



*Special Education
Procedures
Pre-referral Through
IEP*

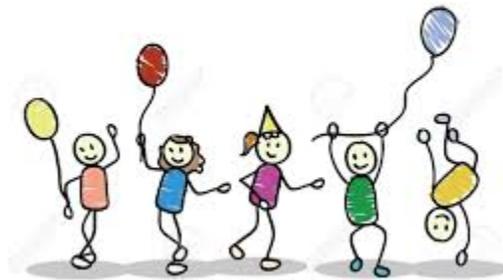


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Alleghany County Schools provides special education and related services for eligible children, ages 3 to 21. Services are based on individual student need and present levels of performance. Services are provided through the Individual Education Program (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, as well as 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's Program 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 enable them to effectively assist students with disabilities in attaining high standards.

Disability Rights Laws

The Individuals with Disabilities Education Act – IDEA

The Individual with Disabilities Education Act (IDEA) of 2004 ensures that all eligible children with a disability who are in need of special education receive a free appropriate public education. IDEA mandates that eligible students receive individualized instruction specially designed to meet the unique needs of the learner. The law also requires related services, including occupational therapy, physical therapy and speech/language therapy to be provided to children, when needed, so that the child can access his/her special education. Federal and state procedures mandate that these services must be provided in the least restrictive environment. This means that a child must be placed in the regular educational setting where he/she would ordinarily attend classes if they did not have a disability (base school), unless the nature or the severity of the disability makes it impossible for the child to progress there even with the use of supplementary aids and services.

