



Exceptional Children's Handbook



Table of Contents

Program Descriptions.....page 3

EC Case Manager Responsibilities.....page 5

Categories of Eligibility.....page 6

EC Referral Process.....page 16

Child Find.....page 16

Discipline of EC Students.....page 17

Accommodations.....page 20

ESY.....page 21

Transitions.....page 21

Transfer Procedures.....page 22

Dispute Resolution.....page 24

Alleghany County Schools provides special education and related services for eligible children, ages 3 to 22. Services are based on individual student need and present levels of performance. Services are provided through the Individual Education Program (IEP) in the Least Restrictive Environment (LRE). ACS offers successful services and programs throughout the full continuum and across settings. IEP services are integrated with an emphasis on cooperative planning and intervention, research based instructional practices and strategies, access to the North Carolina Standard Course of Study, collaboration with general education and parents to assure all students with IEPs are entitled to a Free and Appropriate Public Education (FAPE).

The philosophy of the Alleghany County Exceptional Children Programs is based on the following principles:

- All students can learn and have the right to an educational program that is designed to meet his/her individual needs. All students are to be provided appropriate opportunities for growth in the cognitive, affective and social domains.
- Each student is an individual of equal value and should be treated with dignity and respect, regardless of disabling condition.
- All students have a right to an educational experience that will allow him/her to become independent and contributing members of society.

In order to fulfill this philosophy, members of the Alleghany County Schools Exceptional Children's Program seek to consistently:

- Identify the needs of each student with a disability and to develop an Individualized Education Program to meet those needs.
- Assure that students with disabilities are educated in settings with their non-disabled peers to the maximum extent appropriate.
- Be cognizant of and protect the rights of students with disabilities and their parents in developing programs and services to meet their needs.
- Hold special education services to high standards of accountability to improve results for students with disabilities.
- Provide training and support for all educators to have the knowledge and skills which enables them to effectively assist students with disabilities in attaining high standards.

Program Descriptions

Resource Room

This model provides support for students in general education programs with specific skills (i.e. organization, planning, review, prioritization help, monitoring, etc....). Students visit the special education teacher at a scheduled time during the day.

Inclusion/Co-Taught Classroom

This model is designed to support special education students within the general education curriculum. The regular education teacher and the special education teacher collaborate with each other and share responsibilities for meeting the needs of a heterogeneous groups of students.

- Co-teaching means that BOTH teachers teach. The regular ed. and special ed. teachers are responsible for the success of ALL students in the class. It should not be discernable at any time which teacher is the regular ed or the special ed teacher. Special ed teachers are experts in utilizing different techniques to differentiate for all students. Regular ed teachers are experts in their subject areas. The process is one of trust and learning that gives each teacher growing knowledge in the other's area of strength.
- Because delivery of lessons is an equal responsibility of the co-teachers, having and using common planning time is essential to the success of the team. The pair should be planning for what types of instruction and activities will be used by each to develop the key concepts and how class work, hands-on activities, projects, and homework will support and enhance the students' retention of the concepts over time.

Study Skills Classroom

This classroom provides a support service to students that need review, re-teaching and other moderate levels of support. The special education teacher provides help in organization, planning and other skills beyond what is given within the inclusion/co-taught classes. They also help students with prioritization and work completion.

Learning Needs Class-OCS

The Occupational Course of Study is a state-mandated course of study that is offered as a diploma tract by every school district. This classroom is geared toward special education students who have been unsuccessful academically and whose post-school needs are not being met by the NC Standard Course of Study. The OCS student plans a post-school outcome of an independent job in the regular workforce with regular wages, not a post-secondary education degree. Students can earn a high school

diploma on the OCS tract. The OCS curriculum is functional and “hands-on,” with the focus being employment in the competitive workforce. It does not follow the general course of study with mandated passing scores for the end-of-course standardized tests. Rather, each OCS student has a required individualized career portfolio. This portfolio contains documentation of the required course credits as well as documentation of the required work hours to show that this OCS student has met the requirements for a diploma based on the Occupational Course of Study.

