

Iditarod Area School District

Special Education Procedures

## **Introduction**

This booklet of guidelines is to serve as a companion to the Alaska Special Education Handbook (ASEH) <https://education.alaska.gov/TLS/> in defining special education procedures for the Iditarod Area School District. The processes described are designed as a reference for District Staff and supplement to the ASEH and to the Individuals with Disabilities Education Improvement Act 2004 (IDEA 2004) and federal and state regulations.

## **Confidentiality**

Privacy rules and regulations surrounding the disclosure of student information are strict. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

All staff must prevent the unauthorized disclosure of personally identifiable information (including name, address, parents, student number, other information that would make it possible to identify the child) pertaining to children with disabilities. Information regarding students with disabilities is restricted within the district to employees with a need to know information.

## **Written Permission**

Written permission to disclose information to anyone who is not working in the district is required. This permission must be kept in the students' special education file located at the IASD District Office in McGrath, AK. A digital copy may also be attached as an uploaded file in the student's special education documents in the District's digital database. In both cases, special education files are kept separate from student's general education file.

## **Record Security**

Special education records must be kept in a locked location, on school grounds. Records removed from the locked location must be kept in possession at all times until returned to a secure location.

## **Email Protocol**

All district email is fully discoverable and may be requested in legal proceedings, under several different sections of the Freedom of Information Act, both State and Federal. Please remember that you must always have no expectation of privacy when using an email system. Remember, whatever you write may end up in public media, and also may be subject to records request or subpoena.

Subject lines should follow a very generic format. An acceptable subject line would be "student" for general emails concerning a student with disabilities among district personnel.

Subject lines for meeting also follow a very generic format. An acceptable subject line for a meeting would be "IEP meeting", "ESER meeting", and "RTI meeting".

Do not include student names, initials or ID numbers in subject lines. Student names or initials may only be used within the body of an email to schedule an IEP or to forward documents without comment.

Rule of Thumb: never identify students by, name, ID#, or using information that will allow others to determine who any student is.

## **Recording Meetings**

IASD does not allow audio or video taping of IEP meetings unless: as written in IDEA regulations, the taping is necessary for parents to understand and/or participate in developing the IEP, or the IEP process, or to implement other parental rights guaranteed under Part B of IDEA.

### **Video Taping Students**

Parent/Guardian permission should be acquired before recording. Explain the purpose of the recording with parents. Videos may not be emailed, use a thumb drive or other storage device if video is to be shared with team members. Video copies are considered part of a working file and should be treated as such (purged/destroyed after use i.e. current academic school year). No other students may be included in the video.

### **Meeting Requirements and Best Practices**

#### Required Participants

IDEA 2004, Section 1414(d) (1) (B), states that the IEP team includes the following people:

- The parents of a child with a disability. IDEA 04 re-emphasizes parental participation. It is expected that we will encourage, even convince parents to attend meetings.
- Not less than 1 regular education teacher of such child (Best practice: certified in gen ed and currently practicing in gen ed).
- Not less than 1 special education teacher, or where appropriate, not less than 1 special education provider of such child
- A representative of the local educational agency, other than the special education teacher. An individual who can interpret the instructional implications of evaluation results (either the special education teacher, or the District school psychologist).
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.
- Whenever appropriate the child with a disability, beginning at age 15, must be invited when any transition is to be discussed.

#### Other potential persons:

- Transition service providers when appropriate, if parent obtains prior permission.
- Related service personnel: either in attendance, or provides written input regarding the nature, frequency and amount of related service to be provided
- Other individuals at parent's discretion.

All IEP members in attendance must document their attendance. If parents refuse to attend, efforts to involve the parents must be documented.

### **Meeting Invitations**

The District must give a minimum of 10 days prior notice and three contact attempts to the meeting date be provided to parents. Best practice is to offer multiple times to all meeting participants so that the best time can be selected to meet everyone's needs. Less than the minimum 10 days prior notice is only acceptable in circumstances where parents and all other parties agree. In this instance the box on the meeting invitation for mutual consent must be checked, and telephone contact must be documented on the invitation.

