

PROGRAMS FOR STUDENTS WITH DISABILITIES
(Initial Identification of Students Who May Require Special Education Services)

Definitions

Child with a Disability – A child who has been evaluated in accordance with the provisions of the Individuals with Disabilities Education Act (IDEA) and is determined eligible as a child with intellectual disabilities, a hearing impairment, a speech or language impairment, a visual impairment, a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment (OHI), a specific learning disability, deaf-blindness or multiple disabilities, and who, by reason thereof, needs special education and related services. A child who only needs a related service but not special education is not a child with a disability but may be a child in need of accommodation under Section 504 of the Rehabilitation Act of 1973 (Section 504).

Individualized Education Program (IEP) – A written statement composed of all mandated components that is developed, reviewed and revised in accordance with provisions of the IDEA for a child with a disability.

Related Services – Transportation, developmental, corrective or other services needed to assist a child with a disability to benefit from special education. Related services include speech-language pathology and audiology services, physical and occupational therapy, psychological services, recreational therapy, and counseling services. The term also includes school nurse services designed to enable a child with a disability to receive a free and appropriate public education as described in the student's IEP, school-based social services and parent counseling and training. The term may also include other services not described here. Related services do not include surgically implanted devices or the replacement of those devices.

Parent – A biological, adoptive or foster parent; a guardian; an individual with whom the child lives who is acting in place of a biological or adoptive parent; an individual who is legally responsible for the child's welfare; or an individual assigned as a surrogate or legal education decision maker in accordance with law.

Director – Special education director or the individual designated by the district to be responsible for implementation of special education in the district and management of the associated records in accordance with the IDEA and all applicable state laws and regulations.

Referral

A parent of a child, the district or any state agency may request an initial evaluation. Any person receiving such a request will immediately notify the director or designee.

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The referral shall be documented in accordance with the Missouri State Plan for Special Education, and the director will provide procedural safeguards to the parents within five days of receiving the request. Upon receiving the referral, the director or designee will notify a group of individuals meeting the requirements of an IEP team, and other qualified professionals as appropriate, to review all relevant existing evaluation data on the child including:

1. Previous evaluations, if applicable.
2. Information provided by the parents of the child.
3. Performance on current classroom-based assessments and observations.
4. Performance on statewide assessments.
5. Observations by teachers.
6. Observations by related service providers, if available and applicable.

The review shall be documented according to the Missouri State Plan and may be conducted without a meeting.

The director or designee will consult with the appropriate personnel to determine whether an evaluation is necessary and notify the parents of this determination. This notice will be provided in the native language of the parents unless it is clearly not feasible to do so. A copy of the notice will be placed in the student's file.

Should the district determine that an evaluation is **not** warranted, this notice will include:

1. A description of the basis of the referral.
2. An explanation of why the district has refused to do an evaluation.
3. A description of the other options considered and the reasons those options were rejected.
4. A description of the information considered in making the determination.
5. A description of any other factors pertinent to the decision.
6. A statement that the parents of a child with a disability have certain procedural safeguards and other rights and how a copy of those can be obtained, **or** a copy of a document that integrates the procedural safeguards and other rights available to parents of a child with a disability.
7. Sources a parent can contact to obtain assistance in understanding this notice.

Should the district determine that an evaluation is warranted, this notice will include:

1. A description of the basis of the referral.
2. An explanation of why the district proposes to evaluate the student.
3. A description of the other options considered and the reasons those options were rejected.
4. A description of the information considered in making the determination.
5. A description of any other factors pertinent to the decision.
6. An explanation of the evaluation process.
7. A copy of the procedural safeguards and "The Parents' Bill of Rights" or a document that integrates the procedural safeguards and "The Parents' Bill of Rights."
8. Sources a parent can contact to obtain assistance in understanding this notice.
9. A request for consent from the parents for evaluation.

Consent for Evaluation

The district will obtain informed consent from the parents before performing any initial evaluation. If the parent does not consent or there is no response to the request for consent to an initial evaluation, the district may make recommendations based on existing data, request mediation or pursue due process. After obtaining informed consent to perform an initial evaluation of the child, the district will perform the evaluation in accordance with law.

Evaluation

All initial evaluations and re-evaluations will meet the following requirements:

1. Test and evaluation materials used will be nondiscriminatory and administered in a language and form most likely to yield an accurate assessment of the child's academic, developmental and functional levels unless clearly not feasible to do so.
2. A variety of materials and procedures will be used, including information provided by the parent, that will enable the district to determine whether the child is a child with a disability and, if so, the content of the child's IEP.

3. All standardized tests given to the child will have been validated for the specific purpose for which they are used, will be technically sound, properly administered by trained personnel under standard conditions, and tailored to assess specific educational needs. Should tests be administered under less than standard conditions, a description of the reasons and qualifications of the person administering the test will be provided.
4. A variety of evaluation materials will be used so that no single procedure is the sole criterion for placement, the child is assessed in all areas related to the suspected disability, and the evaluation is sufficiently comprehensive to identify the child's special education and related services needs.

