



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: J - Students
POLICY TITLE: Special Education
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1. GENERAL PROVISIONS

1.1. Purpose and Philosophy

1.1.1. The *Individuals with Disabilities Education Improvement Act* (IDEA) is a federal law that provides states with funding and associated requirements for educating students with disabilities. 20 U.S.C. 1400, *et seq.* (2004); 34 CFR 300, *et seq.* Utah law, in turn, affords students with disabilities the right to a free, appropriate public education (FAPE) and grants the Utah State Board of Education (USBE) general control and supervision over educational programs for such students. UTAH CODE ANN. § 53A-15-301. The USBE has implemented the IDEA and adopted a detailed and comprehensive set of requirements titled *Special Education Rules (USBE SER or Rules)*, modeled after the IDEA implementing regulations, to guide school districts in the provision of special education. UTAH ADMIN. CODE R277-750. The *USBE SER* requires districts to provide the USBE with policies and procedures addressing certain specified topics.

1.1.2. The Board of Education of Nebo School District adopts this policy to ensure the provision of a FAPE to students with disabilities in accordance with state and federal laws, rules, and regulations and to satisfy the requirements of the *USBE SER*.

1.2. Adoption of USBE *Special Education Rules*

1.2.1. The District hereby adopts and incorporates by reference the USBE *Special Education Rules*, as updated, available from the Department of Special Education or online at the USBE website. Employees and patrons are directed to the *USBE SER* for a comprehensive description of program requirements and procedures.

1.2.2. Where the *USBE SER* allows for local district discretion, such discretion is outlined in this policy or delegated to District administration. For guidance and direction not specified in this policy, employees, parents, and students should consult the *USBE SER*.

1.3. Budget

The District provides detailed budget information and budget categories in its annual application for IDEA Part B funding submitted to the USBE.

1.4. Assurances

Students are enrolled in the District without restrictions due to race, color, gender, national origin, disability status, or religion. In conjunction with its annual application for IDEA Part B funding, the District submits to the USBE any required assurances of compliance with federal law, including IDEA Parts A and B; the National Instructional Materials Accessibility Standard; restrictions on lobbying, debarment, suspension, and other responsibility matters; and the Drug-Free Workplace Act of 1988.

1.5. Full Educational Opportunity Goal

The District hereby affirms the goal of providing a full educational opportunity to all students with disabilities determined eligible for special education or special education and related services under the IDEA and the *USBE SER* of the ages between three and twenty-two, and in accordance with all of the timeline requirements of the IDEA with respect to the identification, location, evaluation, and provision of a FAPE.

2. IDENTIFICATION, LOCATION, AND EVALUATION

2.1. Child Find

2.1.1. The District has no responsibility for Child Find for charter school students.

2.1.2. All students with disabilities shall be identified, located, and evaluated, regardless of the severity of the disability. Employees shall use practical methods for determining which students are currently receiving needed special education or special education and related services. The District shall conduct at least the following procedures to ensure that students suspected of having a disability are identified and located:

2.1.2.1. The enrollment form requests that a parent indicate whether a student has received special education or related services in a previous school or educational program. If a parent indicates that the student has previously received special education or related services, the school in which the student is enrolling shall request the special education records from the previous school.

2.1.2.2. The District follows all the procedures detailed on the In-State and Out-of-State Transfer Student Checklists on the USBE website.

2.1.2.3. The District provides annual training to District personnel on its child find obligation and on awareness of observed academic or social/emotional behaviors that might suggest a suspected disability.

2.1.2.4. The District provides notice in the Parent Information Guide and on the District website of the referral procedures and of the availability of services for eligible students with disabilities.

2.1.2.5. Identification, location, and evaluation of a child ages zero through two years old suspected of having a disability should be referred to Kids Who Count, which is the authorized IDEA Part C Infants and Toddlers' Program for the District.

2.1.2.6. The District collaborates and coordinates with the Utah Department of Health, which is the designated Part C Early Intervention Provider, to ensure that students with disabilities are identified, located, evaluated, and have FAPE available by age three.

