Filing a Formal Complaint

Any individual or organization from Idaho or another state who believes a school district or other education agency has violated a requirement of Part B of the Individuals with Disabilities Education Improvement Act 2004 (IDEA 2004) may file a formal complaint with the State Department of Education (SDE). The complaint shall:

1. Be in writing. Electronic mail is not acceptable. (The SDE will provide reasonable accommodations to individuals who need assistance in filing written complaints.)

2. Be signed and dated.

3. Include one or more allegations. Allegations are statements that an education agency has violated a requirement of Part B of the IDEA 2004. The alleged violations may not be older than one year from the date the complaint is received by the SDE.

4. Include the supporting facts of each allegation. Supporting facts are a description of the events to support the allegation(s), including the name(s) of the student(s) involved, as appropriate.

5. Include a proposed resolution for the complaint.

B. Contact Information Required

Complainants should include their mailing addresses and work and home telephone numbers as well as the name, address, and telephone number of the student(s) involved.

C. Formal Complaints Address

Complaints shall be mailed to:

Dispute Resolution Coordinator
State Department of Education
Division of Student Achievement and School Accountability
P.O. Box 83720
Boise, ID 83720-0027

Section 2. Evaluating Complaints

At times, the SDE may not be able to proceed with resolution of all of a complainant's concerns. Complaints will be evaluated to determine whether the SDE can proceed with resolution. The SDE will notify the complainant, within 30 days of receipt of a complaint, if it cannot proceed with complaint resolution and the reasons. The complainant has the option of filing a new complaint restarting the 60-day timeline or revising the complaint. If the revised complaint contains additional allegations on which the SDE can proceed, the SDE will modify the scope of complaint resolution and may extend the 60-day timeline.

A. Complaint resolution cannot proceed when:

1. The complaint is not in writing.

2. The complaint is not signed.

3. The complaint does not include allegations of Part B violations. (If appropriate, the SDE will notify the complainant of the appropriate agency, entity, or process to address his or her concerns.)

4. The complaint does not include the facts to support the allegations for any of the allegations.

5. All of the allegations in the complaint have been resolved in a previous due process hearing. However, the SDE will resolve a complaint alleging that the education agency failed to implement a due process hearing decision.

B. Resolution of every allegation cannot proceed when:

1. Some of the statements in the complaint are not allegations that an education agency has violated a requirement of Part B of the IDEA 2004. In this situation, the SDE will proceed with resolution of the statements that are allegations. Where appropriate, the SDE will assist the complainant in clarifying other statements and/or will inform the complainant of the appropriate agency, entity, or process to address concerns that do not allege violations of the IDEA 2004.

2. The facts to support some of the allegations are not provided. In this situation, the SDE will proceed with resolution of the allegations for which facts have been included. If appropriate, the SDE will assist the complainant in identifying the facts for his or her other allegations.

3. Some or all of the allegations in the complaint are the subject of a current due process hearing. In this situation, the SDE will proceed with resolution of allegations that are not part of the due process hearing. The SDE will set aside allegations that are the subject of a due process hearing and will suspend the timeline for those allegations.

When the hearing is resolved, the SDE will proceed with resolution of any allegation on which the hearing officer has not ruled. However, the SDE will proceed to resolve allegations that an education agency failed to implement a due process hearing decision.

C. If the complaint is withdrawn by the complainant prior to expiration of the timeline for resolution, the SDE will close the complaint.

Section 3. Complaint Resolution Processes

The SDE will make every effort to resolve complaints in the least adversarial manner possible. Resolution of a formal complaint may be achieved through one or more of the following four processes:

1. **Verification of resolution:** At any time during an investigation, the education agency may submit information to the SDE to document that one or more of the allegations in the complaint have been resolved. The SDE may also receive similar information from other sources.

2. **Corrective action plan (CAP):** The district may propose a CAP to address the allegations in the complaint. The SDE may accept, reject, or negotiate the proposed CAP or require other corrective actions or timelines to ensure that the district will achieve compliance for each allegation stated in the complaint. If this process is not successful, the SDE will conduct a full investigation.

3. **Early complaint resolution (ECR):** The SDE may propose the use of ECR to resolve the complaint. This mutual approach provides the complainant and the district an opportunity to immediately resolve the issues prompting the complaint, even though the parties may not agree on particular findings of fact and conclusions. The SDE Dispute Resolution Coordinator or a contracted investigator will facilitate a resolution through the development of a written agreement to be signed by both parties. If this process is not successful, the SDE will conduct a full investigation.

4. **Investigation:** If necessary, the SDE will investigate the complaint by conducting interviews and reviewing files, correspondence, and other information. An on-site investigation may occur if necessary.

Section 4. Compliance Activities

The SDE will negotiate or require corrective actions, including timelines, as necessary, for the education agency to achieve compliance.

A. **Remedies:** The SDE will identify the specific corrective action necessary for the district to achieve compliance. If it is determined that the district has failed to provide appropriate services, the SDE will address:

1. How to remedy the denial of those services including, as appropriate, the award of compensatory education, monetary reimbursement, or other corrective actions appropriate to the needs of the student that is the subject of the complaint; and

2. Appropriate future provision of those services for all students with disabilities in the education agency.

B. **Documentation:** The SDE will verify implementation of corrective actions and compliance by obtaining documentation from the district or education agency, confirming compliance with the complaint, or conducting an on-site follow up.

1. **Technical assistance:** If necessary, the SDE will provide technical assistance to the district or education agency during or following complaint resolution. The SDE will maintain a record of technical assistance provided to districts or education agencies.

2. **Sanctions:** If the district or education agency fails to achieve compliance, the SDE may initiate procedures to withhold federal funds until compliance is achieved.

Section 5. Complaint Resolution Steps

Within 60 days of receiving the complaint, the SDE will complete the following:

A. The SDE will decide to accept or reject the complaint based on the allegations and supporting facts.

B. Notify both parties in writing of the SDE determination, including a copy of the complaint and "Procedures for Resolving Complaints".

C. Offer mediation to both parties as a method for resolving the complainant's concerns.

D. The complainant will be notified of his or her right to submit additional information, either orally or in writing. Complainants will be asked to submit additional written information within 15 days of receiving notice of the right to do so. The complainant may submit additional oral information through an interview with the complaint investigator.

E. Gather sufficient additional information to make a determination for each allegation through informal fact finding; telephone or personal interviews; and a review of files, documents, correspondence, and other information. If both parties agree that one or more violations have occurred, additional fact-finding will not be conducted in those areas.

F. Carry out an independent on-site investigation if it is determined necessary.

G. Review all relevant information and make an independent determination for each allegation filed by the complainant as to whether the education agency has violated a requirement of Part B of the IDEA 2004.

H. Issue a Final Report to the complainant and district or education agency that contains:

1. An introduction with:

   a. An assigned case number per the date the complaint was received by the SDE.

   b. The name of the parties involved.

   c. The complainant's allegations.

   d. The complaint investigator's name.

   e. Identified information gathered and reviewed.

   f. If relevant, a description of any extension of the 60-day timeline and the exceptional circumstances that warranted the extension.

2. The SDE's findings of fact.

3. The SDE's conclusion regarding each allegation.

4. If the SDE determines the education agency violated a Part B requirement, required Corrective Action(s) will be stated in the report. A timeline and method of documenting compliance will be included.

I. Personally identifiable information about the student will not be included in the final report. The use of personally identifiable information about personnel employed by the education agency will be avoided.

J. The 60-day timeline may be extended if exceptional circumstances exist and are documented by the SDE, or the parties agree to voluntarily engage in mediation or other dispute resolution options offered by the SDE. If the timeline is extended, both parties will be notified. The notification will include the length of the extension and a description of the exceptional circumstances that warrant the extension.

Section 6. Record of Complaints

Each complaint file will be maintained for a period of at least 5 years and will include an original or copy of:

1. The complaint.
2. The investigative notes, documents, correspondence, phone logs, etc.
3. The Final Report, or documentation that the complaint was withdrawn.
4. Verification of compliance if additional activities are required in the report.

DUE PROCESS HEARING REQUEST FORM

Please submit any request for a due process hearing to your district superintendent and to the Dispute Resolution Coordinator, State Department of Education, Division of Student Achievement and School Accountability, P.O. Box 83720, Boise, ID 83720-0027. (You may use this form or submit a letter that includes the information below.)

A. General Information: (type or print)

Date of Written Request: _____ Date Received (completed by SDE): _____

Name of Individual Requesting Hearing: _____

Address: _____

City: _____ Zip: _____ Day Phone: _____

Parent/Guardian of Student: _____

Address: _____

City: _____ Zip: _____ Telephone: (Hm) _____ (Wk) _____

Name of District/Agency Hearing Request Is Against: _____

Student Information:

Student Name: _____

Address: _____

City: _____ Zip: _____

Telephone: _____

District Information:

District Contact: _____

Address: _____

City: _____ Zip: _____

Telephone: _____

School Student Attends: _____

(Complete if the information is available):
Student's Attorney: _____

(Complete if the information is available):
District's Attorney: _____

B. Issue(s): Describe your specific problem that relates to any matter of identification, evaluation, educational placement, or provision of a free appropriate public education. Summarize the facts and information as a basis for each allegation. (Attach additional pages if needed.)

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C. Resolution: Please provide your suggestions for solving the problem. (Attach additional pages if needed.)

_____

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_____

_____	_____	_____
Signature of Individual Requesting Hearing	Title or Relationship to Student	Date

FORM FOR FILING A FORMAL COMPLAINT

Please submit any request for a formal complaint to the Dispute Resolution Coordinator, State Department of Education, Division of Special Populations Services, P.O. Box 83720, Boise, ID 83720-0027. The alleged violations may not be older than one year from the date the complaint is received by the SDE. (You may use this form or submit a letter that includes the information below.)

A. General Information: (type or print)

Date: _____

Name of Individual Filing the Complaint: _____

Address: _____

City: _____ Zip: _____ Day Phone: _____ Home Phone:_____

Relationship to Student: _____

Name of District /Agency Complaint Is Against: _____

Student Information:

Student Name: _____

Address: _____

City: _____ Zip: _____

Telephone: _____

District Information:

District Contact: _____

Address: _____

City: _____ Zip: _____

Telephone: _____

School Student Attends: _____

(If compliant involves more than one student, please complete the student and district information for each student.)

In the case of a homeless child or youth, provide available contact information:

_____

_____

_____

_____

B. Allegation(s): Describe the specific issue(s) that relate to potential violations of Part B of the IDEA 2004. Provide supporting facts and information for each allegation. (Attach additional pages if needed.)