It is required that, at the time of IEP meeting scheduling, that an email invitation be sent to the team members with the time and place, and purpose of the meeting.

### **Parental Participation**

Parental participation is a valuable and required component of the team meeting. Parent participation should be well

documented. Parental procedures and safeguards must be offered at all meetings with parents. Offer to clarify any points or concerns in the document for parents. Avoid overuse of jargon and stop frequently to assure parent understanding. Ask frequent questions and offer clarification on any potentially confusing items. Document all parent comments, questions, and concerns. Remember, not all parents are as well versed in acronyms as school personnel.

### **Participants and Signatures**

At the beginning of the meeting, the case manager should collect the signatures of all participants. The District Representative should affirm that all required participants are in attendance. If all participants are not in attendance, the meeting should be halted and rescheduled for a time when everyone can attend. It is important that all members of the team are present for the entire meeting.

### **Agenda**

Everyone's time is valuable and must be respected. Accordingly, all meetings should start promptly on time and adhere to an agenda that has been preplanned by the case manager. For most meetings the document itself can serve as an agenda outline. For example, an IEP meeting can follow an IEP section by section for its agenda.

### **Drafts**

IEPs are working documents, and as such changes can and should occur during the meeting. All IEPs distributed at the meeting should be clearly marked as draft. This can easily be accomplished by adding a "draft" watermark during printing. The process for adding a watermark will vary from building to building, please see your building's IT member for assistance.

### **Meeting Notes**

Meeting notes should be well formatted, comprehensive, and legible. They should reflect conversations and agreements on all actions and decisions during the meeting. Always document in the meeting notes the parental procedures and safeguards were offered to parents. At the close of the meeting, review notes with all participants, and obtain agreement. The members of the team must initial the agreed-upon meeting notes.

### **Parent, Surrogate Parent, & Foster Parent**

IDEA requires that a member of the IEP team fill the role of someone who is familiar with the child. The majority of the meetings held will require the participation of someone filling the role of parent.

One or more of the following can fill the role of a parent:

- A biological or adoptive parent of a child.
- A guardian generally authorized to act as the child's parent or authorized to make education decisions by the state.
- An individual acting in the place of a biological or adoptive parent with whom the child lives. This list includes grandparent, stepparent, or other relative.
- An individual who is legally responsible for the child's welfare, as determined by the child's enrollment form and an agreement that is in the school's possession.

The biological or adoptive parent, when attempting to act as the parent and when more than one party is qualified to act as a parent, must be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make education decisions for the child.

### **Referral and Evaluations**

#### **3-Year Re-Evaluations**

A reminder or flag will be placed in the District's digital system when a student is currently receiving special education

services, and three-year evaluation is due within 90 days. If cognitive testing is required for their eligibility category, then a cognitive test must have been administered within the last six years.

### **Additional Assessment**

When a student is currently receiving special education services, and the team agrees that there needs to be further evaluation to determine need for specific additional services, an Additional Assessment will be conducted. When an additional assessment is conducted, the three-year reevaluation date will remain three years from the original eligibility date, unless decided otherwise by a District school psychologist, in all cases, additional assessment and education recommendations should be documented on an ESER.

Example:

Student qualifies as Significant Learning Disabled in the area of reading.

Additional assessment is done in the area of Math. Student is now qualified in the area of Math also. The reevaluation will be due 3 years from the original date that eligibility was established in reading.

### **Functional Behavior Assessment (FBA)**

Consent for FBA is required:

- When FBA is component of initial or re-evaluation, and stated in "Other" on consent form
- When a behavior intervention plan is necessary for severe, complex problem behaviors that do not respond to simple support strategies. This could include when team is considering a more restrictive placement (i.e. BSP or ABA program).

Disciplinary removals:

- When team determines behavior leading to >10 days removal is a manifestation of student's disability an FBA is required, and consent is required.
- When team determines that the behavior leading to >10 days removal is not a manifestation of disability an FBA is required as appropriate and consent is required
- When student is unilaterally placed in alternate setting for up to 45 school days for violations of weapons, drugs or serious bodily injury an FBA is required as appropriate and consent is required.
- If unable to obtain parental consent, document all attempts, and give written notice that an FBA will be conducted and proceed with assessment.