If a child transfers from another district during the school year, evaluation procedures and assessments will be coordinated with any used at the previous school to ensure prompt completion of a full evaluation.

A child with disabilities will be evaluated pursuant to these procedures before determining that the child is no longer eligible for special education services except when the termination of services is due to graduation with a regular diploma or exceeding the age eligibility for a free appropriate public education under state law.

Eligibility

Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent of the child will determine whether the child is a child with a disability. Should the child be determined to be eligible for special education, the parents will be provided a copy of "The Parents' Bill of Rights" or a document that integrates "The Parents' Bill of Rights," and an IEP will be developed according to law. The IEP may be developed at the same meeting where eligibility is determined if the appropriate personnel are present.

A child shall not be determined to be a child with a disability if:

1. The determining factor is lack of appropriate instruction in reading, including essential components of reading instruction as defined by the Elementary and Secondary Education Act (ESEA), lack of instruction in math or limited English proficiency.
2. The child does not otherwise meet the eligibility criteria for a child with a disability pursuant to law.

Eligibility: Specific Learning Disability

The district uses a severe discrepancy model to identify students with specific learning disabilities.

IEP Development

IEP team members include:

1. The parents.
2. At least one regular education teacher.
3. At least one special education teacher.
4. A qualified representative of the local education agency (LEA).
5. An individual who can interpret the evaluation results. This individual may also serve on the team in another capacity.
6. At the discretion of the parent or the district, any other individuals who have knowledge or special expertise regarding the child. The party who invited the individual will determine whether the individual has helpful knowledge or expertise.
7. The child, if appropriate.

All members of the IEP team must attend all meetings except that a member of the IEP team:

1. Is not required to attend the meeting, in part or whole, if the parents and director agree in writing that attendance is not necessary because the member's area of curriculum or related service is not being modified or discussed.
2. May be excused from attendance, in part or whole, even when the member's area of curriculum or related service is involved if the parent and director consent and the member submits written input prior to the meeting. A parent's agreement and consent shall be in writing.

The IEP team will be responsible for initial IEP development, annual review and revision of the IEP, and change of placement decisions. Manifestation determinations will not be made by the IEP team but by representatives of the district, parents and relevant members of the IEP team as determined by the parent and the district.

When making changes to the child's IEP after the annual IEP meeting, the director or designee and the parents can agree in writing not to convene an IEP meeting, but instead develop a written document to amend or modify the current IEP. Any modification or amendment made in this or any other manner may be done by amending the IEP rather than drafting an entirely new document.

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Upon request, the parents will be provided a revised copy of the IEP with the amendments incorporated.

IEP meetings may be held by alternative means such as video or audio conferences if the parents and the director or designee agree to do so in writing.

Transfers

If a child has an IEP in effect and transfers to and enrolls in the Cole County R-I School District from another district in Missouri during the same academic year, the district will implement the IEP currently in effect exactly as it is written. Alternatively, after consultation with the parents, the district will provide a free and appropriate public education including services comparable to those provided at the previous district until such time as the IEP team meets and adopts the previously held IEP or develops, adopts and implements a new IEP.

If a child has an IEP in effect and transfers to and enrolls in the Cole County R-I School District from a different state during the same academic year, the district will implement the IEP currently in effect exactly as written. Alternatively, after consultation with the parents, the district will provide a free and appropriate public education including services comparable to those provided in the previous state until such time as the district determines whether the child is a child with a disability eligible for special education services and, if appropriate, conducts a new evaluation or develops a new IEP.

Placement

The IEP team is responsible for all placement and/or change of placement decisions unless otherwise permitted by law. The team will place the child in the least restrictive environment that meets the child's educational needs. To the maximum extent appropriate, children with disabilities will be educated with children without disabilities and will be removed from the regular educational setting only to the extent necessary to provide satisfactory services.

Records

Educational records, including an IEP, are confidential and will be disclosed only to employees of the district to the extent that they have a legitimate need to access them. The IEP will be accessible to each regular education teacher, special education teacher, related service provider and other service providers who are responsible for its implementation. Individuals who access or are provided a copy of any portion of these records will be advised that the records are confidential and are not to be shared except as allowed or required by law. The director or designee will promptly obtain the records, including the IEP, for any child enrolled in the district who previously attended school in another district.

Parents will be notified of their right to inspect, review and amend educational records pertaining to their child and will be informed of their location.

The director or designee will maintain a record of all parties, except the parents and authorized employees of the district, who access these records that will include the name of the party accessing the record, the date accessed and the purpose for which that party is authorized to access the record.

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Note: The reader is encouraged to review policies and/or forms for related information in this administrative area.

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Cole County R-I School District, Russellville, Missouri