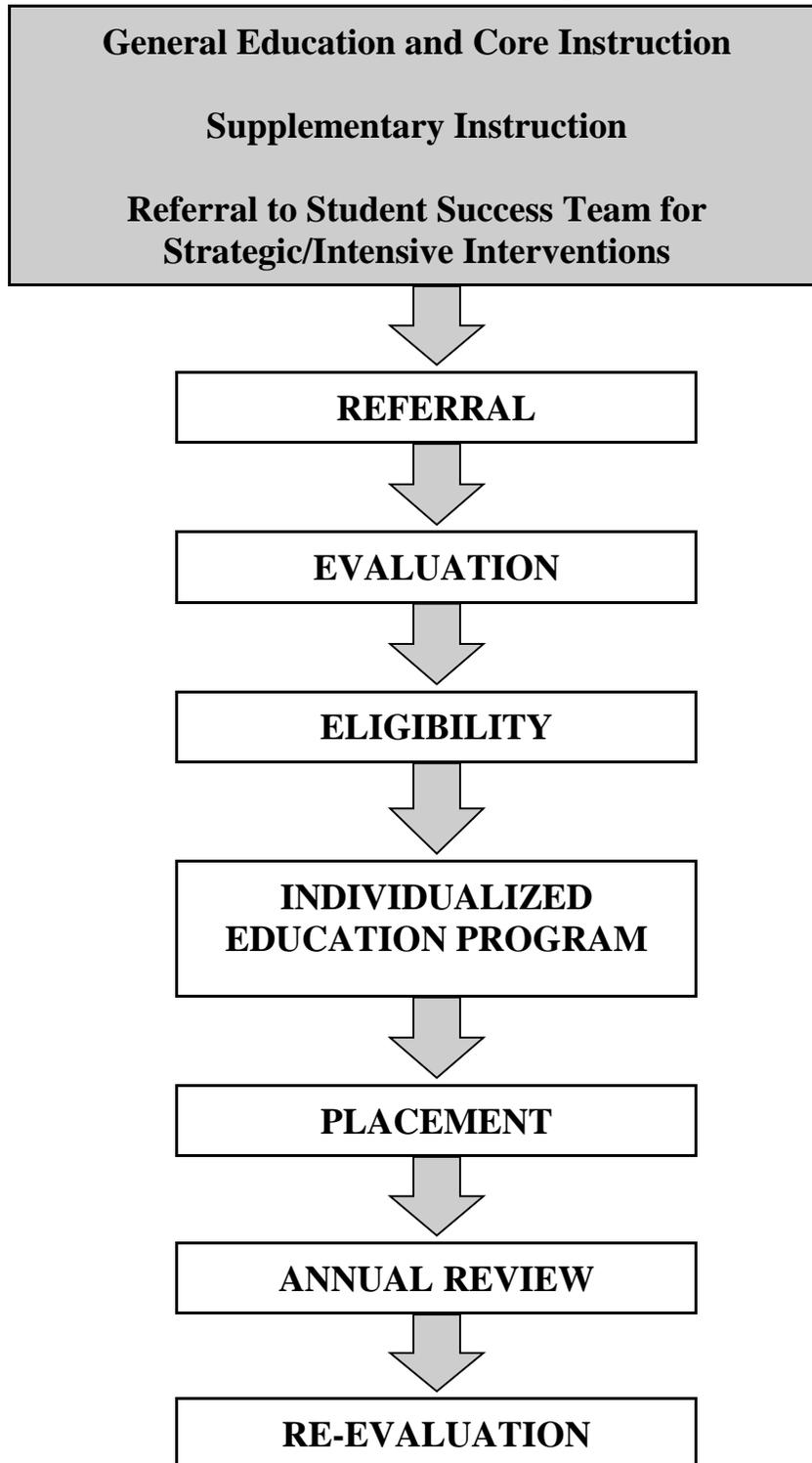
Section 504 of the Rehabilitation Act

Individuals with disabilities are also protected under Section 504. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met. All individuals determined to have a disability are protected by this law. To be protected under Section 504, a student must have a physical or mental impairment that substantially limits one or more major life activities. The Section 504 regulations also require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

Americans with Disabilities Act

The Americans with Disabilities Act is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

The Identification and Placement of Special Needs Students



Pre-Referral Interventions Prior to Special Education

All students who experience academic and/or behavioral difficulties at school may not have a disability or require special education services. In many cases, change to general core instruction and the implementation of interventions to accelerate growth can be implemented to help the child progress in the general education setting. Types of changes that may help students include providing researched based interventions to support the area of academic and/or behavioral needs. If a student continues to have difficulties and is not meeting expectations or benchmarks after the teacher or grade level team have made changes to the general core instruction, the teacher then makes a referral to the Student Success Team (SST). Through the SST process, additional intensive interventions will be implemented with fidelity over a period of time. Frequent monitoring of student progress will occur. If the child does not progress after the intensive targeted/strategic intervention and a disability is suspected, the child is referred for evaluation to determine if he/she needs special education services.

The Identification and Placement Process

Referral

A student is generally referred for evaluation by school personnel or by the child's parent/guardian. The referral should be made in writing and should include a brief reason for the referral, documentation of the resources in the general education program that have been considered and/or utilized, and the results of the interventions attempted. The referral is presented to the person at the school who has been assigned the responsibility of managing the referral process. For preschool age children, the referral may be given to the person designated as the person in charge of services for preschool children with disabilities.

After receiving a referral, the IEP team must review it to determine that all components of the general education program have been considered and identify any areas of suspected disability. In response to the referral, the IEP team should also complete a Prior Written Notice of referral to be sent to parents/guardians which shall include the proposed or denied action, how the proposed or denied action was reached and what sources of information were used in developing the proposed or denied action. The Prior Written Notice, along with a notice of procedural safeguards must be submitted to the parent for review and possible approval/consent within 15 days of receiving the written referral unless the parent agrees in writing to an extension.

Child Find

Schools are required to locate, identify and evaluate all children with disabilities from birth through age 21. The Child Find mandate applies to all children who reside within a state, including children who attend private schools and public schools, highly mobile children,

migrant children, homeless children, and children who are wards of the state. (20 U.S.C. 1412(a)(3)). See Child Find requirements below:

- 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.

Evaluation

Evaluation Procedures

Section 504 requires the use of evaluation procedures that ensure that children are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials. The Section 504 regulatory provision at 34 C.F.R. 104.35(b) requires school districts to individually evaluate a student before classifying the student as having a disability or providing the student with special education. Tests used for this purpose must be selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured. Section 504 also requires that tests and other evaluation materials include those tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient. The tests and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.