_____

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C. Resolution: Please provide your suggestions for solving the problem. (Attach additional pages if needed.)

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_____ _____ _____

Signature of Individual Filing Complaint Title or Relationship to Student Date

Document date:

Resolution Session Form

Page of

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		
Parent/Guardian Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		
Director:		Daytime Phone:		

The IDEA (2004) requires that options be made available to resolve conflict when a request for a due process hearing is filed. The "resolution session" provides an opportunity for the parent and/or adult student and the district to resolve issues identified in a due process hearing request. A resolution session is a meeting scheduled by the district and involves relevant members of the IEP team and the parent and/or adult student. The attorney for the school district will not attend the meeting unless the parent's/adult student's attorney is present. If requested by both parties, the State Department of Education (SDE) will appoint a neutral facilitator to conduct the resolution session.

A resolution session will be scheduled by the district unless one of the following occurs:

1. Both the parent and/or adult student and the school district mutually agree to participate in mediation from the SDE.

2. Both the parent and/or adult student and the school district mutually agree in writing to waive the resolution session.

Should a resolution session occur, the 45-day hearing process will not start until up to 30 days have expired, allowing for resolution.

Should the parties mutually waive the resolution session and mutually agree not to participate in SDE mediation, the due process hearing will be scheduled, and the 45-day timeline for completing the hearing will start on the date that the request for a hearing was received.

Please sign below regarding your participation in a resolution session. Unless both the district and the parent and/or adult student waive the resolution session, a meeting will be scheduled. If the district schedules a resolution session and the parent and/or adult student does not attend, the issues cannot be taken to a due process hearing.

Signature	Waive Resolution Meeting	Date
Parent:	[ ] Yes [ ] No	
Parent:	[ ] Yes [ ] No	
District Representative:	[ ] Yes [ ] No	

Chapter 14
SPECIAL EDUCATION FORMS

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Document date:

Contact Log

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		
Parent/Guardian Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		

Date	Time	Content (include participants, purpose of contact, what transpired, and outcome)	Person making contact

Access Log

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		
District:	School:			

The district must maintain an Access Log recording each request for access to and each disclosure of personally identifiable information from the education records of the student. The Access Log must be maintained as long as the student's records are maintained by the district, and must include for each request or disclosure: the parties who have requested or received access, and their legitimate interests in the information. Exceptions to the above include: school officials, teachers, and teachers' assistants employed by the district having a legitimate educational interest; to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or State and local educational authorities.

Party Requesting Access or Accessing	Affiliation of the Party	Date of Access	Legitimate Interest of the Party
Name (print): Signature:	Position: Agency:		
Name (print): Signature:	Position: Agency:		
Name (print): Signature:	Position: Agency:		
Name (print): Signature:	Position: Agency:		
Name (print): Signature:	Position: Agency:		
Name (print): Signature:	Position: Agency:		
Name (print): Signature:	Position: Agency:		
Name (print): Signature:	Position: Agency:		
Name (print): Signature:	Position: Agency:		
Name (print): Signature:	Position: Agency:		

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

The purpose of this notice is to inform you of the following:

A. Actions proposed:

[ ] The student is due for a reevaluation to determine continued eligibility, and it has been determined that further assessment is not necessary.
[ ] The school district proposes to initiate/change identification.
[ ] The school district proposes to initiate/change educational placement.
[ ] The school district proposes to initiate/change educational placement due to disciplinary action.
[ ] Other:

B. Actions refused:

[ ] The school district refuses to initiate/change identification.
[ ] The school district refuses to initiate/change evaluation/reevaluation.
[ ] The school district refuses to initiate/change educational placement.
[ ] The school district refuses to change the Individualized Education Program (IEP).
[ ] Other:

C. Explanation of why actions were proposed or refused:

[ ] The student has met IEP or district graduation requirements.
[ ] The student has completed the semester in which he or she turned 21 years old and is no longer entitled to special education services.
[ ] The current data on school performance along with previous assessments are adequate.
[ ] The student's disability adversely affects his or her educational performance, preventing satisfactory achievement.
[ ] Special education services are required in order for the student to benefit from an educational program.
[ ] The student's disability does not adversely affect his or her educational performance.
[ ] Behavioral and academic interventions can be implemented within the current placement.
[ ] Other:

D. The following options were considered and rejected because:

E. The following evaluation procedures, tests, records, and reports were used as a basis for the decision:

F. The following information and other factors are relevant to the decision:

You have protection under the procedural safeguards of the Individuals with Disabilities Education Improvement Act 2004 (IDEA 2004). If you need an explanation or a copy of the *Procedural Safeguards Notice,* please contact _____ at _____.
Case Manager Building or Phone Number

After contacting the school district, if further assistance is needed, you may contact any of the agencies below:

Idaho State Department of Education
208/332-6910
800/432-4601
TT: 800/377-3529

Idaho Parents Unlimited, Inc.
800/242-4785
V/TT: 208/342-5884

Comprehensive Advocacy, Inc.
V/TT: 208/336-5353
V/TT: 866/262-3462

Copy to the confidential folder, each service provider, and the parent or adult student.

Referral to Consider a Special Education Evaluation

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		
Parent/Guardian Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		

1. Review of referral:

A. Are the parents/guardians aware of concerns? [ ] Yes [ ] No

B. Who contacted the parents or adult student? _____

C. When was contact made? _____

D. Describe the reason for referral:

E. Describe appropriate instruction in reading and math, and the student's response (or attach Intervention Plan & Graph):

F. Describe scientific research-based intervention implemented and results (attach Intervention Plan and Graph):

2. Does the learner have limited proficiency in English? [ ] Yes [ ] No

A. If yes, what is the student's English proficiency level and how was it determined?

B. If yes, how does this student compare to similar peers receiving English as a Second Language (ESL) services?

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date:

Referral to Consider a Special Education Evaluation

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

3. Review of student's performance:

Review each of the following areas and determine if there is a need to assess.	**Need More Information**	**Current Level of Performance**
Intellectual/Cognitive Functioning	[ ] Yes [ ] No	
Academic Performance (including grades)	[ ] Yes [ ] No	
Communication (Speech/Language)	[ ] Yes [ ] No	
Motor Development (Fine/Gross)	[ ] Yes [ ] No	
Hearing/Vision	[ ] Yes [ ] No	
Developmental/Medical History	[ ] Yes [ ] No	
Results from Statewide or Districtwide Assessments	[ ] Yes [ ] No	
Emotional/Social/Behavioral Development	[ ] Yes [ ] No	
Transition/Vocational/Occupational	[ ] Yes [ ] No	
Assistive Technology	[ ] Yes [ ] No	

4. Procedural Safeguards: At the time of initial referral to consider special education, the parent and/or adult student must be given a copy of the Procedural Safeguards Notice.

5. Other considerations:

[ ] The *Procedural Safeguards Notice* has been sent to the parent/adult student.
[ ] Medicaid has been discussed with the parent. Name of physician: _____
[ ] Consent for release of information has been obtained to exchange relevant information.

6. Members of the Problem Solving Team:

Name	Position or Title

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date:

Request for Input

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

Parent/Guardian Name:	Home Phone:
Address:	
Native Language:	Daytime Phone:
Parent/Guardian Name:	Home Phone:
Address:	
Native Language:	Daytime Phone:

Dear _____:

School personnel are proposing to take the following action for _____.
Student's Name

[ ] an initial evaluation
[ ] a reevaluation

The purpose of this letter is to let you know that an evaluation/reevaluation has been proposed and the evaluation team, of which you are a member, is requesting your input. As a member of the evaluation team, you have the right to participate in the process.

[ ] The district proposes to review existing data and develop an evaluation plan without a meeting. You are a member of this team. You may provide input for the review by phone, letter, e-mail, or visiting with school personnel by _____.
Date

You have the right to request a meeting of the evaluation team to discuss the evaluation plan and to provide your input in person. If you would like a meeting, please contact me at _____.
Building or Phone Number

[ ] The evaluation team will be reviewing existing data and developing an evaluation plan at a meeting. You are a member of this team, and we request your attendance at this meeting.

The Evaluation Team meeting will be held on _____ at _____ at _____.
Date Time Building

If this meeting time is not convenient for you, please contact me to reschedule the meeting or to provide your input. You may also provide input to the school by letter, e-mail, phone or visiting with school personnel.

If you have any questions, please call me at _____.
Building or Phone Number

Sincerely,

Enclosure: If this is a request to conduct an **initial** evaluation, a *Procedural Safeguards Notice* is enclosed. (A parent or adult student will be given a copy of the *Procedural safeguards Notice* at any time upon request.)

Copy to the confidential folder, each service provider, and the parent or adult student.

Consent for Assessment

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		Age:
District:	School:			

Dear _____:

We are requesting your permission to assess _____ current educational functioning to determine possible eligibility for special education services. Your written consent is required before an initial assessment can begin. If this is a request for consent for reassessment and the district does not hear from you after reasonable efforts to obtain consent, the district will proceed with the reassessment.

Reasons we would like to conduct this assessment:

Information used to determine the areas to be assessed:

The following options were considered and rejected for these reasons:

Other factors that may affect the assessment, including those identified as special considerations (behavior, limited English proficiency, blind or visual impairment, deaf or hard of hearing, or need for possible assistive technology):

After you have reviewed the information herein, please sign and return the enclosed form titled *Parent/Adult Student Evaluation Response (page 3 of this form)*. The form allows you to give consent or to deny consent for the proposed assessment. Return the form to _____.
Case Manager's Name

Assessments are provided at no cost to you. Assessment procedures may include a review of school records, observation of your student's activities, personal interviews, and consultation with you or others you recommend, along with individual testing as outlined. See attached *Individual Assessment Plan (page 2 of this form)*.

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA, 2004). If you need an explanation or a copy of the *Procedural Safeguards Notice*,* or if you have *any* questions, please contact me at _____.
Building or Phone Number

Sincerely,

_____

Note: The signature above verifies that parents who require notice and an explanation of their rights in their language have been accommodated to ensure their understanding.

Copy to the confidential folder, each service provider, and the parent or adult student.

