

**File: IGBB**

## **PROGRAMS AND SERVICES FOR CHILDREN WITH DISABILITIES**

Niobrara County School District #1 (NCSD#1) agrees to abide by the Individual with Disabilities Education Act (IDEA) and its implementing regulations and the Wyoming Department of Education Rules & Regulations Governing Services for Children with Disabilities and all amendments. The following district special education policy and procedures are adopted.

### **CHILDFIND**

A. NCSD#1 shall implement an ongoing system to locate, identify and evaluate all children birth to 21 residing within its jurisdiction that have disabilities and need early intervention under Part C or Special Education under Part B.

B. NCSD#1 shall identify all children with disabilities, regardless of the severity of their disabilities, including children who are:

1. Highly mobile, such as migrant and homeless children;
2. Wards of the State;
3. Suspected of having a disability even though they advance from grade to grade;
4. Home schooled;
5. Attending a private (religious or secular) school located within the boundaries of NCSD#1;
6. Attending a charter or virtual school;
7. Below the age of compulsory school attendance;
8. Above the age of compulsory school attendance who have not graduated from high school with a regular diploma and have not completed the school year in which they reach their twenty-first birthday; or
9. Dropped out or dis-enrolled from public or private school.

### **PROCEDURES**

NCSD#1's childfind efforts include:

A. Public Awareness. Childfind activities shall include local media resources and direct contact activities to:

1. Provide information about special education services in NCSD#1 and the special education referral process to public and private facilities located within the boundaries of NCSD#1 including day care centers, homeless shelters, group homes, county jails, hospitals, medical offices, and other facilities that serve children birth to 21 years old.
2. Provide information about developmental and/or academic screening opportunities occurring throughout NCSD#1 including screening opportunities coordinated with other providers or agencies.

a. Children birth to school age are screened at district expense by Head Start (Lusk Early Childhood Center). The district maintains data on children screened by Head Start (LECC).

i. District Screenings - to assist the Building Intervention Team, the district will conduct the following routine screenings: Hearing screening of children in grades K, 1, 2, 3, 6, 9, and all new students.

ii. Vision screening of children in grades K, 1, 3, 5, one time in grades 7 or 8, one time in grades 10, 11, or 12, and all new students

iii. Scoliosis screening of children in grades 7-9.

iv. Speech/language is screened as necessary with emphasis in early grades.

v. General screening of children entering kindergarten. Special requests for hearing, vision, and scoliosis screenings will be accepted and are to be made to the building principal.

B. Notice. Before any major childfind activity, NCSD#1 shall publish notices in newspapers or other media informing parents of the activity. Circulation of this notice shall be adequate to inform parents within the NCSD#1's jurisdiction.

C. Staff awareness. NCSD#1 shall ensure that staff members are knowledgeable about the characteristics of children with disabilities and in need of special Chapter XI Page 3 education, and the referral process for all children, including infants or preschool children, suspected of having disabilities. Awareness activities include school staff training, School Based Intervention Team training and Student Assistance Team training.

D. Communication to parents. NCSD#1 staff shall inform parents about the availability of special education and related services and provide them with information about initiating a referral for special education evaluation, including information about early intervention under Part C and special education under Part B. Communication activities include District website information, Kindergarten Screening, District Screenings, School Based Intervention Teams, Student Assistance Teams, Schools Administrators, School Counselors, and Social Workers.

E. Children in private schools. NCSD#1 shall locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located within the boundaries of NCSD#1 including children who reside in a state other than Wyoming. Childfind activities for children in private schools include yearly consultation and training.

## **GRADUATION**

A. An Individual Education Program for each child with a disability shall be written by an IEP Team in compliance with district policy

B. The IEP team shall address the following requirements for graduation:

1. Transition Assessments, Post Secondary goals, Career/Employment Goals, and Independent Living goals if warranted.

2. Course of Study to reach post secondary goals;
3. Projected date of graduation or program completion;
4. Whether student will obtain a diploma or certificate; and
5. Body of Evidence needed to support graduation.

#### **FREE APPROPRIATE PUBLIC EDUCATION (FAPE)**

NCSD#1 shall make a free and appropriate public education available to all children with disabilities residing within its jurisdiction between the ages of 3 and the conclusion of the school year in which the student turns 21 years of age, including children who have been suspended or expelled from school.

A. NCSD#1 shall make FAPE available to each eligible child within its jurisdiction beginning no later than the child's third birthday.