Informed, signed, parental consent must be received in order for the school to proceed with the evaluation. It is important for the parent to understand the components of the evaluation and how the results of the evaluation will be used to determine eligibility. A child must be assessed in all areas of need regardless of the suspected area of disability, including, as needed: assessments of health, vision, hearing, social and emotional skills, general intelligence, academic performance, communication skills and motor skills. Persons from varying disciplines including a school psychologist, speech and language therapist, physical therapist, audiologist and/or occupational therapist may conduct evaluations. Persons trained in the area of hearing or visual impairment may also provide assessment services, if needed. At this step of the process, parents should

receive the *Procedural Safeguards: Handbook on Parents' Rights*, Public Schools of North Carolina, State Board of Education, Department of Instruction: Exceptional Children Division.

Evaluations to decide whether a child has a disability that requires special education and related services must consist of more than one test, and those tests must be given in the language that the child normally uses. This includes (a) hearing impaired children who use a way to communicate that is different than the spoken word, such as cued speech or signing; (b) visually impaired children who may use Braille; and (c) children for whom English is a second language.

Independent Educational Evaluation (IEE)

If parents/guardians disagree with the school's evaluation results, an independent educational evaluation can be requested. This service is provided at the school system's expense and the testing is done by a licensed professional not employed by Alleghany County Schools. The results of the independent evaluation must be considered by the IEP team.

Eligibility

After the required evaluations are completed and summary reports are written, the Individualized Education Program team (IEP Team) conference is held to determine if a child has a disability and needs special education and/or related services. The IEP Team includes the child's parents and professionals who are knowledgeable about the child's learning and behavior in the school environment. The team should discuss every area of physical, behavioral and academic functioning that affects the child's educational performance. In order to receive services under section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulatory provision at 34 C.F.R. 104.3(j)(2)(i) defines a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504.

The Individualized Education Program (IEP)

Required IEP Team Members

According to Individuals with Disabilities Education Act (IDEA), the IEP Team must include the following persons:

- the parents of the child;
- at least one regular education teacher of the child;
- at least one special education teacher or, where appropriate, at least one special education provider of the child;
- a representative of the local education agency (LEA) who (a) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, (b) is knowledgeable about general curriculum, and (c) is knowledgeable about the availability of resources of the local educational agency;
- an individual who can interpret the instructional implications of evaluation results. This person may be a team member described above;
- at the discretion of the parent or the school system, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate; and
- the child, when appropriate

IEP Development

After the IEP Team determines a child is eligible and in need of special education services, the team develops an Individual Education Program (IEP) to determine the goals and objectives and supplementary aids and services the child needs as indicated by the evaluation, and the place or educational environment where these services will be delivered. The team then determines the time needed in special education to accomplish these goals. The Individualized Education Program must be reviewed at least annually. In general, in developing the child's Individualized Education Program, the IEP Team shall consider the effects of the disability on the child's educational performance, strengths and needs of the child based on results of formal and informal evaluations, parent concerns and any other information that applies to the child. The required components are as follows:

Statements of Performance

The IEP must have a statement of the present level of academic achievement and functional performance in all areas in which the child is not performing well. The statement should include how the child's disability affects the child's involvement and progress in the general education curriculum. These areas may include academic, reasoning, problem solving skills, memory, attention span, motor skills and the ability to participate in Physical Education, independent functioning, social emotional behaviors, speech and language skills and prevocational/vocational skills.

- In the case of a child whose behavior impedes his/her learning or the learning of others, consider strategies including positive interventions and support for changing the inappropriate behavior.
- In the case of a child with limited English proficiency, there must be consideration of the language needs of the child as such needs relate to the child's IEP.
- In the case of a child who is blind or visually impaired, there must be a provision for instruction in Braille and in the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;
- The IEP Team must consider the communication needs of the child. In the case of a child who is deaf or hard of hearing, there must be consideration of (a) the child's language and communication needs, (b) the child's academic level, and (c) the full range of needs of the child (including opportunities for direct instruction in the child's language and communication mode).
- The IEP Team must also consider whether the child requires assistive technology devices and services in order to access special education.