2.2. Referral or Request for Initial Evaluation

2.2.1. When a parent, adult student, or school staff member suspects a student may have a disability under the IDEA, a request for an initial evaluation may be made through the following referral procedure:

- 2.2.1.1.** Teachers document results of classroom instruction and intervention and submit to a Student Support Team (SST), which includes a general education teacher. Pre-referral interventions or a Response to Intervention system are not used to delay an evaluation for eligibility when a staff member or parent(s) or adult student requests an evaluation.
- 2.2.1.2.** The person making the referral/request for initial evaluation completes and signs the Referral for Evaluation for Special Education Services. If school personnel are making the referral, documentation of contacts with the parents about the concerns regarding the student's educational performance is attached.
- 2.2.1.3.** The referral form is given to the principal or special education teacher, who reviews existing data (including results of any interventions attempted and the Child Management Team recommendations) on the student and determines if the referral should go forward for a full evaluation.
 - 2.2.1.3.1.** If it is decided that the evaluation should take place, an IEP team member assigned by the principal or designee obtains the parental or adult student consent and oversees and/or conducts the evaluation.
 - 2.2.1.3.2.** If the referral is not going to result in a full evaluation, the principal or special education teacher sends the parent a Written Prior Notice of Refusal to conduct an evaluation.
- 2.2.1.4.** The District shall respond to each request for evaluation within a reasonable time.

2.3. EVALUATION

2.3.1. Parental/Adult Student Consent

- 2.3.1.1.** Prior to initiating a full and complete individual evaluation, Written Prior Notice must be given to, and consent obtained from, the parent(s) of the student or the adult student as set forth in the *USBE SER*.
- 2.3.1.2.** When the signed parental or adult student consent or refusal of consent for evaluation is received at the school, the school secretary or special education teacher writes the date it was received on the form. If parental or adult student consent is obtained, this date documents the beginning of the 45-day timeline for the evaluation set forth in the *USBE SER*.

2.3.2. Evaluation Process

- 2.3.2.1.** When conducting an evaluation, the assigned case manager gathers existing data about the student's educational performance for the evaluation team to consider. Data may include grades, courses completed, statewide test results, school-wide test results, classroom assessments, teacher interviews, parent input, observations, notes in the student's cumulative file, and other available information.
- 2.3.2.2.** The administration of additional assessments follows the requirements of *USBE SER*. Evaluations for students suspected of having a disability in each of the 13 areas of disability include the requirements for evaluation procedures and assessment of student performance in specific areas identified in *USBE SER*.
- 2.3.2.3.** If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine continuing eligibility and student needs, the parent(s) or adult student is given Written Prior Notice of that decision and of their right to request additional assessment.

- 2.3.2.3.1.** The District then prepares a new Evaluation Summary Report, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination.
- 2.3.2.3.2.** At the Eligibility Team meeting, a new Eligibility Determination form is completed and signed by the participating Team members, and the parent(s) or adult student is given Written Prior Notice of that determination along with a copy of the Evaluation Summary Report and the Eligibility Determination documents. Written Prior Notice is embedded in the Eligibility Determination document.
- 2.3.2.4.** If the parent(s) or adult student requests additional assessment as part of the reevaluation, the District obtains written parental or adult student consent for evaluation and then completes the assessment in the areas of educational functioning requested.
 - 2.3.2.4.1.** When the additional assessment is completed, the School District then prepares a new Evaluation Summary Report, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination.
 - 2.3.2.4.2.** At that meeting, a new Eligibility Determination form is completed and signed by the Team to indicate participation in the meeting, and the parent(s) or adult student is given Written Prior Notice of that determination along with a copy of the Evaluation Summary Report and the Eligibility Determination documents. Written Prior Notice is embedded in the Eligibility Determination document.
- 2.3.3.** The District contacts the Utah Schools for the Deaf and Blind for assistance with administering and appropriately interpreting assessments for students with visual and/or hearing impairments.
- 2.3.4.** Upon completion of the evaluation or reevaluation, the IEP Team and other appropriate professionals determine eligibility within a reasonable time.

2.4. ELIGIBILITY DETERMINATION

2.4.1. Notice of Meeting

Upon completion of the evaluation, the special education teacher or case manager will assemble an Eligibility Team and arrange a meeting of the team at a time and place mutually agreeable to the parent(s) and the team. A Notice of Meeting will be sent to the parent(s) or adult student and other members of the team stating the meeting purposes, time, place, who is expected to be in attendance, and informing the parent(s) or adult student that they may bring others who have knowledge or special expertise about the student to the meeting.

2.4.2. Evaluation Summary Report

The special education case manager collects the results of the evaluation and writes a summary report of the evaluation information. This Evaluation Summary Report is included in the District's Eligibility Determination document for each disability category.

2.4.3. Eligibility Categories, Definitions, and Criteria

- 2.4.3.1.** The District hereby adopts the definitions, evaluation requirements, and eligibility criteria outlined in *USBE SER*.
- 2.4.3.2.** The District hereby selects the discrepancy method of determining whether a student has a Specific Learning Disability.

2.4.3.3. The determination of eligibility is documented on the Team Evaluation Summary Report and Written Prior Notice of Eligibility Determination form with signatures of team members.