B. An IEP is in effect for the child by that date.

C. If an eligible child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin. Each year a contract between the Head Start and NCSD#1 will be written which stipulates the responsibilities of each entity.

D. NCSD#1 shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.

E. The determination that a child is eligible for and in need of special education must be made on an individual basis by the group responsible within NCSD#1 for making eligibility determinations.

#### **ASSISTIVE TECHNOLOGY**

A. NCSD#1 shall ensure that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:

1. Special education;
2. Related services; or
3. Supplementary aids and service.

B. On a case-by-case basis, NCSD#1 shall ensure the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.

#### **EXTENDED SCHOOL YEAR SERVICES (ESY)**

A. NCSD#1 shall make extended school year services available as necessary to provide FAPE to children with disabilities.

B. ESY services will be provided only if a child's IEP team determines that the services are necessary for the provision of FAPE.

C. Services will not be limited to a particular category of disability, or unilaterally limited to the type, amount, or duration of services.

D. The ESY services that are provided to a child with a disability will:

1. Be provided beyond the normal school year of NCSD#1;
2. Be provided in accordance with the child's IEP;
3. Be provided at no cost to the parents of the child; and
4. Meet the standards of Wyoming.

### **NONACADEMIC SERVICES**

A. NCSD#1 shall afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services.

B. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by NCSD#1, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by NCSD#1 and assistance in making outside employment available.

### **PHYSICAL EDUCATION**

A. NCSD#1 shall make regular physical education services available to children with disabilities to the same extent that the District provides those services to children without disabilities, unless:

1. The child is enrolled full time in a separate facility; or
2. The child needs specially designed physical education as prescribed in the child's IEP.

B. If a child is enrolled in a separate facility, NCSD#1 shall ensure that the child receives appropriate physical education services.

C. If special physical education is prescribed in a child's IEP, NCSD#1 shall provide for those services, either directly or through other public or private programs.

### **PROGRAM OPTIONS**

NCSD#1 shall take steps to ensure that children with disabilities have available to them the variety of educational programs and services available to nondisabled children.

### **LEAST RESTRICTIVE ENVIRONMENT (LRE)**

NCSD#1 shall ensure:

A. To the maximum extent appropriate, students with disabilities, including children in public or private institutions or other care facilities, are educated with students who are nondisabled; and

B. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

### **CONTINUUM OF ALTERNATIVE PLACEMENTS**

A. NCSD#1 shall make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services.

B. The continuum of alternative placements will include:

1. Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospital and institutions;
2. Supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.

### **PLACEMENTS**

NCSD#1 shall ensure:

A. The placement decision for each child will be:

1. Made by a group that includes the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
2. In conformity with the LRE provisions of the IDEA regulations;
3. Determined at least annually;
4. Based on the child's IEP, including the need for specialized instruction, related services, supplementary aids and services, and program modifications and supports; and
5. As close as possible to the child's home.

B. The student must be educated in the school that he or she would attend if nondisabled unless the services identified in the IEP cannot feasibly be provided in this setting.

C. Placement teams must select the least restrictive environment for each student, considering the following:

1. Determine the student's special education and related services, including supplementary aids and services, and the extent to which those services can be provided to the student in the regular class environment with nondisabled peers;
2. If the student cannot be successful in the regular class environment with the use of supplementary aids and services, specify those services that must be provided outside the regular class;
3. After determining that special education and related services, and supplementary aids and services cannot be provided in the regular class environment, determine the least restrictive alternative based on the needs of the student.

D. In selecting the LRE, consideration will be given to:

1. All placement options, including placement options requested by the parent;
2. Potential benefits of placement options; and
3. Any potential harmful effect on the child or on the quality of services that he or she needs.

E. A child with a disability will not be removed from ageappropriate regular classrooms solely because of needed modifications in the general education curriculum.

F. If the selected placement is a change from the previous placement, NCSD#1 shall provide the parent with prior written notice of the change in placement.

G. If the parent requests a specific placement that the team rejects, NCSD#1 shall provide written notice of its refusal.

### **NONACADEMIC SETTINGS**

A. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, NCSD#1 shall ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.

B. NCSD#1 shall ensure that the supplementary aides and services determined by the IEP Team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings.

### **EVALUATION AND ELIGIBILITY**

NCSD#1 shall ensure a full and individual initial evaluation will be conducted by it before the initial provision of special education and related services to a child with a disability in accordance with IDEA regulations. A reevaluation of each child with a disability will be conducted by NCSD#1 in accordance with IDEA regulations.