Consent for FBA is Not required when team is reviewing existing data, (including observation data) to develop positive behavior interventions and supports. These include tiered interventions in use across the school environment or special education classroom environment.

When considering if an FBA is necessary;

- An FBA is not legally required to develop a behavior support plan, behavior intervention program, nor positive behavior interventions and supports.
- If any team member (including parent) requests an FBA, best practice is to convene an evaluation planning meeting, to determine necessity of evaluation, or if review of existing data could result in desired behavior intervention planning. If team determines that an FBA is necessary, parental consent is necessary and the process for additional assessment is followed,

The only references in IDEA to FBA and BIP/BSP are within the section on "disciplinary change of placement". Neither are defined in the IDEA.

### **Agreement with Decisions**

Any member of the team who does not agree with the eligibility determination, may indicate disagreement on the ESER, and submit an explanation of their position.

### **Consent for Initial Placement**

No student may receive special education services in IASD until a parent has signed consent for initial placement. For transfer in students with an IEP the case manager will check for a signed consent for initial placement. If no signed consent for initial placement is included in the transfer and paperwork, the case manager will have the parents sign a new one. If the parent does not sign consent, FAPE is not guaranteed for the child

### **Does Not Qualify (DNQ)**

Does Not Qualify means the student is not eligible for special education services. When a student is evaluated, and the team determines that the student does not qualify for special education services, the District must still complete an ESER and Written Notice is required.

### **Eligibility Criteria**

Eligibility criteria are strictly established under state statute. All components of the evaluation are documented on the ESER. Once an ESER is completed, the District school psychologist reviews the file to determine if the results meet the criteria established by the state, as referenced in the State Special Education Handbook. <http://education.alaska.gov/tis/sped/Handbook.html>

### **Early Childhood Developmental Delay (ECDD) and Academic Services Criteria**

Children may be determined eligible as ECDD until their 9<sup>th</sup> birthday. The five developmental areas assessed to determine eligibility as ECDD include:

- cognitive development;
- physical development, which includes fine and gross motor;
- speech or language development, which includes expressive and receptive language, articulation, and fluency;
- social or emotional development;
- adaptive-functioning, self-help skills; or language, motor, social/emotional, cognitive,

If a child eligible as ECDD is to receive academic special education services, the following needs to be in place:

Existing ESER specifies academic or pre-academic skills as an area of educational need

An additional assessment is completed, including evaluation planning, parent consent, referral, written notice, completion of ESER, and ESER meeting held to add academic or pre-academic skills to the current ESER. After completing this process, the IEP can be amended or rewritten. While this process is occurring, the student may receive academic instruction as any other student with academic needs would in that school, including Tiered interventions.

This additional assessment can consist of curriculum-based assessments, or standardized individual academic assessments, or both. This decision shall be a team decision, led by the District school psychologist. Since academic achievement is not of the domains described in the eligibility criteria, it is up to the team what constituted educational need.

### **Specific Learning Disabilities Criteria**

4 AAC 52.130 provides the specific details regarding eligibility.

RTI based eligibility data includes: Universal screening data [Measure of Academic Progress (MAPS), Dynamic Indicators of Basic Early Literacy Skills (DIBELS), and Curriculum based measurements], Progress Monitoring data, Parent information, classroom observation, individual standardized achievement test (e.g.; Woodcock-Johnson/WJ-IV or Weschler Individual Achievement Test/WIAT) and any other relevant information as decided by the team. IASD refers to the state approved assessment list when deciding which test is best suited to the needs of the student. *See* Appendix F.