STAR Program

This classroom is designed to support students with significant social/emotional needs that impact their ability to be successful in a general education setting. This class provides high structure, predictability, clear rules, and contingencies for behavior. Modifications and accommodations are provided within the self-contained setting. The students have access to the general curriculum. The students require an FBA/BIP that considers the reasons for student behavior and strategies for modifying behavior. There is a full time special education teacher, a full time behavior specialist and a teaching assistant assigned to this classroom. A behavior counselor supports the program with availability and access when students are in crisis. A school psychologist provides counseling services.

Self-Contained Life Skills Class

This classroom is designed to support students with severe cognitive and/or adaptive behavior deficits. These students may also have physical and/or language delays. Students have high needs for modifications, accommodations, time for processing, repetition, etc. Pacing may be slower. Instruction in social skills and activities of daily living skills are included. Students generally require services throughout their lives and teachers coordinate referrals and supports to community agencies. Most students remain beyond age 18, often to age 21, and may attend day programs that include vocational training. This classroom has a full time special education teacher along with a full time teaching assistant. Some students may also have a 1:1.

EC Case Manager Responsibilities

- Keep data notebooks current.
- Completely maintain the compliance of all folders assigned to your caseload by conducting annual reviews, 3 year re-evaluations, and updating progress, assuring that services are provided as stated in the IEP.
- Place all folders that need compliance checks in the designated place in your schools locking cabinet.
- Notify EC Director through Google Doc titled "Compliance Check" to complete checks for the following:
 - Initial Placement
 - Re-evaluations
 - Any changes that require a DEC 5 (change in placement, change of eligibility, add or delete related service, etc.)
 - Transfers (in/out of state)
- Ensure all confidential records are housed in locking cabinets.
- Complete any corrective action necessary for compliance paperwork in a timely manner (no later than one month after audit).
- Attend monthly compliance meetings/trainings to acquire information on paperwork and procedures.
- Issue the Handbook of Parent Rights to the legal guardian or designee with the first invitation to an IEP team meeting each school year and additionally, as designated by IDEA (annually, due process, manifestation, when formal complaint is filed).
- For every IEP team meeting, issue a draft copy to the legal guardian or designee and notify other invited team members that a draft copy is available for review.
- Provide parents copies of all forms at the conclusion of each meeting. If parents are not in attendance, mail a copy on the next business day.
- Document all correspondence with parents.
- Be prepared to conduct meetings using ECATS to generate necessary forms. Conduct meetings in a professional and timely manner. It is expected that as much information as possible will be drafted prior to the actual meeting, shared with parent and available for other team members. IEP's should be projected for IEP team review.
- Notify regular education teachers of classroom and testing modifications for his/her students at the beginning of the year (IEP at a Glance) and as changes are made. Follow up with regular ed teachers (Accommodation Checklist) to ensure that modifications/accommodations are being used in the classroom.
- Provide copies of behavior intervention plans to teachers working with students who have specific plans in their IEPs.

- Maintain a seclusion/restraint log for any student requiring this intervention. These interventions should be documented in the IEP.

Categories of Eligibility

A child with a disability means a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who needs special education and related services.

Autism

A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child’s 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.

Eligibility

Must demonstrate at least three of the four characteristics listed below:

- Impairment in communication
- Impairment in social interaction
- Unusual response to sensory experiences
- Restricted, repetitive, or stereotypic patterns of behavior, interests, and/or activities

The disability must:

- Have an adverse effect on educational performance, and
- Require specially designed instruction

Deaf-Blindness

Hearing and visual impairments that occur together, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Eligibility

To be determined eligible in the disability category of deaf-blindness, a child must demonstrate:

- A visual impairment, in combination with a hearing impairment,
- Resulting in severe communication, developmental, and educational needs, and that
- Cannot be accommodated in a program for a child with solely a visual impairment or hearing impairment.