### **PARENTAL CONSENT**

A. Prior to conducting an initial evaluation to determine if a child qualifies as a child with a disability, after reviewing existing data with the parents and providing prior written notice, NCSD#1 will obtain informed consent from the parent of the child before collecting any additional data.

1. Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.
2. NCSD#1 shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation.

A. For initial evaluations only, if the child is a ward of the state, is not residing with the child's parent, NCSD#1 is not required to obtain consent from the parent if:

1. Despite reasonable efforts to do so, NCSD#1 cannot discover the whereabouts of the parents of the child;

2. The rights of the parents of the child have been terminated by the court;
3. The rights of the parent to make educational decisions have been subrogated by a judge and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

B. NCSD#1 may, but is not required to seek informed consent through due process procedures if the parent of a child who is enrolled or seeking to enroll in NCSD#1 refuses consent for an initial evaluation.

C. NCSD#1 must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child, and must make reasonable efforts to obtain that consent.

D. If a parent refuses consent for the initial provision of special education and related services, NCSD#1 may not seek consent through due process hearing procedures. In this circumstance, NCSD#1:

1. Will not be considered to be in violation to provide FAPE;
2. Is not required to convene an IEP Team meeting or develop an IEP for the child.

E. NCSD#1 must obtain informed consent prior to conducting any reevaluation of a child with a disability. If the parent refuses consent, NCSD#1 may utilize due process hearing procedures to seek consent, but does not violate its obligation if it declines to pursue the evaluation or reevaluation. The informed parental consent for reevaluation need not be obtained if NCSD#1 can demonstrate that:

1. it made reasonable efforts to obtain such consent and has documented those attempts;
2. The child's parent has failed to respond.

F. Parental consent is not required before:

1. Reviewing existing data as part of an evaluation or reevaluation; or
2. Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children prior to administration.

G. NCSD#1 may not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of NCSD#1, except as required by this part.

H. If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, NCSD#1 may not utilize due process hearing procedures to seek consent.

## **INITIAL EVALUATIONS**

A. Either a parent of a child or NCSD#1 may initiate a request for an initial evaluation to determine if a child is a child with a disability.

B. The initial evaluation must be completed within 60 days of receiving parental consent for the evaluation, unless:

1. The child enrolls in NCSD#1 from another public agency after the parent has provided consent and before the determination of eligibility by the other agency. In that event, NCSD#1 will ensure prompt completion of the evaluation.

2. The parent of a child with a disability repeatedly fails or refuses to produce the child for the evaluation.

C. The evaluation must consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child.

## **REEVALUATIONS**

A. NCSD#1 will conduct a reevaluation of a child with a disability if:

1. The District determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation.

2. If the child's parents or teacher requests a reevaluation.

B. NCSD#1 will not conduct a reevaluation more than once a year unless the parent and NCSD#1 agree otherwise.

C. NCSD#1 will conduct a reevaluation at least once every 3 years, unless the parent and NCSD#1 agree that a reevaluation is unnecessary.

## **EVALUATION PROCEDURES**

A. NCSD#1 will provide prior written notice to the parents of a child who has, or who is suspected of having, a disability, that the evaluation procedures that it proposes to conduct.

B. In conducting an evaluation or reevaluation, NCSD#1 will:

1. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent in order to determine:

a. Whether the child is a child with a disability; and

b. If the child is a child with a disability, information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).

2. Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and

3. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

C. NCSD#1 will ensure that evaluation materials and strategies:

1. Are selected and administered so as not to be discriminatory on a racial or cultural basis;

2. Are administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
3. Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;
4. Are administered by trained and knowledgeable personnel;
5. Are administered in accordance with the instructions provided by the assessment publisher;
6. Are selected and administered so as to ensure that if administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure rather than reflecting the child's impairments (unless those skills are the factors being measured).
7. Assess the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, adaptive behavior, communicative status, and motor abilities;
8. Are sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not those needs are commonly associated with the child's disability, and
9. Provide relevant information that directly assists in determining the educational needs of the child.

D. Evaluations of children who transfer to or from another public agency in the same school year are coordinated with the prior and subsequent schools, in order to expedite the completion of a full evaluation.