The criteria for eligibility will include both:

- I. Moderate or severe discrepancy in achievement when compared to peers, (below 10<sup>th</sup> percentile)

2. Rate of improvement that will not lead to closing the achievement gap within a reasonable period of time.  
When determining if a child meets eligibility as learning disabled you are to consider the following:

There is a minimum of a -1.5 standard deviation between the Cognitive ability, and the Achievement standard score in any of the following areas:

- Broad reading
- Basic Reading Skills
- Reading Comprehension
- Broad math
- Math Calculation
- Math Reasoning
- Broad Written language
- Basic Writing Skills
- Written Expression

If there exists a minimum of an 18-point discrepancy between the Cognitive and Academic Achievement areas (and the -1.5 SD criteria is not met), the special education staff reviewing the file should contact the District school psychologist. This will give the psychologist the opportunity to review the file and make recommendations based on the evaluative results.

If a student obtains a standard score of 85 and above on an achievement test, they would not qualify for services as learning disabled. This score falls within one standard deviation of the mean and specialized instruction is not necessary.

### **Applicable Regulations for Eligibility**

Alaska regulation 4 AAC 52.130: ‘**Criteria for determination of eligibility**’ specifies the eligibility criteria for determination of eligibility in 14 categories. Disability alone is insufficient grounds for determining eligibility. Under 4 AAC 52.130, a student must “...require special facilities, equipment, or methods to make the child’s education program effective.”

Eligibility teams must determine three things:

1. Whether the student has a **disability** (34 CFR § 300.301) which adversely affects their educational performance; all disability categories have documentation requirements (see 4 AAC 52.130);
2. Whether the student **requires special education** and/or related services (4 AAC 52.130);
3. The **educational needs** of the student (34 CFR § 300.301).

*Note: Districts must “provide that the eligibility decision be made by a group consisting of qualified professionals and a parent of the child...” (4 AAC 52.125(2); Neither federal nor Alaska law elaborates on the definition of ‘qualified professionals;’ however, 34 CFR 300.305(a) states that the evaluation team will consist of “the IEP Team and other qualified professionals”. 34 CFR 300.321 establishes IEP Team members. More details about the **IEP Team** can be found in **Chapter 3: Individual Education Programs**.*

*Note: The regulations at 34 CFR 300.310(c) require, 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 of that age.*

### **Eligibility Categories**

This is a listing of all of the Alaskan eligibility categories for special education services:

- Cognitive Impairment
- Visual Impairment
- Specific Learning Disability

- Speech or Language Impairment
- Emotional Disturbance
- Other Health Impaired
- Deafness
- Multiple Disabilities
- Hearing Impairment
- Early Childhood Developmental Delay
- Deaf and Blind
- Autism
- Orthopedic Impairment
- Traumatic Brain Injury

Refer to 4 AAC 52.130 for specific details regarding these **general** eligibility notes. 4 AAC 52.130 reads (bold added for emphasis);

“(a) Repealed 8/22/2001.

(b) To be eligible for special education and related services as a child with **cognitive impairment**, a child must  
 (1) **score two or more standard deviations** below the national norm on an individual standardized test of intelligence, and exhibit deficits in adaptive behavior manifested during the developmental period which adversely affect the child's educational performance;

(2) **require** special facilities, equipment, or methods to make the child's educational program effective;

(3) **be diagnosed** as cognitively impaired by a psychiatrist, or by a psychologist who is licensed under AS 08.86, certified under 4 AAC 12.355, or endorsed under 4 AAC 12.395; and

(4) be certified by the group established under 4 AAC 52.125(a) (2) as qualifying for and needing special education services.

(c) To be eligible for special education and related services as a child with a **learning disability**, a child must

(1) exhibit a specific learning disability as **defined in**

(A) 34 CFR 300.8(c)(10), as revised as of October 13, 2006, and adopted by reference; and

(B) 34 CFR 300.309, adopted by reference in 4 AAC 52.120;

(2) require special facilities, equipment, or methods to make the child's education program effective; and

(3) be certified by the group established under 4 AAC 52.125(a) (2) in the manner set out in 34 CFR 300.308, adopted by reference in 4 AAC 52.120, as qualifying for and needing special education services.