Consent for Assessment

Individual Assessment Information

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

Assessments	Position Responsible	Description of Assessment Procedures
[ ] Intellectual/Cognitive Functioning		Assesses your student's ability to learn. Administered by a professional in a one-to-one setting.
[ ] Academic Performance		Measures your student's achievements in such areas as oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation and mathematical reasoning.
[ ] Classroom Observation		Collects information on student's performance (academic, social/emotional, etc.) in the classroom environment.
[ ] Communication (Speech/Language)		**Speech** Assesses your student's articulation (speech sounds), voice, fluency, and motor skills for speech. **Language** Assesses your student's receptive and expressive language skills, including phonology, morphology, syntax, semantics, and pragmatics.
[ ] Motor Development (Fine & Gross)		**Physical Therapy Assessment** Assesses your student's gross motor skills and abilities for general or specific activities. **Occupational Therapy Assessment** Assesses your student's daily living, educational, work, play or leisure motor skills and abilities for general or specific activities. **Fine and Gross Motor Development** Assesses your student's motor skills and abilities.
[ ] Hearing		Screens your student for hearing acuity. Includes pure tone testing and impedance testing of middle ear functioning.
[ ] Vision		Screens your student for visual acuity.
[ ] Developmental/Medical History		Collects information about your student's developmental progress or medical history.
[ ] Adaptive Behavior		Assesses your student's skills regarding self-help, independence, and activities of daily living at home, at school and in the community.
[ ] Emotional/Social/ Behavioral		Collects information about your student's social and emotional development. May include rating scales, personality inventories, functional behavioral assessments, behavioral observations, projective tests, personal interviews, and review of records.
[ ] Transition/Vocational/ Occupational		Assesses interests and capabilities related to training, education, employment and independent living skills.
[ ] Assistive Technology		Assesses the need for a piece of equipment or a product system that is used to increase, maintain, or improve the functional abilities of your student.
[ ] Other		

Copy to the confidential folder, each service provider, and the parent or adult student.

Consent for Assessment

Parent and/or Adult Student Response

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		Age:
District:	School:			

The district is asking for your consent to conduct:

[ ] An initial assessment of the student. The district will not proceed with an initial assessment without your written consent.

[ ] A reassessment of the student. If you do not give or deny written consent after the district makes reasonable efforts to obtain consent, the district will proceed with the reassessment

After reviewing your rights in the *Procedural Safeguards Notice*, please sign on the appropriate line below and return this form as soon as possible to _____.* For assistance in understanding your rights, feel free to call me or refer to the *Procedural Safeguards Notice* for sources of information on your rights.

Consent

I understand my rights and GIVE CONSENT to conduct this assessment.

_____ _____
Parent/Adult Student Signature Date

---------- **OR** ----------

I understand my rights and DENY CONSENT to conduct this assessment.

_____ _____
Parent/Adult Student Signature Date

Medicaid

_____ I give my permission for my child's evaluation to be submitted to Medicaid for federal reimbursement of the costs of the evaluation services identified in the attached form 350a. I know that such billing will require that my child's name, birth date and Medicaid number will be used in such billing.

---------- **OR** ----------

_____ I do not give my permission for my child's evaluation to be submitted to Medicaid for federal reimbursement of the costs of the evaluation services identified in the attached form 350a. I understand that my denial of permission for such billing will not impact my child's access to necessary educational services.

Date received by the school district

* The *Procedural Safeguards Notice* is generally distributed once annually or at the time of initial referral and at parent request.

Authorization for Exchange of Confidential Student Information

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent, Personal Representative, or Adult Student's Name:				
Address:		Home Phone:		
City:	State:	Zip Code:	Daytime Phone:	

A. The names of parties authorized to exchange information: [1]

I authorize: _____ Name _____ Title

_____ Organization

_____ Address _____ City _____ State _____ Zip Code

(check either box or both, as needed) [ ] to release information to: [ ] to obtain information from:

_____ Name _____ Title

_____ Organization

_____ Address _____ City _____ State _____ Zip Code

B. The Information to be released:

[ ] Official School Record
[ ] Counseling Record
[ ] Special Education Record
[ ] Chemical Abuse/Dependency Report
[ ] Teacher, Counselor, Staff Observations
[ ] Health Record
[ ] Psychological Records
[ ] Medical Report
[ ] Transcripts
[ ] Social Work Report
[ ] Other (specify) _____

C. The purpose of this request:

_____
_____
_____

D. Effective Date of Authorization:

This authorization takes effect the day you sign it, and:

[ ] expires after the requested information is received.
[ ] continues until _____ *(a date not more than 12 months after signature date).*

By signing authorization, I understand that the parties named above are permitted to exchange written and verbal information regarding my child. The parties may also accept a photocopy of this release form and give it the same full force and effect as the original. I further understand that I may revoke this authorization in writing at any time by providing a copy of my revocation to the parties named above. The information used or disclosed under this release might be disclosed by the school district as an educational record, pursuant to FERPA, and might no longer be protected by HIPAA.

_____ Parent, Personal Representative *, or Adult Student's Signature _____ Date

*If signed by Personal Representative, please set forth the Personal Representative's authority to act for Student:

_____

_____

[1] It is intended that this Authorization meets the requirements under the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and accountability Act of 1996 (HIPAA).

AUTHORIZATION FOR EXCHANGE OF CONFIDENTIAL STUDENT INFORMATION
© 2006 Eberhater-Maki & Tappen, PA (This form may be copied for educational use by Idaho school districts.)

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date:

Invitation to a Meeting

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian Name:	Home Phone:			
Address:				
Native Language: Parent/Guardian Name:	Daytime Phone: Home Phone:			
Address:				
Native Language:	Daytime Phone:			

Dear _____:

We would like to meet with you regarding _____ educational program.
Student's Name

You are encouraged to attend and bring your student, if appropriate. As the parent/adult student, you will serve as an equal participant in making decisions. If you wish to review any pertinent education records before the meeting, or if you need additional time to respond, please notify our office.

The meeting will be held on: _____ at _____.
Date Time

Location or alternate means of meeting: _____.
Location or Alternate Means

The purpose of this meeting is to:

[ ] review all available information and determine what additional assessments are needed, if any
[ ] review and discuss evaluation information and determine whether the student is eligible for special education and related services
[ ]* Initial or Annual Review to develop the individualized education program (IEP) and determine the appropriate placement in the least restrictive environment (LRE)
[ ] consider the need for transition services
[ ] review the IEP, and revise, as appropriate
[ ] determine the need for a reevaluation
[ ] discuss the need for a functional behavioral assessment (FBA) or the development of a behavioral intervention plan (BIP)
[ ]* determine the relationship between the disability and the behavior subject to disciplinary action
[ ] consider the need for extended school year services
[ ] to meet with the representative of the Infant/Toddler Program, if student is transitioning for the Infant/Toddler Program
[ ] other: _____

* A copy of the *Procedural Safeguards Notice* is enclosed with this invitation.

The following people have been invited to the meeting:

Name	Title or Position
	Required representative of Infant/Toddler Program if the student is transitioning from the Infant/Toddler Program.

You may bring a friend or other person(s) with knowledge or specific expertise related to your student. A copy of the *Procedural Safeguards Notice* is provided to you once per year. If you would like a copy of the *Procedural Safeguards Notice*, if you require an accommodation in accordance with Americans with Disabilities Act (ADA), or if you are unable to attend and want to reschedule the meeting, please contact me at _____.
School Building or Phone Number

Sincerely,

_____.

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date: **Eligibility Report – Cover, all categories** Page of

[ ] Initial Assessment [ ] Reassessment [ ] 3-Year Reevaluation				
Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		
Parent/Guardian Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		

1. EVALUATION TEAM INFORMATION

Names of All Evaluation Team Members Invited to Attend	Position or Title	Agreement with Report
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No

Note: In the case of a learning disability determination, each member must indicate whether the report reflects that member's conclusions. Any evaluation team member who disagrees with the conclusions of this team report must attach a separate written statement of his or her conclusions.

Copy to the confidential folder, each service provider, and the parent or adult student.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

2. SUMMARY OF FINDINGS/ADVERSE EFFECTS ON EDUCATIONAL PERFORMANCE

A. Assessments

Parent or Adult Student Report
Strengths:
Needs:

Area assessed:	Procedure or test used:	
Evaluator:	Title:	Date:
Results (Strengths & Needs):		

Area assessed:	Procedure or test used:	
Evaluator:	Title:	Date:
Results (Strengths & Needs):		

B. Did lack of appropriate instruction in reading or math inhibit the access to and progress in the general curriculum? *A student cannot be determined eligible for special education if the determinant factor is lack of instruction in math or reading (including phonemic awareness, phonics, vocabulary development, comprehension and fluency).* Address the following factors regarding access to instruction:

Lack of appropriate instruction in reading (phonemic awareness, phonics, fluency, comprehension, vocabulary)	Explain:
Lack of appropriate instruction in math:	Explain:

Copy to the confidential folder, each service provider, and the parent or adult student.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

C. Did Limited English Proficiency inhibit the access to and progress in the general curriculum? A student cannot be determined eligible for special education if the *determinant factor* is limited English proficiency. If Limited English Proficiency in academic language is a consideration, summarize the indicators, assessments, and results**.**

3. ELIGIBILITY DETERMINATION (All 3 following criteria must be documented to support eligibility)

Evaluation Team Assessment Summary: (Summarize the findings and document the disability based on Idaho state criteria from the various forms of evaluation used to determine a present level of performance, including assessments, observations, interviews, standards, and other relevant and current documentation.)
Adverse Effect on Educational Performance: (Indicate evidence of the effect of the disability on the student's performance.)
Need for Specially Designed Instruction: (Describe resources necessary to support the student to access and progress in the general education curriculum.)

4. ELIGIBILITY DETERMINATION

In consideration of the reported information, the evaluation team finds the student [ ] is [ ] is not eligible under the category _____.

Note:

A. If considering a Learning Disability category, after completing this report you must also complete the LD Eligibility form (Form # 400a **or** #400b).

B. All relevant documentation, reports, and observations must be attached to this eligibility report.

C. A copy of this report and all attachments must be given to the parent or adult student.

Copy to the confidential folder, each service provider, and the parent or adult student.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		Age:
District:	School:			

2. SUMMARY OF FINDINGS/ADVERSE EFFECTS ON EDUCATIONAL PERFORMANCE continued

A. Assessments

Area assessed:	Procedure or test used:	
Evaluator:	Title:	Date:
Results (Strengths & Needs):		

Area assessed:	Procedure or test used:	
Evaluator:	Title:	Date:
Results (Strengths & Needs):		

Area assessed:	Procedure or test used:	
Evaluator:	Title:	Date:
Results (Strengths & Needs):		

Area assessed:	Procedure or test used:	
Evaluator:	Title:	Date:
Results (Strengths & Needs):		

Area assessed:	Procedure or test used:	
Evaluator:	Title:	Date:
Results (Strengths & Needs):		

Copy to the confidential folder, each service provider, and the parent or adult student.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		Age:
District:	School:			

Traditional Discrepancy Model: This form is to be completed in addition to the Eligibility Report (Form 380 a-c).