Statements of Measurable Goals

The IEP must include statements of measurable annual goals including academic and functional goals designed to meet:

- The child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
- Each of the child's other educational needs that result from the child's disability.
- For children with disabilities who take alternative assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives are included as part of the IEP.

Statement of Informing Parents of Progress

There must be a statement of how the child's parents will be regularly informed of their child's progress. Parents of students with disabilities will be informed of their child's progress with the issuance of report cards unless otherwise specified on the child's IEP. Parents will be informed of their child's progress toward the annual goals stated in the IEP at the end of the grading period along with his/her report card.

Statements of Transition Service Needs

Transition services are required for special education students beginning at the age of fourteen. Starting at age 14 the transition services should include the child's needs, preferences, and interests, and course of study. Beginning at age 16 the transition services should also include appropriate postsecondary goals and transition services/activities needed to assist the child in reaching the postsecondary goals. Transition services are a coordinated set of activities for a special education student, designed with an outcome-oriented process, which promote movement from school to post school activities taking into account the student's needs and interests. Transition services should be updated annually.

Description of Related Services to be Provided

Delivery of a related service is based on student need as determined by the IEP team. The term *related services* means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education. Related services include but are not limited to: speech and language pathology, audiology services, psychological services, physical therapy, occupational therapy, social work services, and orientation and mobility services. Key elements of the IEP include the projected date for the beginning of the services and the anticipated frequency, location, and duration of those services.

Extended School Year (ESY)

The Individuals with Disabilities Act entitles all identified eligible students with disabilities, ages 3-21, to a free appropriate education. Extended School Year (ESY) services are those services provided to a special education student beyond the number of school days required for all students in the school system, currently 168 days. 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.

Continuum of Alternative Educational Placement

Placement refers to the amount of time a child will receive special education and related services. Depending on the nature and severity of the disability, a child will be placed on a continuum of

services ranging from regular to a special school. When making placement decisions, information from a variety of sources, including aptitude and achievement tests must be used. The determination shall also include teacher recommendations, physical condition, cultural or social background and adaptive behavior. Placement decisions must be made by the IEP team.

To the maximum extent appropriate, children with disabilities, including children in institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes cannot be achieved satisfactorily, even with the use of supplementary aids and services.

The IEP must include an explanation of the extent, if any, to which the child will not participate with non-disabled students in the regular class and in extracurricular and non-academic school activities.

******A reevaluation must take place before a major change in placement. Under Section 504 a major change in placement is exclusion from the educational program of more than 10 school days.**

Placement Options

IEP teams consider service delivery options based on the needs of each student. Teams may consider regular, resource or separate settings which are available at every school for students enrolled in the Allegheny County School District. Teams may also consider self-contained classes for students with significant behavioral challenges or students with significant cognitive disabilities. Decisions are based on providing the best educational and social/emotional experience for students in the Least Restrictive Environment (LRE). Allegheny County Schools offers the following continuum of options in which to provide the LRE for your child.

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.

Annual Review of the IEP

At least annually, the student's IEP shall be reviewed. This first annual review should be held within one year of the date of the initial IEP meeting. The second annual review should be held within one year of the first annual review, etc. If an annual review is late, the second annual review should occur within two years of the date of the initial IEP meeting. An IEP meeting scheduled to amend an IEP should not be considered an annual review.

Reevaluation

Reevaluation is the process of holding an IEP meeting to examine existing data, and if necessary, gather additional data in order to determine if (a) the child continues to meet eligibility criteria; (b) the disability adversely impacts educational performance and (c) the child is in need of specially designed instruction and related services. Reevaluations must be completed at least every three years, but can be conducted more frequently, if requested by school personnel or the child's parent. A reevaluation **MUST** take place prior to a major change in placement. Under Section 504 a major change in placement is exclusion from the educational program for more than 10 days. The IEP Team, including the child's parents, must review existing data on the child's educational performance. If additional information is needed, the methods used to gather the data will be determined by the IEP Team. Informed written consent should be secured prior to testing.

If the IEP team determines that no additional data is needed to determine whether the child continues to have a disability which requires special education services, the team must document why no additional data is needed and refer to eligibility determination to complete the

reevaluation process. If the parent disagrees with the team's decision for no additional data, they can request additional evaluation data.