2.4.3.4. The parent(s) or adult student is provided with a copy of the Team Evaluation Summary Report and Written Prior Notice of Eligibility Determination document(s).

3. IEP DEVELOPMENT AND SERVICE DELIVERY

The District shall implement the following procedures to address the IEP requirements of *USBE SER*.

3.1. IEP Team Meeting

3.1.1. Within 30 calendar days of the determination of eligibility, the District assigns a special education teacher/case manager who arranges a meeting of the IEP Team to develop an IEP at a place and time that is mutually agreed-on by the parent(s) or adult student and the School District.

3.1.2. A Notice of Meeting is sent to the parent(s) or adult student and other members of the team stating the purpose(s), time, place, who is expected to be in attendance, and explaining that the parent(s) or adult student or the School District may bring others who have knowledge or special expertise about the student to the meeting. The determination of knowledge or expertise of the invited person is made by the party who invited that person.

3.2. IEP Development and Content

3.2.1. In addition to the required elements of the statewide assessment program, the District administers the following schoolwide assessments: DIBELS in grades K–3, CBM in grades 4–8, and other assessments as determined. All students, including students with identified disabilities, are included in these assessments. Students with disabilities may participate in the assessments with appropriate accommodations and modifications as determined by the IEP Team and documented in the student’s IEP. Alternate assessments for individual students, as determined by the student’s IEP Team and documented in the student’s IEP, are provided for students who cannot otherwise participate in the schoolwide or classroom assessments.

3.2.2. The IEP Team determines whether the student will need Extended School Year (ESY) services in order to receive a free appropriate public education.

3.2.2.1. This determination of the need for ESY services in the District is based on regression and recoupment data collected over at least two breaks in the school year consisting of 4 or more week days when there is no school.

3.2.2.2. If the student’s recovery from measured regression on pinpointed skills directly related to the IEP goals takes so long that the student would not receive a FAPE without services during the summer or other school break, the IEP Team must find the student eligible for ESY services.

3.2.2.3. Other factors are considered in determining if the student needs ESY in order to receive a FAPE. These include but are not limited to the following:

3.2.2.3.1. The degree of the student’s impairment;

3.2.2.3.2. The ability of the parent(s) or adult student to provide the educational structure at home;

3.2.2.3.3. The student’s rate of progress;

3.2.2.3.4. The student’s physical or behavioral problems;

- 3.2.2.3.5.** The areas of the student’s curriculum that need continuous attention (such as emerging skills);
 - 3.2.2.3.6.** The student’s vocational and transition needs;
 - 3.2.2.3.7.** The availability of alternative resources;
 - 3.2.2.3.8.** Whether a requested service is extraordinary to the student’s condition;
 - 3.2.2.3.9.** Information from parent(s) or adult student and other caregivers; and
 - 3.2.2.3.10.** Other available data.
- 3.2.2.4.** If the student is eligible for ESY services, the IEP Team shall develop a written document that indicates which IEP goals the student will work on during the ESY, what services will be provided, how long and how often the ESY services will be provided, and the setting(s) in which the services will be provided.
- 3.2.2.5.** The IEP Team refers to the USBE ESY Technical Assistance Document on the USBE website.

3.3. IEP Team Access to IEP Information

The District prepares a summary of the present level of academic achievement and functional performance, goals, services, and program modifications and supports for each teacher of the student. This summary is provided to the teacher prior to the time of initial implementation of the IEP as well as when any changes to the IEP are made. Teachers must keep this information in a secure place to ensure that confidentiality is maintained.

3.4. PLACEMENT in the Least Restrictive Environment (LRE)

- 3.4.1.** The District has available the IDEA required continuum of placement options, including placement in:
- 3.4.1.1.** *A regular education classroom* (A student is placed in the grade-level general education classroom and the specialized instruction—and related services, if any—is provided there.);
 - 3.4.1.2.** *A regular classroom with itinerant services* (A student is placed in the grade-level general education classroom and the specialized instruction—and related services, if any—is provided, in a different setting.);
 - 3.4.1.3.** *A special class* (A student is placed in a classroom with other students with disabilities and the specialized instruction—and related services, if any—is provided there.);
 - 3.4.1.4.** *A special school* (A student is placed in a separate day school made up solely of students with disabilities and the specialized instruction—and related services, if any—is provided there for more than 50% of the day.);
 - 3.4.1.5.** *Home instruction* (A student is placed in the student’s home and specialized instruction—and related services, if any—is provided there. The IEP Team determines the amount of service time required for the student to make progress in the general curriculum and on IEP goals.); and
 - 3.4.1.6.** *Instruction in hospitals and institutions* (A student is placed in a hospital or institutional setting [often residential] made up solely of students with disabilities and the specialized instruction—and related services, if any—is provided there. The

IEP Team determines the amount of service time required for the student to make progress in the general curriculum and on IEP goals.).