1. **Not Achieving Adequately:** Summarize relevant documentation, pertaining to the characteristics of learning disabilities, and gathered during the pre-referral and/or evaluation process. This documentation should indicate a pattern of strengths and needs in performance, achievement, or both, relative to age, Idaho Content Standards, or intellectual development.

2. **Comparing ability and achievement:**

Intellectual Ability	Academic Achievement Test		Discrepancy
Regressed Full-Scale Score	Broad Area	Broad Area Score	Regressed full-scale score minus broad area score.
	Reading		
	Math		
	Written Language		

3. **Other considerations:**

   a. Is this discrepancy primarily the result of a visual, hearing or motor disability; cognitive impairment; or emotional disturbance? [ ] Yes [ ] No

   b. What effects on performance, if any, are from environmental, cultural, or economic disadvantages?

4. **Observation of behavior and academic functioning:** Attach documentation of the relevant behavior noted during regular classroom observation in the area(s) of concern based on the referral and the relationship of that behavior to the student's academic functioning. (In the case of a student less than school age or out of school, the student must be observed in an environment appropriate for the student's age.)

Name of Observer:		Title:
Site:	Date of observation:	Duration of observation:

5. **List educationally relevant medical findings, if any:**

6. **Severe discrepancy:**
   There is a severe discrepancy between achievement and ability that cannot be corrected without special education and related services? [ ] Yes [ ] No

Copy to the confidential folder, each service provider, and the parent or adult student.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		
District:	School:			

Response to Intervention (RTI): This form is to be completed in addition to the Eligibility Report (Form 380 a-c).

Attach or summarize the following components:

1. **Intervention Plan** which includes the following:

   a. the targeted skill, including the present level of performance and a measurable goal

   b. the scientific, research-based intervention used, including intensity (e.g. amount of time per session), frequency (e.g. # of sessions per week) and duration (e.g. length of interventions, at least 8-12 weeks)

   c. evidence that the student does not achieve adequately for his or her age or to meet Idaho grade level Content Standards given interventions typical in general education **and** a summary of significant resistance to those general education interventions, including that the resistance is on-going and severe and the student requires resources beyond general education alone to benefit from instruction

   d. documentation from two or more measures, one of which is a CBM, indicating the discrepancy from peers' performance on skills

   e. an observation documenting the student's academic performance and behavior in the areas of concern

2. **Graph** with aimline, trendline, phaselines, and decision rules
   Progress Monitoring

Curriculum Based Measurement (e.g. DIBELS, AIMSweb):

CBM Measure/Skill	Norm (indicate source)	Student's Median Score	Discrepancy from Peers

Other Measure(s):

Assessment Tool/Skill	Peer's Performance	Student's Performance	Discrepancy from Peers

3. **Documentation that the parent has been notified about:** 1) the Idaho State policies regarding the amount and type of student performance data that would be collected, 2) the general education services that would be provided, 3) strategies for increasing the student's rate of learning, and 4) the parents' right to request an evaluation

4. **Other considerations:**

   a. Is this discrepancy primarily the result of a visual, hearing or motor disability; cognitive impairment; or emotional disturbance? [ ] Yes [ ] No

   b. What effects on performance, if any, are from environmental, cultural, or economic disadvantages?

5. **List educationally relevant medical findings, if any:**

6. **Discrepancy:**
   The student has a discrepancy from peer's performance in the area of concern and significant resistance to interventions? [ ] Yes [ ] No

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date: **Individualized Education Program (IEP) Cover** Page of

This IEP is an: [ ] Initial [ ] Annual Review [ ] Amended Projected Triennial Re-evaluation Date:

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian Name:	Home Phone:			
Address:				
Native Language:	Daytime Phone:			
Parent/Guardian Name:	Home Phone:			
Address:				
Native Language:	Daytime Phone:			

1. IEP INFORMATION

Case Manager Name:	Telephone Number:
Eligibility Category:	Medical Information:

2. IEP TEAM INFORMATION

Names of All IEP Team Members Invited to Attend	Position or Title (Signature, if signed, **DOES NOT** indicate agreement)	IEP Meeting Attendance (Check **DOES NOT** indicate agreement)
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No

Copy to the confidential folder, each service provider, and the parent or adult student.

IEP Goals

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

Skill Area:

1. Present Level of Performance:

2. General Education Content Standard(s):

3. Annual Goal (target skill and conditions):

4. Evaluation Procedure (criteria, procedure, and schedule):

5. Assistive Technology (if needed):

6. How and When Progress Toward Goals Is Reported:

Enter report card dates in the 1st line below.					

Skill Area:

1. Present Level of Performance:

2. General Education Content Standard(s):

3. Annual Goal (target skill and conditions):

4. Evaluation Procedure (criteria, procedure, and schedule):

5. Assistive Technology (if needed):

6. How and When Progress Toward Goals Is Reported:

Enter report card dates in the 1st line below.					

***Progress Codes:**		**Progress Projection Codes:**
1 = Completed	3 = Not started	A = Progress is adequate to meet target dates.
2 = In progress	4 = Other:	B = Progress is inadequate to meet target date.

***Note:** If the student is not progressing according to target dates, parents will be informed.

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date: **IEP Services & Other Considerations** Page of

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. IEP SERVICES

Service	Position Responsible	Location	Freq.	M Code	Total Service per Week		Start Date	Anticipated Duration
					Hrs	Min		

Location Codes:	**Frequency Codes:**	**Medicaid (M) Codes:**
01 Gen Ed Classroom	01 Daily	IN = Individual
02 Sp Ed Classroom	02 Weekly	HQ = Group
03 Home	03 Bi-Weekly	HO = Professional
04 Hospital	04 Monthly	HM = Parapro
05 Community	05 _____ Times Per _____	TD = Reg Nurse
06 Therapy Room	06 _____ Times Per _____	LP = LPN

Statement of Service Delivery:

2. OTHER CONSIDERATIONS

A. Special transportation is considered a related service. The student requires [ ] Regular [ ] Special [ ] No transportation. Describe if necessary:

B. Are extended school year (ESY) services required for this student? [ ] Yes [ ] No [ ] TBD.
If Yes, complete *1 – 6* below.
If TBD, when: _____, and amend IEP by specified date.

1. What are the skills this student will lose as a result of an interrupted educational program and will be unable to recoup so as to make reasonable progress toward achieving the goals and benchmarks/objectives in the IEP?

2. What skills are emerging that require ESY services in order to make reasonable gains?

3. What acquisition of a critical life skill that aids the student's ability to function independently would be threatened by an interruption in services?

4. In what way are the above skills critical to the overall progress of the student?

5. Specify which goals and objectives/benchmarks should be part of the IEP for ESY services.

6. Begin and end dates of ESY:_____. Hours per week: _____

C. Does the student have limited proficiency in English? [ ] Yes [ ] No. If yes, what native language? _____.
Explain what considerations are necessary:

D. If hearing impaired/deaf, is hearing aid monitoring required? [ ] Yes [ ] No [ ] Not hearing impaired/deaf. If yes, explain what considerations are necessary:

E. If visually impaired/blind, is Braille required? [ ] Yes [ ] No [ ] Not visually impaired/blind. If yes, explain what considerations are necessary:

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date: **IEP Accomodations** Page of

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. ACCOMMODATIONS, ADAPTATIONS, AND/OR SUPPORTS IN GENERAL AND SPECIAL EDUCATION

Accommodations, Adaptations, or Supports	Location	Start Date	Anticipated Duration

2. PARTICIPATION IN STATEWIDE AND DISTRICTWIDE ASSESSMENTS

AC = Accommodations AD = Adaptations IAA = Idaho Alternate Assessment

Participation		Regular	AC	AD	Accommodations or Adaptations
Language Arts					
[ ]	ISAT	[ ]	[ ]	[ ]	
[ ]	DWA	[ ]	[ ]	[ ]	
[ ]	IAA-LA				
[ ]		[ ]	[ ]	[ ]	
Reading					
[ ]	IRI	[ ]	[ ]	[ ]	
[ ]	ISAT	[ ]	[ ]	[ ]	
[ ]	IAA-R				
[ ]		[ ]	[ ]	[ ]	
Mathematics					
[ ]	IMI	[ ]	[ ]	[ ]	
[ ]	ISAT	[ ]	[ ]	[ ]	
[ ]	DMA	[ ]	[ ]	[ ]	
[ ]	IAA-M				
[ ]		[ ]	[ ]	[ ]	
Science					
[ ]	ISI	[ ]	[ ]	[ ]	
[ ]	ISAT	[ ]	[ ]	[ ]	
[ ]	IAA-S				
[ ]		[ ]	[ ]	[ ]	

Note 1: Only those accommodations and adaptations listed in No. 1 above **and** regularly used by the student in classroom instruction and classroom testing may be used during statewide or districtwide assessments.
Note 2: Accommodations *do not* invalidate assessment results.
Note 3: Adaptations result in the student being counted as **not proficient** and **not participating**.

Eligibility for a student to take the IAA: The student must meet **all** of the criteria listed below for the IEP Team to determine that the student is eligible to participate in an alternate assessment:

a. The student's demonstrated cognitive ability and adaptive behavior prevent completion of the general academic curriculum even with program accommodations and/or adaptations;
b. The student's course of study is primarily functional-skill and living-skill oriented (typically not measured by state or district assessments); and
c. The student is unable to acquire, maintain, or generalize skills (in multiple settings) and to demonstrate performance of these skills without intensive and frequent individualized instruction.

Copy to the confidential folder, each service provider, and the parent or adult student.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

3. BEHAVIORAL INTERVENTION PLANNING

A. Does behavior impede the student's learning or that of others? .....[ ] Yes [ ] No
B. If yes, have positive behavior supports been considered?.....[ ] Yes [ ] No
C. The positive behavior supports, if needed, are incorporated in the IEP goals. .....[ ] Yes [ ] No
D. A behavior intervention plan (BIP), including positive supports, is included below or is attached to this IEP. .....[ ] Yes [ ] No

Document date:

IEP LRE Placement & Written Notice

Students ages 6 – 21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. LEAST RESTRICTIVE ENVIRONMENT (LRE)

Check one:

[ ] The student will participate entirely in the general education classroom, the general education curriculum, and nonacademic and extracurricular activities with nondisabled peers.