The disability must:

- Have an adverse effect on educational performance, and
- Require specially designed instruction.

Deafness

Hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects the child's educational performance.

Eligibility

To be determined eligible in the disability category of deafness, a child must have a deficiency in hearing as demonstrated by the elevated threshold of auditory sensitivity to pure tones or speech.

The disability must:

- Have an adverse effect on educational performance, and
- Require specially designed instruction.

Developmental Delay

A child aged three through seven, whose development and/or behavior is delayed or atypical, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who, by reason of the delay, needs special education and related services.

Eligibility

To be determined eligible in the disability category of developmental delayed, a child must be:

- Between the ages of three through seven, whose development and/or behavior is so significantly delayed or atypical that special education and related services are required.
- Delayed/Atypical Development. A child may be defined as having delayed/atypical patterns of development in one or more of the following five areas: physical development, cognitive development, communication development, social/emotional development or adaptive development.
- The criteria for determining delayed development for ages three through seven are:
 - A 30% delay using assessment procedures that yield scores in months, or test performance of 2 standard deviations below the mean on standardized tests in one area of development; or
 - A 25% delay using assessment procedures that yield scores in months or test performance of 1.5 standard deviations below the mean on standardized tests in two areas of development.
- Identification of these children will be based on informed educational/clinical opinion and appropriate assessment measures.

Delayed/Atypical Behavior

A child with delayed or atypical behavior is characterized by behaviors that are so significantly inadequate or inappropriate that they interfere with the child's ability to learn and/or cope with normal environmental or situational demands. There must be evidence that the patterns of behavior occur in more than one setting over an extended period of time.

The criteria for determining delayed/atypical behavior for ages three through five must be documented in one or more of the following areas:

- Delayed or abnormalities in achieving milestones and/or difficulties with issues, such as:
 - Attachment and/or interaction with other adults, peers, materials, and objects;
 - Ability to communicate emotional needs;
 - Ability to tolerate frustration and control behavior, or
 - Ability to inhibit aggression.
- Fearfulness, withdrawal, or other distress that does not respond to comforting or interventions;

- Indiscriminate sociability, for example, excessive familiarity with relative strangers; or
- Self-injurious or other aggressive behavior.

The criteria for determining delayed patterns of behavior and adaptive skills for ages six through seven must be exhibited in two or more of the following ways:

- The inability to interact appropriately with adults and peers;
- The inability to cope with normal environmental or situational demands;
- The use of aggression or self-injurious behavior, or
- The inability to make educational progress due to social/emotional deficits.

Identification of these children will be based on informed educational/clinical opinion and appropriate assessment measures.

Emotional Disability

A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to make educational progress that cannot be explained by intellectual, sensory, or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Serious emotional disability includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

Eligibility

To be determined eligible in the disability category of serious emotional disability:

One of the following characteristics must be exhibited:

- An inability to make educational progress that cannot be explained by intellectual, sensory, or health factors;
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- Inappropriate types of behavior or feelings under normal circumstances;
- A general pervasive mood of unhappiness or depression; or

- A tendency to develop physical symptoms or fears associated with personal or school problems.

Additionally, the condition must be exhibited:

- Over a long period of time; and
- To a marked degree

The disability must:

- Have an adverse effect on educational performance, and
- Require specially designed instruction.

Hearing Impairment

An impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

Eligibility

To be determined eligible in the disability category of hearing impairment, a child must have a documented hearing loss of a type and extent to:

- Have an adverse effect on educational performance, and
- Require specially designed instruction.