(d) To be eligible for special education and related services as a child with an **emotional disturbance**, a child must

(1) be emotionally disturbed as **defined in** 34 CFR 300.8(c)(4), as revised as of October 13, 2006, and adopted by reference;

(2) **require** special facilities, equipment, or methods to make the child's educational program effective;

(3) **be diagnosed** as emotionally disturbed by a psychiatrist, or by a psychologist who is licensed under AS 08.86, certified under 4 AAC 12.355, or endorsed under 4 AAC 12.395; and

(4) be certified by the group established under 4 AAC 52.125(a) (2) as qualifying for and needing special education services.

(e) To be eligible for special education and related services as a child who is **deaf**, a child must

(1) exhibit a hearing impairment that hinders the child's ability to process linguistic information through hearing, with or without amplification, and that adversely affects educational performance;

(2) **require** special facilities, equipment, or methods to make the child's educational program effective;

(3) **be diagnosed** by a physician or audiologist as deaf; and

(4) be certified by the group established under 4 AAC 52.125(a) (2) as qualifying for and needing special education services.

(f) To be eligible for special education and related services as a child with a **hearing impairment**, a child must

(1) exhibit a hearing impairment, whether **permanent or fluctuating**, that adversely affects educational performance, **but is not** within the meaning of (e) of this section;

- (2) **require** special facilities, equipment, or methods to make the child's educational program effective;
  - (3) **be diagnosed** by a physician or audiologist as hard of hearing; and
  - (4) be certified by the group established under 4 AAC 52.125(a) (2) as qualifying for and needing special education services.
- (g) To be eligible for special education and related services as a child who is **deaf and blind**, a child must
- (1) **exhibit concomitant hearing and visual impairments**, the combination of which causes such severe communication and other developmental and educational problems that the child **cannot be accommodated in a special education program solely for deaf or blind** children;
  - (2) require special facilities, equipment, or methods to make the child's educational program effective;
  - (3) **be diagnosed** by an optometrist or ophthalmologist and by a physician or audiologist, as appropriate, as deaf-blind; and
  - (4) be certified by the group established under 4 AAC 52.125(a) (2) as qualifying for and needing special education services.
- (h) To be eligible for special education and related services as a child with an **orthopedic impairment**, a child must
- (1) exhibit a **severe orthopedic impairment**, including impairments caused by congenital anomaly, disease, or other causes, **that adversely affects educational performance**;
  - (2) **require** special facilities, equipment, or methods to make the child's educational program effective;
  - (3) **be diagnosed** by a physician as orthopedically impaired; and
  - (4) be certified by the group established under 4 AAC 52.125(a) (2) as qualifying for and needing special education services.
- (i) To be eligible for special education and related services as a child with a **visual impairment**, a child must
- (1) exhibit a
    - (A) visual impairment, not primarily perceptual in nature, resulting in measured **acuity of 20/70 or poorer in the better** eye with correction, **or a visual field restriction of 20 degrees as determined by an optometrist or ophthalmologist**, that, even with correction, adversely affects educational performance; or
    - (B) **physical eye condition** that affects visual functioning to the extent that specially designed instruction is needed;
  - (2) **require** special facilities, equipment, materials, or methods to make the child's educational program effective as determined by a teacher of children with visual impairment; and
  - (3) be certified by the group established under 4 AAC 52.125(a) (2), that includes a certified teacher of children with visual impairment, as qualifying for and needing special education services.
- (j) To be eligible for special education and related services as a child with a **speech or language impairment**, a child must
- (1) exhibit a communication disorder such as **stuttering, impaired articulation, a language impairment, or a voice impairment**, that adversely affects educational performance;
  - (2) **require** special facilities, equipment, or methods to make the child's educational program effective;
  - (3) **be diagnosed** by a physician, a speech-language pathologist, or a speech-language therapist as speech or language impaired; and
  - (4) be certified by the group established under 4 AAC 52.125(a) (2) as qualifying for and needing special education services;
  - (5) repealed 11/28/92.
- (k) To be eligible for special education and related services as a child with **other health impairments**, a child must
- (1) exhibit **limited strength, vitality, or alertness** due to **chronic or acute health** problems **such as** a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, **fetal alcohol spectrum disorder**, diabetes, or a heightened alertness to environmental stimuli, due to **attention deficit disorder** or **attention deficit hyperactivity disorder**; for a child to be eligible, a health impairment must adversely affect that child's educational performance;
  - (2) **require** special facilities, equipment, or methods to make the child's educational program effective;
  - (3) **be diagnosed** by a **physician** or **advanced practice registered nurse** as having a health impairment described in (1) of this subsection; and
  - (4) be certified by the group established under 4 AAC 52.125(a) (2) as qualifying for and needing special education services.
- (l) To be eligible for special education and related services as a child with **multiple disabilities**, a child must
- (1) exhibit two or more of the impairments **set out in (b) - (i), (k), (o), and (p)** of this section, the combination of which