[ ] The student will participate in the general education classroom and curriculum, **except for the following**: *Check and explain all that apply.*

[ ] General education classroom _____

_____

[ ] General education curriculum _____

_____

[ ] Non-academic and extracurricular activities with non-disabled peers _____

_____

2. DECEMBER 1 FEDERAL REPORT: EDUCATIONAL ENVIRONMENT FOR AGES 6-21

[ ] (01) Student is inside the general education classroom 80% or more of the school day. In a 6 hour school day, the student is inside the regular class at least 4 hours and 48 minutes.

[ ] (02) Student is inside the general education classroom at least 40% but not more than 79% of the school day. In a 6 hour school day, the student is inside the regular class at least 2 hours, 25 minutes, but not more than 4 hours, 47 minutes.

[ ] (03) Student is inside the general education classroom less than 40% of the school day. In a 6 hour school day, the student is inside the regular class 2 hours, 24 minutes or less.

[ ] (11) Student is in a district self-contained classroom in a separate special education school for more than 50% of the school day – more than 3 hours in a 6 hour day.

[ ] (12) Student is placed in a private special education day school / facility at public expense for more than 50% of the school day – more than 3 hours in a 6 hour school day.

[ ] (13) Student receives education services in a public residential facility for more than 50% of the school day and resides in that facility during the school week.

[ ] (14) Student receives education services in a private residential facility at public expense for more than 50% of the school day and resides in that facility during the school week.

[ ] (15) Student receives special education services in a hospital or homebound setting (do not include home-schooled students or virtual charter school students.)

[ ] (16) Student receives special education services in a detention center or correctional facility.

Note: Determine codes as of student's age on the previous December 1, not yet six on December 1.

Document date:

IEP LRE Placement & Written Notice

Students ages 6 – 21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		
District:	School:			

3. WRITTEN NOTICE

The student will receive the services and placement outlined on this IEP because the student is eligible for special education and the IEP team has determined that this IEP will meet his or her needs.

A. The following options were considered but rejected because:

B. The following evaluation procedures, tests, records, or reports were used as a basis for the IEP:

C. The following information and other factors from parents and other sources were used to develop this IEP:

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA, 2004). If you need an explanation or a copy of the *Procedural Safeguards Notice* or have additional concerns, please contact _____ at _____. After contacting the school if further assistance is needed, you may contact any of the agencies below:

Case Manager's Name — Building or Phone Number

Idaho State Department of Education
208/332-6910
800/432-4601
TT: 800/377-3529

Idaho Parents Unlimited, Inc.
800/242-4785
V/TT: 208/342-5884

Comprehensive Advocacy, Inc.
V/TT: 208/336-5353
V/TT: 866/262-3462

4. CONSENT FOR INITIAL PLACEMENT

[ ] I CONSENT to placing _____ in special education. I understand that I can revoke this consent before services begin.

[ ] I DENY CONSENT to placing _____ in special education.

_____ _____

Parent or Adult Student Signature Date

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date: **IEP Goals with Objectives/Benchmarks** Page of

Must be used for students taking the Idaho Alternate Assessment whose goals are aligned to Idaho Alternate Standards.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

Skill Area:

1. Present Level of Performance:

2. General Education Content Standard(s):

3. Annual Goal (target skill and conditions):

4. Evaluation Procedure (criteria, procedure, and schedule):

5. Assistive Technology (if needed):

6. How and When Progress Toward Goals Is Reported:

7. Objectives/Benchmarks (required if student takes the IAA):	**Enter report card dates in the 1st line below.**					
A. Expected Progress: Target Date:						
B. Expected Progress: Target Date:						
C. Expected Progress: Target Date:						
D. Expected Progress: Target Date:						

***Progress Codes:**		**Progress Projection Codes:**
1 = Completed	3 = Not started	A = Progress is adequate to meet target dates.
2 = In progress	4 = Other:	B = Progress is inadequate to meet target date.

***Note:** If the student is not progressing according to target dates, parents will be informed.

Copy to the confidential folder, each service provider, and the parent or adult student.

IEP LRE Placement & Written Notice

Students Ages 3-5

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. LEAST RESTRICTIVE ENVIRONMENT (LRE)

Check one:

[ ] The student will participate entirely in the general education classroom, the general education curriculum, and nonacademic and extracurricular activities with nondisabled peers.

[ ] The student will participate in the general education classroom and curriculum, **except for the following**: *Check and explain all that apply.*

[ ] General education classroom _____

_____

[ ] General education curriculum _____

_____

[ ] Non-academic and extracurricular activities with non-disabled peers _____

_____

2. DECEMBER 1 FEDERAL REPORT: EDUCATIONAL ENVIRONMENT FOR AGES 3-5

The student attends a public or private Regular Early Childhood Program that includes at least 50% non-disabled children.

[ ] (41) In a Regular Early Childhood Program at least 80% of the time.

[ ] (42) In a Regular Early Childhood Program at least 40% but not more than 79% of the time.

[ ] (43) In a Regular Early Childhood Program less than 40% of the time.

Children attending regular early childhood programs should be reported in one of the environments above even if they receive special education services in other environments.

The student DOES NOT attend a Regular Early Childhood Program but DOES attend a public or private Special Education Program.

[ ] (44) Separate Class: Student attends a special education program in a class with less than 50% non-disabled children.

[ ] (45) Separate School: Student receives education programs in public or private day schools designed specifically for children with disabilities.

The student DOES NOT attend a Regular Early Childhood Program and DOES NOT attend a Special Education Program.

[ ] (46) Residential: Student receives special education and related services in the residential facility.

[ ] (47) Service Provider Location: Student receives all special education and related services from a service provider.

[ ] (48) Home: Student receives special education and related services in the principle residence of the child's family or caregivers. Include students who also receive services in a service provider location.

Document date:

IEP LRE Placement & Written Notice

Students Ages 3-5

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

3. WRITTEN NOTICE

The student will receive the services and placement outlined on this IEP because the student is eligible for special education and the IEP team has determined that this IEP will meet his or her needs.

A. The following options were considered but rejected because:

B. The following evaluation procedures, tests, records, or reports were used as a basis for the IEP:

C. The following information and other factors from parents and other sources were used to develop this IEP:

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA, 2004). If you need an explanation or a copy of the *Procedural Safeguards Notice* or have additional concerns, please contact _____ at _____. After contacting the school if further assistance is needed, you may contact any of the agencies below:

Case Manager's Name — Building or Phone Number

Idaho State Department of Education	Idaho Parents Unlimited, Inc.	Comprehensive Advocacy, Inc.
208/332-6910	800/242-4785	V/TT: 208/336-5353
800/432-4601	V/TT: 208/342-5884	V/TT: 866/262-3462
TT: 800/377-3529		

4. CONSENT FOR INITIAL PLACEMENT

[ ] I CONSENT to placing _____ in special education. I understand that I can revoke this consent before services begin.

- [ ] I have been informed of the differences between an IEP and an Individual Family Service Plan (IFSP).
- [ ] I consent to using the IFSP in place of an IEP.
- [ ] I deny consent to using the IFSP in place of an IEP

[ ] I DENY CONSENT to placing _____ in special education.

_____ _____

Parent or Adult Student Signature Date

Copy to the confidential folder, each service provider, and the parent or adult student

Document date:

Consent to Invite Transition Agency Personnel

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		Age:
District:	School:			

Dear _____:

We are requesting your permission to invite representatives from the following transition agencies to participate in the IEP meeting scheduled _____ for _____. Your written consent is required
Date Student
before the listed representatives may participate in the IEP meeting.

Persons the District wishes to invite to the above IEP meeting:

Names of Transition Agency Staff Proposed to be Invited	Staff Title and Transition Agency Proposed to be Invited	Indicate Yes or No for Consent or Refusal of Specific Staff Proposed

After you have reviewed the information herein, please sign and return the copy of this form provided. Return the form to _____.
Case Manager's Name

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA, 2004). If you need an explanation or a copy of the *Procedural Safeguards Notice,* or if you have *any* questions, please contact me at _____.
Building or Phone Number

Sincerely,

_____

Note: The signature above verifies that parents who require notice and an explanation of their rights in their language have been accommodated to ensure their understanding.

The district is asking for your consent to invite transition agency staff listed above to the IEP meeting described above. The district will not proceed with an invitation to these persons without your written consent.

After reviewing your rights in the *Procedural Safeguards Notice*, please sign on the appropriate line below and return this form as soon as possible to _____. For assistance in understanding your rights, feel free to call me or refer to the *Procedural Safeguards Notice* for sources of information on your rights.

I understand my rights and GIVE CONSENT to invite the representative(s) listed above.

_____ _____
Parent/Adult Student Signature Date

---------- OR ----------

I understand my rights and DENY CONSENT to invite the representative(s) listed above.

_____ _____
Parent/Adult Student Signature Date

Date received by the school district

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date:

Secondary IEP Cover

Students Ages 15-21

This IEP is an: [ ] Initial [ ] Annual Review [ ] Amended Projected Triennial Re-evaluation Date:

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian Name:	Home Phone:			
Address:				
Native Language:	Daytime Phone:			
Parent/Guardian Name:	Home Phone:			
Address:				
Native Language:	Daytime Phone:			

1. IEP INFORMATION

Case Manager Name:	Telephone Number:
Eligibility Category:	Medical Information:

2. IEP TEAM INFORMATION

Names of All IEP Team Members Invited to Attend	Position or Title (Signature **DOES NOT** indicate agreement)	IEP Meeting Attendance (Check **DOES NOT** indicate agreement)
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No

Copy to the confidential folder, each service provider, and the parent or adult student

Secondary Post-School Goals

Students Ages 15-21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. **Present Level of Performance for Post School Goals and transition services planning** (Addresses the preferences, interests, strengths and needs of the student).

Student Input:

Assessment Summary for transition services planning:

2. **Post School Goals:**

Skill Areas to be addressed by annual goals to progress toward Post School Goals:

Transition Activities	Position Responsible	Start Date	Actual Completion Date/Status
A. Postsecondary Education/Training:			
B. Employment/Career:			
C. Community Participation:			
D. Independent Living:			
E. Adult Services:			

Copy to the confidential folder, each service provider, and the parent or adult student.

Students Ages 15-21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

3. High School Graduation Consideration:

Anticipated graduation date: _____

[ ] A parent approved student learning plan (course of study) is attached or documented below.

School Year	Grade Level	List Courses to be taken Each Year	Credits Earned
	Grade 8		
	Grade 9		
	Grade 10		
	Grade 11		
	Grade 12		
	Ages 18 -21		

[ ] The student will meet regular high school graduation requirements.

[ ] The student will meet the district's alternate route to graduation.
Describe:

[ ] The student will meet high school graduation requirements with adaptations as determined by the IEP Team.
Describe:

Copy to the confidential folder, each service provider, and the parent or adult student.