Intellectual Disability

Significantly sub-average general intellectual functioning that adversely affects a child's educational performance existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

Eligibility

To be determined eligible in the disability category of intellectual disability, a child must demonstrate both:

- Intellectual functioning well below the mean on an individually administered standardized intelligence test, and the standard error of measurement of that test shall be taken into account in the interpretation of the results. Measures below the mean are as follows:
 - Mild: Two standard deviations below the mean plus or minus one standard error of measure;
 - Moderate: Three standard deviations below the mean plus or minus one standard error of measure;

- Severe: Four or more standard deviations below the mean plus or minus one standard error of measure
- Adaptive behavior deficits at or below:
 - Two standard deviations below the mean in one domain, or
 - One and one-half standard deviations below the mean in two or more domains

The disability must:

- Have an adverse effect on educational performance, and
- Require specially designed instruction.

Multiple Disabilities

Two or more disabilities occurring together (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deaf-blindness.

Eligibility

To be determined eligible in the disability category of multiple disabilities, a child must demonstrate:

- Two or more disabilities occurring together,
- The combination of which is so severe, complex, and interwoven that identification in a single category of disability cannot be determined

The disability must:

- Have an adverse effect on educational performance, and
- Require specially designed instruction

Orthopedic Impairment

A severe physical impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures, etc.).

Eligibility

To be determined eligible in the disability category of orthopedic impairment, a child must demonstrate:

- A severe physical impairment;
- Caused by congenital abnormalities, disease, or other causes.

The disability must:

- Have an adverse effect on educational performance, and
- Require specially designed instruction.

Other Health Impairment

Having limited strength, vitality or alertness, including a 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 such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette's Syndrome, etc.
- Adversely affects a child's educational performance

Eligibility

To be determined eligible in the disability category of other health impairment, a child must have a chronic or acute health problem resulting in one or more of the following:

- Limited strength;
- Limited vitality;
- Limited alertness, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment.

The disability must:

- Have an adverse effect on educational performance, and
- Require specially designed instruction.

Specific Learning Disability

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the impaired ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Disorders not included:

Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of serious emotional disturbance, or of environmental, cultural, or economic disadvantage.

Eligibility

To be determined eligible in the disability category of specific learning disability using the discrepancy option, a child must:

- Demonstrate inadequate achievement for their age or to meet State approved grade-level standards in one or more of the following areas:
 - Oral expression;
 - Listening comprehension;
 - Written expression;
 - Basic reading skills;
 - Reading fluency skills;
 - Reading comprehension;
 - Mathematics calculation; and
 - Mathematical problem solving.
- Demonstrate a discrepancy between achievement (as measured by the educational evaluation) and measured ability (as measured by the intellectual evaluation) of at least 15 points. Subscale, subtest, factor or other scores used to estimate intellectual functioning may not be used to determine a discrepancy;
- Exhibit characteristics consistent with the definition of specific learning disabilities.

The disability must:

- Not be the primary result of:
 - Sensory deficits;
 - Motor deficits;
 - Intellectual disability;
 - Serious emotional disability;
 - Environmental influences;
 - Cultural linguistic influences,
 - Economic influences;
 - Lack of instruction in reading or math; and/or
 - Limited English proficiency.
- Have an adverse effect on educational performance, and
- Require specially designed instruction.

Speech or Language Impairment

A communication disorder, such as an impairment in fluency, articulation, language, or voice/resonance, that adversely affects a child's educational performance.

- Language may include function of language (pragmatic), the content of language (semantic), and the form of language (phonologic, morphologic, and syntactic systems).
- A speech or language impairment may result in a primary disability or it may be secondary to other disabilities.