#### **ADDITIONAL EVALUATION REQUIREMENTS**

A. As part of an initial evaluation (if appropriate), and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, will:

1. Review existing evaluation data on the child including:
  - a. Evaluations and information provided by the parents;
  - b. Current classroom-based, local and state-wide assessments, and classroom-based observations;
  - c. Observations by teachers, and related services providers.
2. On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine whether:
  - a. The child is or continues to be a child with a disability, and, if so, the educational needs of the child; and
  - b. The present levels of academic achievement and related developmental needs of the child; Whether the child needs special education and related services to enable the child

to meet measurable annual IEP goals and to participate, as appropriate, in the general education curriculum.

3. The IEP Team may conduct the review without a meeting.
4. If additional data are needed, NCSD#1 will administer the assessments required to obtain the additional data.
5. If additional data are not needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, NCSD#1 will notify the parents of:
  - a. The determination and the reasons for the determination; and
  - b. The right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.
6. NCSD#1 will evaluate a child before determining that the child is no longer a child with a disability except when the termination is due to graduation with a regular high school diploma or completion of the school year in which the student turns 21 years of age.
7. When the child's eligibility terminates because of graduation or exceeding the age of eligibility, NCSD#1 will provide a summary of the student's academic achievement and functional performance that includes recommendations on how to assist the child in meeting the child's postsecondary goals.

#### **DETERMINATION OF ELIGIBILITY**

A. Upon completion of the evaluation process, NCSD#1 will ensure that a group of qualified professionals and the parent of the child determine:

1. If the child is a child with a disability under the IDEA; and
2. If so, the educational needs of the child.
3. The parents are provided, at no cost, a copy of the evaluation report and eligibility determination.

B. A child will not be determined to be a child with a disability if the primary factor for the determination is:

1. Lack of appropriate instruction in reading, including the essential components of reading instruction.
2. Lack of appropriate instruction in math; or
3. Limited English proficiency.

C. The eligibility determination, including education needs, will be based on all of the information sources used in the evaluation process, and if deemed eligible and in need of special education and related services, an IEP will be developed.

## **ADDITIONAL PROCEDURES FOR IDENTIFYING CHILDREN WITH SPECIFIC LEARNING DISABILITIES**

A. NCSD#1 will use a criteria for determining whether a child has a specific learning disability through the identification of a severe discrepancy between intellectual ability and achievement.

B. NCSD#1 will use the state-adopted criteria for determining whether a child has a specific learning disability through a process based on the child's response to scientific, research-based intervention.

## **ADDITIONAL GROUP MEMBERS**

A. The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's parents and a team of qualified professionals which must include:

1. The child's regular teacher; or
2. If the child does not have a regular teacher, then a regular teacher qualified to teach children of that age;
3. For a child of less than school age, an individual qualified by the State to teach children of his/her age; and
4. At least one person qualified to conduct individual diagnostic evaluations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

## **DETERMINING THE EXISTENCE OF A SPECIFIC LEARNING DISABILITY**

A. A child may be determined to have a specific learning disability (SLD) if:

1. The child does not achieve adequately for the child's age or to meet State-approved grade level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or meet State approved grade standards:

- a. oral expression
- b. listening comprehension
- c. written expression
- d. basic reading skill
- e. reading fluency skills
- f. reading comprehension
- g. mathematics calculation
- h. mathematics problem solving

2. The child does not make sufficient progress to meet age or State-approved grade level standards in one or more of the areas above when using a process based on the child's response to scientific, research-based intervention.

B. The findings of this section cannot be primarily the result of:

1. A visual, hearing or motor disability;
2. Mental retardation;
3. Emotional disturbance;
4. Cultural factors;
5. Environmental or economic disadvantage; or
6. Limited English proficiency.

C. The group must ensure that the underachievement is not due to a lack of appropriate instruction in reading or math and consider:

1. Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
2. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

D. NCS#1 must promptly request parent consent to evaluate if, prior to referral, the child has not made adequate progress after an appropriate period of time when provided instruction.

#### **OBSERVATION**

A. NCS#1 must ensure that the child is observed in his/her learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.

B. In the case of a child less than school age or out of school, a group member must observe the child in an environment appropriate for a child that age.

#### **DOCUMENTATION FOR THE ELIGIBILITY DETERMINATION**

A. For a child suspected of having a specific learning disability (SLD), the eligibility determination must contain a statement of:

1. Whether the child has a specific learning disability;
2. The basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act;
3. The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
4. The educationally relevant medical findings, if any;
5. Whether the child does not achieve adequately for his/her age or to meet State-approved, grade level standards; and does not make sufficient progress to meet age or State-approved grade level standards; or

6. The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level.

B. If the child participated in a process that assessed the child's response to scientific, evidence based intervention, the statement shall also include:

1. The instructional strategies used and the student-centered data collected;
2. The documentation that the child's parents were notified about the WDE's policy regarding the amount and nature of student performance that would be collected and the general education services that would be provided;
3. Strategies for increasing the rate of learning; and
4. The parent's right to request an evaluation.

C. Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

#### **RESPONSE TO INTERVENTION (RTI)**

A. When using RTI as a method of determining SLD eligibility, NCSD#1 shall have an RTI process in place, including policies consistent with WDE's policy, comprised of the following minimum components:

1. Problem solving processes and problem solving teams;
2. Instructional changes driven by data based decision making;
3. Parent notification regarding the amount and nature of student performance data collected; and
4. Multi-tiered interventions, including:

Tier 1: Universal Interventions. State content standards aligned core instruction and school wide positive behavior interventions and supports are provided to all students in the general education core curriculum. Interventions include: High quality, effective instruction designed to engage and challenge students; Clear and high expectations for student learning and behavior; Effective support to enhance student engagement in the learning process and to promote school completion; and Periodic progress monitoring.

Tier 2: Strategic Interventions. Academic and behavioral strategies, methodologies and practices designed for some students who are not making expected progress in the state content standards-aligned instructional system who are at risk for educational underachievement. Strategic interventions include: State content standards-aligned instruction with supplemental, small group instruction; Use of standard protocol interventions; and Minimum of twice-monthly progress monitoring.

Tier 3: Intensive Interventions. Academic and behavioral strategies, methodologies, and practices designed for students who are significantly below established grade-level

benchmarks in the state content standards-aligned instruction. Intensive interventions are: Determined and selected through an individual problem solving process; Explicit and skill specific; Individualized or provided in small group (3 to 5 students) instruction; Increased by frequency of intervention sessions and minutes per session; and Progress monitored at least weekly.

B. In order to be identified as a student with a Specific Learning Disability, the data collected during the Response to Intervention process must demonstrate the following:

1. The child does not achieve adequately for the child's age or to meet state approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards:

- a. Oral expression
- b. Listening comprehension
- c. Written expression
- d. Basic reading skill
- e. Reading fluency skills
- f. Reading comprehension
- g. Mathematics calculation
- h. Mathematics problem solving; and

2. The child does not make sufficient progress to meet age or state approved grade-level standards in one of the areas identified in paragraph 1 above when using a process based on the child's response to scientific, research-based intervention.

C. In order to determine the existence of a Specific Learning Disability, the team must confirm:

1. That the child's underachievement is not primarily the result of:

- a. Cognitive impairment;
- b. Emotional disability;
- c. Cultural factors;
- d. Environmental or economic disadvantage; or
- e. Limited English proficiency.

2. That the child's underachievement is not due to lack of appropriate instruction in reading or math as verified by:

- a. Data that demonstrate that prior to, or as part of, the special education referral process, the child was provided appropriate instruction in regular education settings, delivered by highly qualified personnel; and

b. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction.

D. RTI is only one component of the process to identify children as eligible for special education.

E. RTI does not replace the need for a comprehensive evaluation.

F. A child's eligibility for special education services cannot be changed solely on the basis of data from an RTI process.

G. Each group member must certify in writing whether the report reflects the member's conclusion. If it does not, the group member must submit a separate statement presenting the member's conclusions.

### **CONFIDENTIALITY**

NCSD#1 will keep confidential any personally identifiable data, information and records collected or maintained on a child with a disability, protecting the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

### **PROCEDURES**

1. NCSD#1 shall designate one official to assume responsibility for ensuring the confidentiality of any personally identifiable information.
2. All persons collecting or using personally identifiable information shall receive training or instruction regarding the policies and procedures governing records and confidentiality of personally identifiable information in accordance with applicable laws and regulations.
3. NCSD#1 shall maintain for public inspection a current listing of the names and positions of those employees within NCSD#1 who may have access to personally identifiable information.
4. NCSD#1 shall provide parents on request a list of the types and locations of education records collected, maintained, or used by it.

### **Notice to Parents**

NCSD#1 shall provide notice to the parents about the district's confidentiality provisions

### **Access Rights**

A. NCSD#1 shall permit parents to inspect and review any education records relating to their children that are collected, maintained or used by NCSD#1 under IDEA. NCSD#1 shall comply with a request without unnecessary delay and in no case more than 45 days after the request has been made, and before:

1. Any IEP meeting;
2. Any hearing involving a due process complaint or disciplinary hearing; or
3. Any resolution session

B. The right to inspect and review education records includes:

1. The right to a response from NCSD#1 to reasonable requests for explanations and interpretations of the records;
2. The right to request that NCSD#1 provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
3. The right to have a representative of the parent inspect and review the records.