Students Ages 15-21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

4. Demonstration of Idaho 10th Grade Achievement Standards Proficiency

Reading [ ] ISAT [ ] IAA [ ] Alternate Rte. [ ] IEP Rte.	Description (Include accommodations and/or adaptations as appropriate.)
Math [ ] ISAT [ ] IAA [ ] Alternate Rte. [ ] IEP Rte.	Description (Include accommodations and/or adaptations as appropriate.)
Language Arts [ ] ISAT [ ] IAA [ ] Alternate Rte. [ ] IEP Rte.	Description (Include accommodations and/or adaptations as appropriate.)
Science [ ] ISAT [ ] IAA [ ] Alternate Rte. [ ] IEP Rte.	Description (Include accommodations and/or adaptations as appropriate.)

Eligibility for a student to take the IAA: The student must meet **all** of the criteria listed below for the IEP Team to determine that the student is eligible to participate in an alternate assessment:

a. The student's demonstrated cognitive ability and adaptive behavior prevent completion of the general academic curriculum even with program accommodations and/or adaptations;
b. The student's course of study is primarily functional-skill and living-skill oriented (typically not measured by state or district assessments); and
c. The student is unable to acquire, maintain, or generalize skills (in multiple settings) and to demonstrate performance of these skills without intensive and frequent individualized instruction.

5. Transfer of Rights (Completed not later than the student's 17th birthday.)

[ ] The student & parents have been informed that Special Education Rights **will** transfer to the student at age 18.
[ ] Special Education Rights **will not** transfer to the student at age 18 because:
  [ ] The IEP Team has determined that the student is not able to provide informed consent.
  [ ] A legal guardian has been appointed by the court.

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date:

Secondary IEP Goals

Page of

Students Ages 15-21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

Skill Area:

1. Present Level of Performance:

2. General Education Content Standard(s):

3. Annual Goal (target skill and conditions):

4. Evaluation Procedure (criteria, procedure, and schedule):

5. Assistive Technology (if needed):

6. How Progress Toward Goals Is Reported:

Enter report card dates in the 1st line below.					

Skill Area:

1. Present Level of Performance:

2. General Education Content Standard(s):

3. Annual Goal (target skill and conditions):

4. Evaluation Procedure (criteria, procedure, and schedule):

5. Assistive Technology (if needed):

6. How Progress Toward Goals Is Reported:

Enter report card dates in the 1st line below.					

***Progress Codes:**		**Progress Projection Codes:**
1 = Completed	3 = Not started	A = Progress is adequate to meet target dates.
2 = In progress	4 = Other:	B = Progress is inadequate to meet target date.

***Note:** If the student is not progressing according to target dates, parents will be informed.

Copy to the confidential folder, each service provider, and the parent or adult student.

Secondary IEP Services & Other Considerations

Students Ages 15-21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. IEP SERVICES

Service	Position Responsible	Location	Freq.	M Code	Total Service per Week		Start Date	Anticipated Duration
					Hrs	Min		

Location Codes:
01 Classroom
02 Sped Classroom
03 Home
04 Hospital
05 Community
06 Therapy Room

Frequency Codes:
01 Daily
02 Weekly
03 Bi-Weekly
04 Monthly
05 _____ Times Per _____
06 _____ Times Per _____

Medicaid (M) Codes:
IN = Individual
HQ = Group
HO = Professional
HM = Parapro
TD = Reg Nurse
LP = LPN

2. OTHER CONSIDERATIONS

A. Special transportation is considered a related service. The student requires [ ] Regular [ ] Special [ ] No transportation. Describe if necessary:

B. Are extended school year (ESY) services required for this student? [ ] Yes [ ] No [ ] TBD.
If Yes, complete *1 – 6* below.
If TBD, when: _____, and amend IEP by specified date.

1. What are the skills this student will lose as a result of an interrupted educational program and will be unable to recoup so as to make reasonable progress toward achieving the goals and benchmarks/objectives in the IEP?

2. What skills are emerging that require ESY services in order to make reasonable gains?

3. What acquisition of a critical life skill that aids the student's ability to function independently would be threatened by an interruption in services?

4. In what way are the above skills critical to the overall progress of the student?

5. Specify which goals and objectives/benchmarks should be part of the IEP for ESY services.

6. Begin and end dates of ESY:_____. Hours per week: _____

C. Does the student have limited proficiency in English? [ ] Yes [ ] No. If yes, what native language? _____.
Explain what considerations are necessary:

D. If hearing impaired/deaf, is hearing aid monitoring required? [ ] Yes [ ] No [ ] Not hearing impaired/deaf. If yes, explain what considerations are necessary:

E. If visually impaired/blind, is Braille required? [ ] Yes [ ] No [ ] Not visually impaired/blind.If yes, explain what considerations are necessary:

Document date:

Secondary IEP Accommodations

Page of

Students Ages 15-21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. ACCOMMODATIONS, ADAPTATIONS, AND/OR SUPPORTS IN GENERAL AND SPECIAL EDUCATION

Accommodations, Adaptations, or Supports	Location	Start Date	Anticipated Duration

2. BEHAVIORAL INTERVENTION PLANNING

A. Does behavior impede the student's learning or that of others?..... [ ] Yes [ ] No
B. If yes, have positive behavior supports been considered? ..... [ ] Yes [ ] No
C. The positive behavior supports, if needed, are incorporated in this IEP..... [ ] Yes [ ] No
D. A behavior intervention plan (BIP), including positive supports, is attached to this IEP. .... [ ] Yes [ ] No

Secondary IEP LRE Placement & Written Notice

Students Ages 15-21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. LEAST RESTRICTIVE ENVIRONMENT (LRE)

Check one:

[ ] The student will participate entirely in the general education classroom, the general education curriculum, and nonacademic and extracurricular activities with nondisabled peers.

[ ] The student will participate in the general education classroom and curriculum, **except for the following**: *Check and explain all that apply.*

[ ] General education classroom _____

_____

[ ] General education curriculum _____

_____

[ ] Non-academic and extracurricular activities with non-disabled peers _____

_____

2. DECEMBER 1 FEDERAL REPORT: EDUCATIONAL ENVIRONMENT FOR AGES 6-21

[ ] (01) Student is inside the general education classroom 80% or more of the school day. In a 6 hour school day, the student is inside the regular class at least 4 hours and 48 minutes.

[ ] (02) Student is inside the general education classroom at least 40% but not more than 79% of the school day. In a 6 hour school day, the student is inside the regular class at least 2 hours, 25 minutes, but not more than 4 hours, 47 minutes.

[ ] (03) Student is inside the general education classroom less than 40% of the school day. In a 6 hour school day, the student is inside the regular class 2 hours, 24 minutes or less.

[ ] (11) Student is in a district self-contained classroom in a separate special education school for more than 50% of the school day – more than 3 hours in a 6 hour day.

[ ] (12) Student is placed in a private special education day school / facility at public expense for more than 50% of the school day – more than 3 hours in a 6 hour school day.

[ ] (13) Student receives education services in a public residential facility for more than 50% of the school day and resides in that facility during the school week.

[ ] (14) Student receives education services in a private residential facility at public expense for more than 50% of the school day and resides in that facility during the school week.

[ ] (15) Student receives special education services in a hospital or homebound setting (do not include home-schooled students or virtual charter school students.)

[ ] (16) Student receives special education services in a detention center or correctional facility.

Secondary IEP LRE Placement & Written Notice

Students Ages 15-21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

3. WRITTEN NOTICE

The student will receive the services and placement outlined on this IEP because the student is eligible for special education and the IEP team has determined that this IEP will meet his or her needs.

A. The following options were considered but rejected because:

B. The following evaluation procedures, tests, records, or reports were used as a basis for the IEP:

C. The following information and other factors from parents and other sources were used to develop this IEP:

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA, 2004). If you need an explanation or a copy of the *Procedural Safeguards Notice* or have additional concerns, please contact _____ at _____. After contacting the school if further assistance is needed, you may contact any of the agencies below:

Case Manager's Name — Building or Phone Number

Idaho State Department of Education	Idaho Parents Unlimited, Inc.	Comprehensive Advocacy, Inc.
208/332-6910	800/242-4785	V/TT: 208/336-5353
800/432-4601	V/TT: 208/342-5884	V/TT: 866/262-3462
TT: 800/377-3529		

4. CONSENT FOR INITIAL PLACEMENT

[ ] I CONSENT to placing _____ in special education. I understand that I can revoke this consent before services begin.

[ ] I DENY CONSENT to placing _____ in special education.

_____ _____

Parent or Adult Student Signature Date

Copy to the confidential folder, each service provider, and the parent or adult student.

Secondary IEP Goals with Objectives/Benchmarks

Document date: Students Ages 15-21 Page of

Must be used for students taking the Idaho Alternate Assessment whose goals are aligned to Idaho Alternate Standards.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

Skill Area:

1. Present Level of Performance:

2. General Education Content Standard(s):

3. Annual Goal (target skill and conditions):

4. Evaluation Procedure (criteria, procedure, and schedule):

5. Assistive Technology (if needed):

6. How Progress Toward Goals Is Reported:

7. Objectives/Benchmarks (required if student takes the IAA):	**Enter report card dates in the 1st line below.**					
A. Expected Progress: Target Date:						
B. Expected Progress: Target Date:						
C. Expected Progress: Target Date:						
D. Expected Progress: Target Date:						

***Progress Codes:**		**Progress Projection Codes:**
1 = Completed	3 = Not started	A = Progress is adequate to meet target dates.
2 = In progress	4 = Other:	B = Progress is inadequate to meet target date.

***Note:** If the student is not progressing according to target dates, parents will be informed.

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date:

Summary of Performance

Post High-School Community Living, Learning, & Working

Student's Name:	Dist ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		
Dist:	School:			

1. POST HIGH-SCHOOL GOALS:

2. Recent Special Education Services (Indicate and describe all received within three years prior to exit.)

[ ] Accommodations

Learning:

Community Living

Working

[ ] Assistive Technology

[ ] Braille Instruction

[ ] Behavior Supports

[ ] Health related services

[ ] English as a Second Language Services

[ ] Other (e.g. speech, occupational therapy, physical therapy, transportation)

3. Annual Goal Skill Areas (within three years prior to exit)

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date:

Summary of Performance

Post High-School Community Living, Learning, & Working

Student's Name:	Dist ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		
Dist:	School:			

4. **Post High-School Expectations in Community Living, Learning and Working:**

5. **Describe Student's Current Levels of Academic Achievement and Functional Performance.** (Include type of assessment, date of administration, and results.)