Eligibility

To be determined eligible for services in the disability category of speech or language impairment, a child must meet the criteria listed in one or more of the following areas:

- Articulation. It is required that a child's speech have:
 - Two or more phonemic errors not expected at the child's age or developmental level observed during direct testing and/or in conversational speech, and/or
 - Two or more phonological processes not expected at the child's age or development level observed during direct testing and/or in conversational speech
- Fluency. It is required that a child demonstrate non-fluent speech behavior characterized by repetitions/prolongations/blocks on a regular basis.
- Language. It is required that two diagnostic measures occur, one assessing comprehension and one assessing production of language. It is required that:
 - Standard scores on the particular standard evaluation instrument suggest a language disorder; and/or
 - Non-standardized/informal assessment indicates that the child has difficulty understanding and/or expressing ideas and/or concepts.
- Voice. It is required that a child must demonstrate consistent deviations in vocal production that are inappropriate for chronological/mental age, gender, and ability.

The disability must:

- Have an adverse effect on educational performance, and
- Require specially designed instruction.

Traumatic Brain Injury

An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury 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. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Eligibility

To be determined eligible in the disability category of traumatic brain injury, a written verification by a licensed physician or a licensed psychologist, appropriately practicing in the specialty of neuropsychology, that the child has sustained an injury from which brain injury can be inferred must be obtained. No time limits exist for written verification.

- Psychological evaluation for traumatic brain injury must be conducted by school psychologists licensed by the State Department of Public Instruction, or by psychologists who are appropriately practicing in the specialty of neuropsychology and are licensed by the North Carolina State Board of Examiners of Practicing Psychologists. All psychological evaluations for Traumatic Brain Injury must be current within one year. All school psychologists providing assessment of children with Traumatic Brain Injury must meet the guidelines of the Exceptional Children Division for training in the assessment of Traumatic Brain Injury and be listed on the Exceptional Children Division's registry of approved providers (hereafter referred to as the registry.)
- The disability must:
 - Have an adverse effect on educational performance, and
 - Require specially designed instruction.

Visual Impairment including Blindness

An impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. A visual impairment is the result of a diagnosed ocular or cortical pathology.

Eligibility

To be determined eligible in the disability category of visual impairment, including blindness, a child must have:

- A visual acuity between 20/70 and 20/200 in the better eye after correction to be considered visually impaired.
- A visual acuity of 20/200 or less in the better eye after correction or a peripheral field so contracted that the widest diameter subtends an arc no greater than 20 degrees to be considered legally blind.

The disability must:

- Have an adverse effect on educational performance; and
- Require specially designed instruction.

EC Referral Process

The referral process begins in multiple ways; a written request is received from the parent, the IEP team has received a referral from the SST team recommending possible further evaluation, an out of state transfer, transitioning from Infant Toddler Program to preschool program or a child fails a preschool screening.

During the referral meeting the team will review all existing data and then determine whether or not additional data is needed.

Required Forms

- Invitation to Conference
- Handbook on Parent's Rights
- Special Education Referral
- Consent for Evaluation (if team decides to conduct evaluation)
- Prior Written Notice

Child Find

- LEAs are required to identify, locate and serve students with disabilities who reside in their district.
- LEAs are required to accept and review all written referrals; provide assistance to parents, if needed, in completing the written referral; and inform parents who make an oral referral that it must be in writing.
- The determination to conduct an evaluation is made based on the review of existing data. If the IEP Team, based on the review of existing data, determines not to conduct an evaluation, parents must be provided prior written notice and the procedural safeguards (Handbook on Parents' Rights).
- Examples of advertising opportunities include, but are not limited to: churches, daycares, pediatrician offices, newspapers, public/private school bulletin boards, CDSAs, public libraries, DSS, Mental Health, Health Department, public service announcements on radio and television, Chamber of Commerce publications, etc.

Discipline of EC Students

Students with special needs have safeguards and rights by federal and state laws and cannot be excluded from their educational program without following federally mandated procedures. It is important to work with students early to prevent misbehavior and to provide appropriate behavioral intervention plans and goals through the IEP process.

Students with special needs cannot be suspended from school for more than 10 cumulative days in a school year without following specific procedures. Services must be provided starting with day 11 and the IEP team must meet to determine if a manifestation determination has occurred.