C. NCSD#1 may presume that the parent has authority to inspect and review records relating to his or her child unless NCSD#1 has been advised to the contrary by legal proceeding involving guardianship, separation and divorce.

#### **RECORD OF ACCESS**

A. NCSD#1 will keep a record of parties obtaining access to education records collected, maintained or used under IDEA (except access by parents and authorized employees of NCSD#1), including:

1. the name of the party;
2. The date access was given; and
3. The purpose for which the party is authorized to use the records.

#### **RECORDS ON MORE THAN ONE CHILD**

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child.

#### **LISTS OF TYPES AND LOCATIONS OF INFORMATION**

NCSD#1 shall provide parents on request a list of the types and locations of education records collected, maintained or used it.

#### **FEES**

A. NCSD#1 may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review records.

B. NCSD#1 may not charge a fee to search for or to retrieve information.

#### **AMENDMENT OF RECORDS AT PARENT'S REQUEST**

A. A parent who believes that information in the education records collected, maintained or used by NCSD#1 is inaccurate or misleading or violates the privacy or other rights of the child, may request NCSD#1 to amend the information.

B. NCSD#1 shall decide whether to amend the information in accordance with the request in a reasonable period of time of receipt of the request.

C. If NCSD#1 refuses to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing.

## **OPPORTUNITY FOR A HEARING**

NCSD#1 shall, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

## **RESULT OF HEARING**

A. If, as a result of a hearing, NCSD#1 decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must do so accordingly and so inform the parent in writing.

B. If, as a result of a hearing, NCSD#1 decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with NCSD#1's decision.

## **CONSENT**

A. Parental consent must be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under FERPA.

B. Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

C. If a child is enrolled, or is going to enroll in a private school that is not located in the boundaries of the district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and officials in the district of the parent's residence.

## **SAFEGUARDS**

A. NCSD#1 shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

B. One official at NCSD#1 shall assume responsibility for ensuring the confidentiality of any personally identifiable information.

C. All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures.

D. NCSD#1 shall maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information.

## **DESTRUCTION OF INFORMATION**

A. NCSD#1 shall inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child.

B. The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

### **CHILDREN'S RIGHTS**

A. The rights of the parents regarding educational records are transferred to the student at age 18 under FERPA.

B. If the rights of the parents regarding educational records are transferred to the student at age 18 under the IDEA, NCSD#1 shall provide any notice required under the procedural safeguards provisions.

### **TRANSMITTAL OF STUDENT EDUCATION RECORDS**

A. Within ten days of a student's enrollment in a school district or public agency, the new school district or public agency must notify the school district or public agency in which the student was formerly enrolled, and request the student's education records.

B. The former school district or public agency must transfer all requested student education records to the new school district or public agency no later than 10 days after receiving the request.

C. The education records transferred to the new school district or public agency must include any special education records relating to the particular student retained by the former school district or public agency.

D. The former Wyoming school district or public agency must retain copies of student education records for the time periods and under the conditions described in the Wyoming School Districts Record Retention Schedule.

### **DO NOT RESUSCITATE (DNR) ORDER**

A Do Not Resuscitate (DNR) order is a legal document directing staff NOT to implement cardiopulmonary resuscitation (CPR) procedures on the named individual in the event of a cardiac arrest or respiratory failure. The DNR order is to be written by the student's attending physician and signed by the student's parent/guardian(s). In the event parents are divorced, the parent named in the divorce decree as responsible for making medical decisions in the child's behalf will be recognized as the parent authorized to sign the DNR order. Prior to implementing the written order there will be meetings held with the parent/guardian(s) where the contents of the DNR will be clarified and an Individual Health Care Plan written. The DNR order will be maintained with the student's school records. School personnel shall be made aware of and will be required to follow the administrative regulations regarding the authorized DNR order. The student will wear a predetermined visual identification band to ensure that the desired actions of the DNR order will be carried out. This order can be rescinded at any time upon the parent/guardian(s) written request.

Legal Reference – W.S. §21-4-301, 21-13-315, 21-2-501 and 21-2-502

WDE Chapter 7 Rules and Regulations

Adopted: 5/23/11

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