6. **Describe Functional Impact of the Disability** (as related to community living, learning, and working)

7. **Response to Intervention, Adaptations and Accommodations** (as related to community living, learning, and working)

8. **Recommendations for:** (include suggestions for accommodations, linkages to adult services, or other supports)
   A. Community Living Environment:

   B. Post-Secondary Education Environment:

   C. Working Environment:

9. **Adult/Community Contacts:**

Agency: Name/Position:	Status: Phone:
Agency: Name/Position:	Status: Phone:
Agency: Name/Position:	Status: Phone:

10. **Primary High School Contact:**

Name/Position:	Phone:

11. **Additional team members contributing to this summary**:

Student:	Parent:
Name/Position:	Name/Position:
Name/Position:	Name/Position:

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date:

IEP Amendment

(attach to current IEP)

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian Name:	Home Phone:			
Address:				
Native Language:	Daytime Phone:			
Parent/Guardian Name:	Home Phone:			
Address:				
Native Language:	Daytime Phone:			

1. IEP TEAM INFORMATION

Names of All IEP Team Members Invited to Attend	Position or Title (Signature **DOES NOT** indicate agreement)	IEP Meeting Attendance (Check **DOES NOT** indicate agreement)
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No

2. WRITTEN NOTICE

A. Description of change to current IEP (include revised goal sheets if needed):

B. The IEP is being amended for the following reasons:

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date:

IEP Amendment

(attach to current IEP)

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		
District:	School:			

C. The following options were considered but rejected because:

D. The following evaluation procedures, tests, records, or reports were used as a basis for this IEP amendment:

E. The following information and other factors were used to develop this IEP amendment:

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA, 2004). If you need an explanation or a copy of the *Procedural Safeguards Notice* or have additional concerns, please contact _____ at _____. After contacting the school if further assistance is needed, you may contact any of the agencies below:

Case Manager's Name — Building or Phone Number

Idaho State Department of Education
208/332-6910
800/432-4601
TT: 800/377-3529

Idaho Parents Unlimited, Inc.
800/242-4785
V/TT: 208/342-5884

Comprehensive Advocacy, Inc.
V/TT: 208/336-5353
V/TT: 866/262-3462

Note: A parent/adult student may request a re-written IEP that includes these amendments.
Note: The completion of this document does not replace or extend the required annual IEP meeting.

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date: **Service Plan (SP) Cover** Page of

This SP is an: [ ] Initial [ ] Annual Review [ ] Amended Projected Triennial Re-evaluation Date:

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian Name:	Home Phone:			
Address:				
Native Language:	Daytime Phone:			
Parent/Guardian Name:	Home Phone:			
Address:				
Native Language:	Daytime Phone:			

1. SP INFORMATION

Case Manager Name:	Telephone Number:
Eligibility Category:	Medical Information:

2. SERVICES TEAM

Names of All SP Team Members Invited to Attend	Position or Title (Signature **DOES NOT** indicate agreement)	SP Meeting Attendance (Check **DOES NOT** indicate agreement)
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No
		[ ] Yes [ ] No

Document date: **SP Goals** Page of

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

Skill Area:

1. Present Level of Performance:

2. General Education Content Standard(s):

3. Annual Goal (target skill and conditions):

4. Evaluation Procedure (criteria, procedure, and schedule):

5. Assistive Technology (if needed):

6. How Progress Toward Goals Is Reported:

Enter report card dates in the 1st line below.					

Skill Area:

1. Present Level of Performance:

2. General Education Content Standard(s):

3. Annual Goal (target skill and conditions):

4. Evaluation Procedure (criteria, procedure, and schedule):

5. Assistive Technology (if needed):

6. How Progress Toward Goals Is Reported:

Enter report card dates in the 1st line below.					

***Progress Codes:**		**Progress Projection Codes:**
1 = Completed	3 = Not started	A = Progress is adequate to meet target dates.
2 = In progress	4 = Other:	B = Progress is inadequate to meet target date.

***Note:** If the student is not progressing according to target dates, parents will be informed.

SP Services & Other Considerations

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

SP SERVICES

Service	Position Responsible	Location	Freq.	M Code	Total Service per Week		Start Date	Anticipated Duration
					Hrs	Min		

Location Codes:
01 Classroom
02 Sped Classroom
03 Home
04 Hospital
05 Community
06 Therapy Room

Frequency Codes:
01 Daily
02 Weekly
03 Bi-Weekly
04 Monthly
05 _____ Times Per _____
06 _____ Times Per _____

Medicaid (M) Codes:
IN = Individual
HQ = Group
HO = Professional
HM = Parapro
TD = Reg Nurse
LP = LPN

OTHER CONSIDERATIONS

A. Special transportation is considered a related service. The student requires [ ] Regular [ ] Special [ ] No transportation. Describe if necessary:

B. Does the student have limited proficiency in English? [ ] Yes [ ] No. If yes, what native language? _____. Explain what considerations are necessary:

C. If hearing impaired/deaf, is hearing aid monitoring required? [ ] Yes [ ] No [ ] Not hearing impaired/deaf. If yes, explain what considerations are necessary:

D. If visually impaired/blind, is Braille required? [ ] Yes [ ] No [ ] Not visually impaired/blind. If yes, explain what considerations are necessary:

ACCOMMODATIONS, ADAPTATIONS, AND/OR SUPPORTS IN GENERAL AND SPECIAL EDUCATION

Accommodations, Adaptations, or Supports	Location	Start Date	Anticipated Duration

BEHAVIORAL INTERVENTION PLANNING

A. Does behavior impede the student's learning or that of others? .....[ ] Yes [ ] No
B. If yes, have positive behavior supports been considered?.....[ ] Yes [ ] No
C. The positive behavior supports, if needed, are incorporated in this SP. .....[ ] Yes [ ] No
D. A behavior intervention plan (BIP), including positive supports, is attached to this SP.....[ ] Yes [ ] No

SP LRE Placement & Written Notice

Students ages 6 – 21

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		Age:
District:	School:			

WRITTEN NOTICE

The student will receive the services and placement outlined on this SP because the student is eligible for special education and the SP team has determined that this SP will meet his or her needs.

A. The following options were considered but rejected because:

B. The following evaluation procedures, tests, records, or reports were used as a basis for the SP:

C. The following information and other factors from parents and other sources were used to develop this SP:

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA, 2004). If you need an explanation or a copy of the *Procedural Safeguards Notice* or have additional concerns, please contact _____ at _____. After contacting the school if further assistance is needed, you may contact any of the agencies below:

Case Manager's Name — Building or Phone Number

Idaho State Department of Education	Idaho Parents Unlimited, Inc.	Comprehensive Advocacy, Inc.
208/332-6910	800/242-4785	V/TT: 208/336-5353
800/432-4601	V/TT: 208/342-5884	V/TT: 866/262-3462
TT: 800/377-3529		

4. CONSENT FOR INITIAL PLACEMENT

[ ] I CONSENT to placing _____ in special education. I understand that I can revoke this consent before services begin.

[ ] I DENY CONSENT to placing _____ in special education.

_____ _____

Parent or Adult Student Signature Date

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date: **SP Goals with Objectives/Benchmarks** Page of

Must be used for students taking the Idaho Alternate Assessment whose goals are aligned to Idaho Alternate Standards.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

Skill Area:

1. Present Level of Performance:

2. General Education Content Standard(s):

3. Annual Goal (target skill and conditions):

4. Evaluation Procedure (criteria, procedure, and schedule):

5. Assistive Technology (if needed):

6. How Progress Toward Goals Is Reported:

7. Objectives/Benchmarks (required if student takes the IAA):	**Enter report card dates in the 1st line below.**					
A. Expected Progress: Target Date:						
B. Expected Progress: Target Date:						
C. Expected Progress: Target Date:						
D. Expected Progress: Target Date:						

***Progress Codes:**		**Progress Projection Codes:**
1 = Completed	3 = Not started	A = Progress is adequate to meet target dates.
2 = In progress	4 = Other:	B = Progress is inadequate to meet target date.

***Note:** If the student is not progressing according to target dates, parents will be informed.

Copy to the confidential folder, each service provider, and the parent or adult student.

SP LRE Placement & Written Notice

Students Ages 3-5

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. LEAST RESTRICTIVE ENVIRONMENT (LRE)

Check one:

[ ] The student will participate entirely in the general education classroom, the general education curriculum, and nonacademic and extracurricular activities with nondisabled peers.

[ ] The student will participate in the general education classroom and curriculum, **except for the following**: *Check and explain all that apply.*

[ ] General education classroom _____

_____

[ ] General education curriculum _____

_____

[ ] Non-academic and extracurricular activities with non-disabled peers _____

_____

2. DECEMBER 1 FEDERAL REPORT: EDUCATIONAL ENVIRONMENT FOR AGES 3-5

The student attends a public or private Regular Early Childhood Program that includes at least 50% non-disabled children.

[ ] (41) In a Regular Early Childhood Program at least 80% of the time.

[ ] (42) In a Regular Early Childhood Program at least 40% but not more than 79% of the time.

[ ] (43) In a Regular Early Childhood Program less than 40% of the time.

Children attending regular early childhood programs should be reported in one of the environments above even if they receive special education services in other environments.

The student DOES NOT attend a Regular Early Childhood Program but DOES attend a public or private Special Education Program.

[ ] (44) Separate Class: Student attends a special education program in a class with less than 50% non-disabled children.

[ ] (45) Separate School: Student receives education programs in public or private day schools designed specifically for children with disabilities.

The student DOES NOT attend a Regular Early Childhood Program and DOES NOT attend a Special Education Program.

[ ] (46) Residential: Student receives special education and related services in the residential facility.

[ ] (47) Service Provider Location: Student receives all special education and related services from a service provider.

[ ] (48) Home: Student receives special education and related services in the principle residence of the child's family or caregivers. Include students who also receive services in a service provider location.

Copy to the confidential folder, each service provider, and the parent or adult student.

SP LRE Placement & Written Notice

Students Ages 3-5

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

3. WRITTEN NOTICE

The student will receive the services and placement outlined on this SP because the student is eligible for special education and the SP team has determined that this SP will meet his or her needs.