Schools should first try to intervene with student behavior in the school setting. Repeated problematic behavior should be addressed early through the IEP process; teams should analyze the behavior through a Functional Behavior Analysis (FBA) and then develop a Behavior Intervention Plan (BIP) and/or behavioral goals. Suspension should always be a last resort and used sparingly; it rarely improves behavior.

When Exclusion Is Required:

If a student's behavior is so severe that the student needs to be removed from school, you have these options:

- School personnel may suspend a special needs student up to 10 school days in a school year as any student. However, day 11 triggers need for service and decisions, so 10 days should be used very cautiously for students with special needs.
- Students who are considered for long term suspensions or for whom pattern is determined must have a Manifestation Determination.
- If the behavior is not related to the disability, the student may receive normal disciplinary action (suspension). However, the student will need a continuation of special education services.
- If the behavior is related to the disability, the student may NOT be suspended.
- At all stages the IEP team may meet to determine an alternative placement. The new placement would then not be considered as removal or suspension. The team will need to meet again to change placement back to the original school setting when or if a change is warranted.

All disciplinary removals are counted as suspensions unless the IEP team meets for that situation and changes the student's special education placement.

Change of Placement

A Change in Placement for Disciplinary Reasons Occurs if:

- The removal is for more than 10 consecutive school days; **or**
- The student has been subjected to a series of removals that constitute a pattern (students sent home early) that totals more than 10 school days in a school year.

On the date of the decision to remove a student that is a change of placement for disciplinary reasons, the LEA must notify parents of that decision and provide due process (Parent Handbook). A manifestation determination must be completed within 10 school days. An FBA and BIP must be completed or reviewed if already completed.

Changes in special education placements are **NOT** suspensions:

Any change in special education placement must be documented on:

- IEP (DEC 4): either by amendment or a new IEP
- DEC 5 (Prior Written Notice)

When a special education placement changes through the IEP process (for example, to modified day or homebound), the new placement does not count as school removal and is not counted as suspension.

The student will need to have the same staffing process (DEC5 and IEP addendum) to return back to the original placement when or if that is appropriate.

Examples of changes that might be considered by the IEP team based on behavior:

- Separate to modified day
- Regular to homebound services
- Homebound services to regular
- Separate to regular (when students are placed from STAR Program back to general ed classroom)

504 Students

Students eligible under Section 504 have protections similar to students with special needs. They will need Manifestation Determinations for suspensions that could be considered changes in placement for disciplinary removals, but if the behavior is unrelated, they will not require services during suspensions.

Manifestation Determination

The Manifestation Determination is to be completed by the student's IEP Team and must occur within 10 school days of removal when there has been a change of placement.

After reviewing all relevant information in the student's file (IEP, observations, parent information) the team must decide if the behavior was a manifestation of the disability by determining:

- If the conduct was caused by the child's disability
- If the conduct was the result of the LEA's failure to implement the IEP, the LEA must take immediate steps to remedy those deficiencies

Day 11 Requirements

Starting with the 11th day of removal, the school must:

- Provide services. No exceptions! Which services are provided and who determines appropriate services depends upon IEP contents, whether there has been a change of placement for disciplinary reasons, and the results of any manifestation determination.
- Determine if change of placement is for disciplinary reasons.
If the change in placement is due to disciplinary reasons:
 - A. On day of incident, send DEC5a, Parent Handbook, and Invitation
 - B. Conduct a Manifestation Determination
- If the behavior is not a manifestation of the disability based on the Manifestation Determination:
 - A. The student may be suspended similar to a general education student.
- If the behavior is a manifestation of the disability based on the Manifestation Determination:
 - A. The student must be returned to the placement from which the student was removed unless the parent and school agree to a change of placement.
 - B. Conduct a Functional Behavioral Assessment (FBA) unless it is already completed (current IEP and current school year). If completed, review as needed (DPI recommends after about each 5th day of removal).
 - C. Develop a Behavior Intervention Plan (BIP) designed to address the behavior violation. If the BIP has already been developed, review the BIP

and modify as necessary to address the behavior (DPI recommends after about each 5th day of removal).