causes such **severe educational problems** that the child cannot be accommodated in a special education program that is appropriate for only one of the conditions;

(2) **require** special facilities, equipment, or methods to make the child's educational program effective;

(3) **be diagnosed** as set out in (b) - (i), (k), (o), and (p) of this section for each condition; and

(4) be certified by the group established under 4 AAC 52.125(a) (2) as requiring special education services that cannot be provided in a program for a single condition set out in (b) - (i), (k), (o), and (p) of this section.

(m) Repealed 8/22/2001.

(n) Except as provided in (q) of this section, to be eligible for special education and related services as a child with **early childhood developmental delay**, a child who is not less than three nor more than eight years of age must

(1) either

(A) function at **least two standard deviations** below the national norm, or **25 percent delayed in age equivalency**, in at least one of the following **five areas**:

(i) cognitive development;

(ii) physical development, which includes fine and gross motor;

(iii) speech or language development, which includes expressive and receptive language, articulation, and fluency;

(iv) social or emotional development;

(v) adaptive-functioning, self-help skills; or

(B) function at **least 1.7 standard deviations below the mean**, or **20 percent delayed in age equivalency**, in **two or more** of the **five areas** in (A)(i) - (v) of this paragraph;

(2) be **certified by the group** established under 4 AAC 52.125(a) (2) as qualifying for and needing special education and related services as a child with early childhood developmental delay, as follows:

(A) the group must find that the child has learning problems that are **not** primarily the result of **bilingualism, cultural difference, environmental disadvantage, or economic disadvantage**;

(B) in evaluating the child, **if** it is clearly **not** appropriate to use a **norm-referenced** instrument, the group shall use another instrument, such as a **criterion-referenced** measure, to document the delay;

(C) the group shall base its determination of **the delay** and its detrimental **effect** on the child's daily life and educational performance on qualitative and quantitative measures, including developmental history, basic health history, observation of the child in multiple environments, **and supportive evidence of how the disability adversely affects educational performance**; and

(3) need special facilities, equipment or methods to make the child's educational program effective.

(o) To be eligible for special education and related services as a child with **autism**, a child must

(1) exhibit

(A) a **developmental disability** significantly **affecting verbal and non-verbal communication and social interaction** that adversely **affects educational performance**; this type of developmental disability is **generally evident before the child reaches three** years of age; or

(B) other characteristics **often associated** with autism such as engagement in **repetitive activities** and stereotyped **movements**, resistance to environmental **change** or change in daily routines, or unusual responses to **sensory experiences** that **adversely affect educational performance**;

(2) **not** have educational performance adversely affected primarily by an **emotional disturbance**, as defined in 34 CFR 300.8(c)(4), adopted by reference in (d)(1) of this section;

(3) **require** special facilities, equipment, or methods to make that child's educational program effective;

(4) **be diagnosed** as autistic by a **psychiatrist or other physician, an advanced nurse practitioner** authorized to practice under 12 AAC 44.380 in pediatrics, family health, or family psychiatric/mental health, and who has in effect a written plan that includes pediatric neurodevelopment in the clinical scope of practice, as required under 12 AAC 44.400, or a psychologist licensed under AS 08.86, certified under 4 AAC 12.355, or endorsed under 4 AAC 12.395; and

(5) be certified by the group established under 4 AAC 52.125(a) (2) as qualifying for and needing special education services.