- 3.4.2.** The District provides supplementary services, such as resource or itinerant instruction, in conjunction with placement in the regular education classroom, when needed.
 - 3.4.3.** In selecting the LRE, consideration is given to any potential harmful effects on the student or on the quality of services that the student needs, and the student is not removed from education in age-appropriate regular classrooms solely due to needed modifications in the grade-level curriculum.
- 3.5. Documentation of Participation**
- 3.5.1.** All members of the IEP Team sign the IEP document indicating that they participated in the development of the IEP. A parent's or adult student's signature on the IEP does not mean that the parent or adult student is in full agreement with the content of the IEP and does not abrogate the parent's or adult student's right to access the IDEA Procedural Safeguards.
 - 3.5.2.** If the School District, despite at least two documented attempts, is unsuccessful in having parental or adult student attendance at the meeting, the rest of the IEP Team proceeds with the meeting.
 - 3.5.3.** Parent(s) or the adult student may participate via telephone conference or video conference.
 - 3.5.4.** Parent(s) or the adult student is provided with a copy of the completed IEP at no cost, and Written Prior Notice of the School District's intent to implement the program and services in the IEP. This Notice is embedded in the IEP form. If the School District refuses to include in its offer of FAPE (as detailed on the IEP) any goals, services, program modifications, or other IEP content that the parent(s) or adult student has requested, a Written Prior Notice of that refusal is provided to the parent(s) or adult student.
- 3.6. Changes to the IEP**
- 3.6.1.** In making changes to the IEP after the annual IEP Team meeting for a school year, the parent(s) of a student with a disability or adult student and the District may agree not to convene an IEP meeting for the purposes of making those changes and instead develop a written document to amend or modify the student's current IEP.
 - 3.6.2.** Changes may be made in a meeting or by amendment to the existing IEP, at the request of any member of the IEP Team.
 - 3.6.3.** Changes may be needed if there is new information about the student's performance.
 - 3.6.4.** Amendments to the IEP without a team meeting may be made only with the agreement of the School District and the parent(s) or adult student.
 - 3.6.4.1.** Amendments such as a change in the amount of special education or special education and related services that is no more than 30 minutes per week, a change of location that is no more than 60 minutes per week, or a goal change that is the next logical step forward or backwards and is based on the student's progress may be made without a team meeting.
 - 3.6.4.2.** If the change involves a move on the continuum of Least Restrictive Environment placement options, or the amount of services to be changed is more than indicated above, or a service is to be added, an IEP Team meeting is held, with a Notice of Meeting to all team members.

3.6.5. Upon request, the parent(s) or adult student is provided with a copy of the IEP with the amendments incorporated. The parent(s) or adult student is provided with Written Prior Notice that these additional actions or changes in actions will be implemented.

3.6.6. If changes are made to the student's IEP through the amendment process, the School District ensures that the student's IEP Team, including teachers and related service providers of the student, is informed of those changes.

4. PROCEDURAL SAFEGUARDS

4.1. Independent Educational Evaluation (IEE)

The District places a cap of 150% of Medicaid rate on reimbursement of IEEs up to \$1500.00. However, a parent may request a waiver based on the student's circumstance.

4.2. Parent and Third-Party Observations

4.2.1. Parents may observe a class in which their child is in attendance consistent with Nebo School District Administrative Directive 1.10, *Parent Classroom Observation*.

4.2.2. An individual who is not a District employee, volunteer, or agent, and who is not a parent of a child in a classroom, may not observe the classroom without permission from the principal.

4.2.3. Third-party service providers may not observe a classroom or conduct an evaluation of a student except as authorized by the IEP team and consistent with terms set forth in a memorandum of understanding or similar agreement between the District and the service provider.

5. TRANSITIONS

If a student with a disability turns 22 during the school year, the District shall continue to provide FAPE until the

5.1. Beginning of the District's winter holiday if the student turns 22 on or after the first day of the school year but before January 1; or

5.2. End of the school year if the student turns 22 after December 31 but before the last day of the school year.

EXHIBITS

None

REFERENCES

Individuals with Disabilities Education Improvement Act, 20 U.S.C. 1401, *et seq.*

UTAH CODE ANN. § 53A-15-301, *et seq.*

Utah State Board of Education Special Education Rules, (*USBE SER*), October 2016

FORMS

Special education forms are available on the department website.

HISTORY

Revised 13 December 2017 – 2008 policy repealed and replaced by modified version of July 2017 USBE model policy.

Revised or Adopted 10 September 2008.