Weapons/Drugs/Serious Bodily Injury:

If the offense involves weapons, drugs or serious bodily injury, proceed using 11 day requirements. These violations are clearly defined; the standard for serious bodily injury is very high. The only difference in procedure is that if the manifestation determination shows relationship between the behavior and the disability, the principal may remove the student to an alternative setting for up to 45 school days. If the behavior is not related, the student may be removed similar to a regular student. In both cases MD, FBA, BIP, and services defined by IEP are required.

Functional Behavioral Assessment (FBA)

Functional Behavior Assessments are to be completed on all students with special needs with behavior difficulties. **Required** if change of placement for disciplinary reasons. If a FBA has already been developed, review and modify it as necessary to address the behavior.

Schools should be proactive and perform an FBA before the student accumulates the 10th day of removal. If there is a disciplinary change of placement and an FBA has already been completed, a new FBA is not required for each removal; however, the FBA needs to be reviewed regularly.

Behavioral Intervention Plans (BIP)

Behavior Intervention Plans are to be completed on all students with special needs with behavior difficulties. **Required** if change of placement for disciplinary reasons. If a BIP has already been developed, review and modify it as necessary to address the behavior.

The most practical way to deal with repetitive, inappropriate behavior is to develop a behavioral intervention plan as part of the IEP. Behavioral plans are recommended for any student with special needs having problems with behavior even if the behavior is not judged to be related to the disability.

Accommodations

EC case managers are responsible for notifying all general education and service providers of each student's accommodations/modifications at the beginning of the school year, or as the accommodations/modifications change.

ESY Services

The Individuals with Disabilities Act entitles all identified eligible students with disabilities, ages 3-21, to a free appropriate education. Extended School Year refers to special education services beyond the typical 180-day school year that are required in order for a student with a disability to receive a free appropriate education. ESY services must be determined on an individual basis, based on the student's IEP, and be provided at no cost to the parent. IEP teams must decide on an annual basis whether or not an individual student requires extended year programming, and if so, what will be included in those special education services.

Transitions

Transition services means a coordinated set of activities for a student with a disability, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including, but not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The activities must be based on the individual student's needs, taking into account the student's preferences and interests, and shall include needed activities in the following areas: (1) instruction; (2) related services; (3) community experiences; (4) the development of employment and other post-secondary adult living objectives; and (5) if appropriate, acquisition of daily living skills and functional vocational evaluation.

Planning for students' transition to post-school experiences begins when students enroll in Alleghany County Schools. Our focus is on assisting them in the development of skills that are essential for their success. As they develop and grow, there will be several transitions to new levels and buildings that require planning and the same type of coordination as when they ultimately graduate.

Part C to Preschool

IEPs must be developed on or before the child's 3rd birthday. The IEP must be in effect by the child's 3rd birthday, unless the birthday falls during a time school is not in session, e.g. during the summer. The IEP is not required to be implemented when school is not in session unless the child has been deemed eligible for extended school year services.

Middle School to High School

This is the biggest transition for students while they are in the school setting. Careful IEP planning and attention to modifications and accommodations for tests should occur. Every student needs an updated transition plan beginning at the age of 14. Required elements of the transition section must be completed before the Annual Review meeting. Prior to the Annual, please make sure that all students have had an assessment, and have completed the “My Personal Information” packet. Also, please make sure that the parent interview piece of the assessment has been done and is in the transition folder. The transition folder and assessments should be available for review at the meeting.

High School to Postsecondary

The required planning for exiting students is both mandated and critical. Case managers must assure that each exiting student completes a VESID Application.

Procedures for Transfer Students

A student with an IEP who transfers into Alleghany County Schools from either another district in NC or from another state, receives “comparable” (not exactly the same) services to those contained within the current IEP.