(p) To be eligible for special education and related services as a child with **traumatic brain injury**, a child must

(1) exhibit an acquired **injury to the brain** caused by an **external physical force**, resulting in total or partial functional

disability or psychosocial impairment or both, that adversely affects educational performance;

(2) exhibit **impairments** in one or more areas, **including** cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech caused by open or closed head injuries;

(3) **not** have brain injuries that are **congenital or degenerative, or induced by birth trauma**;

(4) **require** special facilities, equipment, or methods to make the child's educational program effective;

(5) **be diagnosed** by a physician as having a traumatic brain injury; and

(6) be certified by the group established under 4 AAC 52.125(a) (2) as qualifying for and needing special education services.

(q) If a district does not use the criteria in (n) of this section to determine a child's eligibility for special education and related services, with regard to a child with early childhood developmental delay, the district shall apply the criteria of (b) - (l), (o), or (p) of this section.”

### **Evaluation Copies**

Copies of the ESER are to be given to the parent, along with any other reports generated by the evaluation.

### **Initial Referral/Initial Evaluation**

Initial referrals and evaluations take place for students who are not currently receiving special education services. Initial referrals can result from circumstances such as ChildFind, RTI Tier III referrals, and from a parental request. A parent signing consent for evaluation initiates a referral. Once this signature is obtained, the District has 90 calendar days to complete the evaluation and have an IEP in place.

### **Private Referrals**

Students who are not enrolled in our district but reside in the IASD attendance areas are entitled to a special education evaluation at district expense. An exception may be when a student is enrolled in another Alaskan school district.

### **Parent Disagrees with Results**

The first step in working with a parent in disagreement, is to discuss the concerns. The concerns can then be problem-solved by the IEP team. This is best practice for resolving a parental disagreement; addressing the concerns at the school level and expediting the process.

Thoroughly document any solutions with a Written Notice and follow through with the plan in a timely manner. Remember to communicate frequently with parents to keep them informed of the implementation of solutions.

If the parent continues to have concerns, contact the appropriate Resource Specialist immediately with the concerns and what solutions have been explored with the parent.

Review with the parent their right to an Independent Educational Evaluation (IEE). Refer to the section in the Notice of Procedural Safeguards concerning IEE.

### **Referral Planning Meeting**

The best practice is to hold a team meeting for the purpose of evaluation planning. Always consult with District school psychologist and any relevant related service providers before proposing an initial evaluation. If they are not present at the meeting, document on the notes or referral page that you consulted with them.

### **Timelines for Consent**

Under Alaska regulation 4 AAC 52.115, once consent is obtained, districts have 90 calendar days to evaluate, determine eligibility, and offer services. 4 AAC 52.115 reads:

No later than 90 calendar days after obtaining parental consent for an initial evaluation or reevaluation or eligibility the district shall evaluate the referred child, develop an IEP if the child is determined to be eligible and parental consent for services is obtained, and provide the child with Special Education and related services.

A district remains obligated under AS 14.30.278 to develop an IEP not later than 30 days after the determination of the child's eligibility.

The District has up to 90 days to determine eligibility and provide an IEP.

If a determination is made by the District earlier, for example at day 35, the District would have 30 days from that point to develop and to provide an IEP. In essence, the calendar would have been shortened from 90 days to 65 days.

In no case can the District exceed the 90-day window.

### **Vision and Hearing Screenings/Evaluations**

IASD cooperates with the State of Alaska Dept. of Health and Social Services in a yearly vision and hearing screening program. In addition, annual Child Find activities are conducted district-wide which includes vision and hearing screening of all students.

### **Written Notice for Consent to Evaluate**

Consent to evaluate always requires a written notice to the parent. The date on the written notice should be the same as the date parent signed consent to evaluate.