A. The following options were considered but rejected because:

B. The following evaluation procedures, tests, records, or reports were used as a basis for the SP:

C. The following information and other factors from parents and other sources were used to develop this SP:

You have protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA, 2004). If you need an explanation or a copy of the *Procedural Safeguards Notice* or have additional concerns, please contact _____ at _____. After contacting the school if further assistance is needed, you may contact any of the agencies below:

Case Manager's Name — Building or Phone Number

Idaho State Department of Education	Idaho Parents Unlimited, Inc.	Comprehensive Advocacy, Inc.
208/332-6910	800/242-4785	V/TT: 208/336-5353
800/432-4601	V/TT: 208/342-5884	V/TT: 866/262-3462
TT: 800/377-3529		

4. CONSENT FOR INITIAL PLACEMENT

[ ] I CONSENT to placing _____ in special education. I understand that I can revoke this consent before services begin.

- [ ] I have been informed of the differences between an SP and an Individual Family Service Plan (IFSP).
- [ ] I consent to using the IFSP in place of an SP.
- [ ] I deny consent to using the IFSP in place of an SP

[ ] I DENY CONSENT to placing _____ in special education.

_____ _____

Parent or Adult Student Signature Date

Copy to the confidential folder, each service provider, and the parent or adult student.

Behavior Intervention Plan (BIP)

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. TARGET BEHAVIOR (restate IEP goal that addresses behavior):

2. PREVENTION

State prevention activities in observable terms	How Often?	Who Is Responsible?	Progress Monitoring Method

***This form is required for a disciplinary change of placement.**

Copy to the confidential folder, each service provider, and the parent/adult student.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

3: WHAT WILL BE TAUGHT?

What Will Be Taught? (What other behaviors or skills will be taught so that the student can meet his or her needs in an acceptable manner?)	**How Often?**	**Who Is Responsible?**	**Progress Monitoring Method**

4: RESPONSE TO TARGET BEHAVIOR

Response Management How will adults respond when the problem behavior occurs so that their response does not (1) reinforce the student's inappropriate behavior or (2) cause the adult greater stress?	**How Often?**	**Who Is Responsible?**	**Progress Monitoring Method**

Copy to the confidential folder, each service provider, and the parent/adult student.

Functional Behavior Assessment (FBA)

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. **Description of Problem Behavior:** (What is the inappropriate or unacceptable behavior to be targeted for intervention? Be specific about who was involved and what happened before, during, and after the event.)

2. **Document the Pattern of Behavior** (frequency, intensity, duration, environmental factors, and context in which the behavior occurred)

3. **History** (e.g., what circumstances make the behavior more likely to occur, medical or physical concerns, substance abuse issues, stressful events in the student's life)

Copy to the confidential folder, each service provider, and the parent or adult student.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

4. Effectiveness of Interventions (What have been used and were they effective?)

5. Develop a Theory for the Function or Purpose of the Behavior

6. Team Members

Names of Team Members	Title/Position

Copy to the confidential folder, each service provider, and the parent or adult student.

Manifestation Determination

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

1. **Consider all relevant information** (the district, parent or adult student, and relevant members of the IEP team must review the student's file, the IEP, teacher observations, & any relevant information provided by the parent or adult student):

2. **Relationship between behavior and disability**
   A. Was the behavior in question caused by, or did it have a direct or substantial relationship to, the student's disability?) [ ] Yes [ ] No

   B. **If yes**, explain:

3. **Implementation of the IEP**
   A. Was the behavior in question a direct result of the district's failure to implement the IEP?) [ ] Yes [ ] No

   B. **If yes,** explain:

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

4: Manifestation Determination (If either 2 or 3 above is marked "yes," the behavior is a manifestation of the student's disability.)

[ ] **Yes**, the behavior is a manifestation of the student's disability. **Explain**:

[ ] **No**, the behavior is not a manifestation of the student's disability. **Explain**:

5. The district, parent or adult student, and relevant members of the IEP Team

Names of Team Members	Title/Position

Copy to the confidential folder, each service provider, and the parent/adult student.

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

IEP COMMITTEE MEMBER – ATTENDANCE NOT NECESSARY

The parent or adult student and the District agree that the following required IEP Team member's presence is not necessary at the IEP meeting scheduled for _____ (date) because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

IEP Committee Member _____

IEP COMMITTEE MEMBER – EXCUSAL

The parent or adult student and the District agree that the following required IEP committee member may be excused from attending the IEP meeting scheduled for _____ (date). The IEP committee member must submit written input to the parents and the IEP committee prior to the IEP meeting.

IEP Committee Member _____

IEP REVISION WITHOUT IEP MEETING

The parent or adult student and the District agree that the student's annual IEP may be amended to address the following contents without convening an IEP Team meeting. These amendments will be incorporated into the student's annual IEP dated _____.

IEP contents to be revised _____
_____

THREE-YEAR REEVALUATION NOT NECESSARY

The parent or adult student and the District agree that the student's three-year reevaluation scheduled to occur by _____ (date three-year reevaluation is due) is not necessary. The parent may subsequently request a reevaluation, and the District must conduct the reevaluation; however; the District need not conduct a reevaluation more frequently than once a year unless the parent and the District otherwise agree.

I hereby authorize the District to take the action described above. This action has been fully explained to me in my native language or other mode of communication, and I understand the action. The action is being taken with my agreement and consent. I understand that I can revoke my consent for this action, but my revocation will not be retroactive.

Parent/Guardian Signature _____ **Date** _____

District Representative_____ **Date** _____

Copy to the confidential folder, each service provider, and the parent or adult student.

AUTHORIZATION FOR DISCLOSURE OF IDENTIFYING EDUCATION RECORD INFORMATION FOR SCHOOL-BASED MEDICAID REIMBURSEMENT FOR HEALTH–RELATED SERVICES

Document date: Page of

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			
Parent/Guardian's Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		
Parent/Guardian's Name:		Home Phone:		
Address:				
Native Language:		Daytime Phone:		

Student's Name (as it appears on Medicaid card) _____
Birth Date _____ Medicaid ID # _____ . 34 CFR. 300.154D (d) (2) (D) (iv) (A) requires the District to obtain parental consent, each time that access to public benefits or insurance is sought as such access requires the sharing of identifiable information from the student's education record pursuant to the Family Educational Rights and Privacy Act (FERPA).

I authorize: _____
School District Name

To share necessary identifying information from my child's education record to access federal Medicaid reimbursement for the health related services identified on _____ IEP dated _____.
Student's name

I understand that if any additional Medicaid reimbursable services are added to this IEP after this date, additional written consent will be required in order for the district to claim federal reimbursement for any new service(s).

I understand that this consent is not transferable to a different school district. (Check either box)

[ ] I give my continuing permission for my child's health-related services to be submitted to Medicaid for federal reimbursement each time services are provided. I understand that this consent is good for 365 days, to align with the date on my child's IEP. I understand that I can revoke this permission at any time.

[ ] I do not give permission for information from my child's education record to be submitted for my child's Medicaid account to be accessed by the school district for federal Medicaid reimbursement. I understand that my refusal to allow the district to submit such identifying information precludes the school district from access to my child's Medicaid benefit. I understand my denial of permission for such disclosure will not impact my child's access to a Free and Appropriate Public Education and/or required health-related services.

Parent/Personal Representative/Adult Student's Name: _____
Address: _____
_____
_____

Signature: _____
Date: _____

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date:

Determination of Need for Surrogate Parent

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:		Age:
District:	School:			

Person Making this Request: _____ Title: _____
Building: _____

This form is to be used by the District when determining the need for a surrogate parent for a student who is now receiving special education or who is suspected of needing special education.

Student's Caretaker or Custodian Phone: _____ Home Phone: _____
Address: _____ Work Phone: _____
_____
_____

Caretaker or custodian's relationship to the student:
[ ] Parent [ ] Relative [ ] Foster Parent [ ] Group Home Staff [ ] Other: _____

Is the student a ward of the state?..... [ ] Yes [ ] No

Are the student's parents unknown or unavailable?..... [ ] Yes [ ] No

Documented efforts to locate parent or guardian include:
[ ] Phone calls [ ] Letters [ ] Certified letters [ ] Visit to parents' last known address

Are the student's parents the legal guardians?..... [ ] Yes [ ] No

Will the student's parents relinquish educational rights or responsibilities to the surrogate parent? ..... [ ] Yes [ ] No

Is there a court-appointed guardian or legal custodian?..... [ ] Yes [ ] No
If so, supply the name, address, and daytime phone number of the person assigned by state agency.
_____
_____
_____

Please provide documentation of consultation with any custodial agency.
_____
_____
_____

If the student is suspected of needing special education, but has not been evaluated to determine eligibility, a request for a referral must be made. Has a referral been made?..... [ ] Yes [ ] No
If so, name the referral agent. _____
Title: _____ Building: _____

Forward a copy of this completed form to the special education administrator immediately upon completion.

For District Use Only

Base on the above information:
[ ] A surrogate parent for the student must be appointed.
[ ] A surrogate parent for the student is not required.

Date determination made: _____. (Must be no more than 20 days from date request for determination was requested.)

Determination made by:

Name: _____ Title: _____

Signature: _____ Date: _____

Copy to the confidential folder, each service provider, and the parent or adult student.

Document date: **Written Notice for Discontinuation of Services** Page of

Student's Name:	District ID:	State ID:	Grade:	Sex:
Native Lang:	Ethnicity:	Birth Date:	Age:	
District:	School:			

The purpose of this notice is to inform you of the following:

A. Actions proposed:
[ ] The school district proposes to initiate/change identification.
[ ] The school district proposes to initiate/change educational placement.
[ ] Other:

B. Actions refused:
[ ] The school district refuses to initiate/change identification.
[ ] The school district refuses to initiate/change educational placement.
[ ] Other:

C. Explanation of why actions were proposed or refused:
[ ] The student has met IEP or district graduation requirements.
[ ] The student has completed the semester in which he or she turned 21 years old and is no longer entitled to special education services.
[ ] The student has met IEP goals and can make satisfactory progress in general education
[ ] The student no longer meets requirements for eligibility for special education.
[ ] Other:

D. The following options were considered and rejected because:

E. The following evaluation procedures, tests, records, and reports were used as a basis for the decision:

F. The following information and other factors are relevant to the decision:

You have protection under the procedural safeguards of the Individuals with Disabilities Education Improvement Act 2004 (IDEA 2004). If you need an explanation or a copy of the *Procedural Safeguards Notice,* please contact _____ at _____.
Case Manager Building or Phone Number

After contacting the school district, if further assistance is needed, you may contact any of the agencies below:

Idaho State Department of Education
208/332-6910
800/432-4601
TT: 800/377-3529

Idaho Parents Unlimited, Inc.
800/242-4785
V/TT: 208/342-5884

Comprehensive Advocacy, Inc.
V/TT: 208/336-5353
V/TT: 866/262-3462

Copy to the confidential folder, each service provider, and the parent or adult student.