Process for students transferring to ACS from another district in North Carolina

- Alleghany County Schools will initiate a records request;
- Records will be reviewed for compliance;
- An IEP team will convene to review the records and if necessary, initiate a reevaluation or;
- Review and revise the IEP as need;
- Parents/guardians will be invited to and will be involved in these procedures

Process for students transferring to ACS from another state

- Alleghany County Schools will initiate a records request;
- An IEP team will convene to review the records and if necessary, start an initial evaluation process in order to determine eligibility in NC, including obtained parent consent for evaluation and placement;
- The team will adopt or develop a new IEP;
- Parents/guardians will be invited to and will be involved in these procedures

Transfer Policies from Policies Governing Services for Children with Disabilities:

A. Procedures for IEPs for children who transfer public agencies in the same State.

- If a child with a disability (who has a current IEP that was in effect in a previous LEA in the State) transfers to a new LEA in the State, and enrolls in a new school, the new LEA, in consultation with the parents, must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous LEA), until the new LEA either –

Adopts the child's IEP from the previous LEA; or

Develops, adopts, and implements a new IEP that meets the applicable requirements in NC 1503-4.1 through NC 1503-5.1.

- A student who has been determined eligible in North Carolina using the response to scientific research-based intervention method continues to be a student with a disability and should not be reevaluated for the sole purpose of re-determining eligibility using the discrepancy method.

B. IEPs for children who transfer from another State.

- If a child with a disability (who has a current IEP that was in effect in a previous public agency in another State) transfers to an LEA in North Carolina, and enrolls in a new school, the new LEA (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new LEA –

Conducts an evaluation pursuant to NC 1503-2.5 through NC 1503-2.6 (if determined to be necessary by the new LEA); and Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in NC 1503-4.1 through NC 1503-5.1.

C. Transmittal of records.

- To facilitate the transition for a child described in paragraphs (e) and (f) of this section the new LEA in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous LEA or public agency in which the child

was enrolled, pursuant to 34 CFR 99.31(a)(2); and the previous LEA or public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

Dispute Resolution

If you have a disagreement regarding issues such as eligibility, placement, the IEP, discipline or FAPE (Free Appropriate Public Education) for your child you should follow the following steps:

1. Attempt to resolve the concern with your child's teacher
 2. If unsuccessful, attempt to resolve the concern with your child's principal
 3. If unsuccessful contact the Exceptional Children's Program Director
 4. If unsuccessful contact the Superintendent
- If the process above does not resolve your concerns, or if you would prefer to bypass this process, you have four additional options to resolve your dispute: Facilitated IEP meeting, file a State Complaint, request Mediation, or file a Due Process Petition/Complaint.
 - You may request a Facilitated IEP meeting in order to attempt to resolve your concern through the IEP team process. With a Facilitated IEP meeting, the state will appoint an impartial facilitator to attend an IEP meeting and encourage parent and school staff to address and resolve concerns. Rules regarding facilitated IEP meetings are included in your Handbook of Parent's Rights and Responsibilities
 - You may file a state complaint. With this option, you send an official letter of complaint and documentation to NCDPI. The state department will then request a response from the school district to determine if procedures have been adequately implemented. If not, NCDPI will inform the district of specific corrective actions to take to resolve the concern. There are specific rules regarding state complaints in your Handbook of Parent Rights and Responsibilities.
 - Mediation is a process where an impartial third party works with both parents and school staff to resolve your complaint. There are several specific rules regarding mediations in your Handbook of Parent Rights and Responsibilities.
 - You may file a due process complaint. This is a lawsuit in which you are seeking an Administrative Law Judge's ruling regarding the actions of the school with required steps for the district to follow to resolve the complaint. This is an involved process and typically involves an attorney. There are a number of

specific rules regarding due process complaints in your Handbook of Parent Rights and Responsibilities.