### **ESER**

After an initial referral is made, the District shall create an ESER in the District's digital system. The District shall include all testing and monitoring data, classroom observation notes, parental information, and student medical information

### **3-Year Re-Evaluation Steps**

1. An evaluation-planning meeting is scheduled with the IEP team.
2. Evaluation planning meeting is held. Parent either signs or refuses consent.
3. If the parent agrees with reevaluation and signs the consent, the 90-day calendar begins in which to conduct evaluations and hold outcome meetings with parents.
4. Once consent signatures are obtained, a written notice must be given to parents stating that reevaluation will be conducted. That written notice must be dated the same day as consent is given.
5. The District shall then create an ESER in the District's digital system. The District shall include all testing and monitoring data, classroom observation notes, parental information, and student medical information

### **Additional Assessment Procedure**

1. An Additional Assessment planning meeting is scheduled with the IEP team.
2. Additional Assessment planning meeting is held.
3. If the parent agrees with the Additional Assessment, then the parent needs to sign a consent form.
4. The 90-calendar day clock begins in which to conduct an Additional Assessment and hold outcome meeting with parents.

5. Once the consent signatures are obtained, a written notice must be given to parents stating that an Additional Assessment will be conducted.
6. The written notice should be dated the same day as the parent's sign the consent form.
7. The District will reopen the student's ESER and input all additional information gathered from the Additional Assessment.
8. District school psychologist will review the ESER resulting from Additional Assessments and determine if any changes are required to the re-evaluation date. The District school psychologist will determine whether eligibility date remains the same or is updated to reflect new date.
9. After the ESER is completed, an eligibility meeting is scheduled with the IEP team.

## **IEP Flow of Services**

The flow of services for student begins in the ESER and continues into the IEP. The flow service begins with the educational needs that are determined in the evaluation.

These needs generate the present levels of academic achievement and functional performance. The IEP team generates goals and objectives to meet the student's individual needs. The goals and objectives are then used to formulate a service plan, which is recorded in the IEP. By following this flow, we can ensure that each student is receiving proper services based on their own specific needs.

## **IEP Sections**

### **Section 1: Student Information**

Ensure that all student information is correct, the meeting purpose is clearly stated, and student eligibility category is correctly labeled.

### **Section 2: Participants**

Ensure that all required participants are listed and their titles are clearly labeled. Make sure that required participant are listed. Record that procedural safeguards were offered to the parent and if the parent either accepted or declined a copy.

### **Section 3: Strengths and Concerns**

Student strengths should include specific items. Try to avoid generalities that apply to all students such as, "She is fun to have in class." Record all parent comments and concerns. If no additional agency comments are available put **none** in the box, the box may not be left blank.

### **Section 4: Present Levels of Performance**

Present Levels of Performance should be recorded in a narrative style. The section of the IEP is meant to paint a picture of the student. Avoid the use of purely quantitative data such as cut and pasting test scores from the ESER.

Educational recommendations and ESER MUST be addressed in this area. You should not have any goals in any area that is not addressed as a need in the Present Levels of Performance.

### **Section 5: Transition Plan**

Transition plans are required by IDEA during the annual review prior to their 16<sup>th</sup> birthday. This will often take place when the student is 15 years old.

### **Section 6: Special Factors**

Each item in the special factors section should be addressed with the team. Items may not be left with a blank check box.

### **Section 7: Assessments**

State & District testing accommodations must be recorded in this section. All accommodations must be in place in the classroom, and available to the student for all related academic areas.

### **Section 8: Annual Goals & Objectives**

Please see appendix A Annual Goals & Objectives for more information on the required components of goals and objectives.

## **Progress Reports**

Progress reports must be provided on each objective; at least as often as regular students receive progress notice. Most often, this is quarterly. These can be recorded on the goal pages of the IEP. Progress is reported with the same quantifier, percentage or a ratio, as the goal/objective. For example, if an objective is percent, progress should be written in percent or if objective written as words per minute, progress should be words per minute. Narrative comments, as decided by the special education provider is strongly recommended informative.

See Appendix A for examples.

Progress notes must be kept in each special education provider's working file.

When a new Annual Review meeting is to be held, a printout of the previous IEP's goal pages and progress must be sent to the Special Education Coordinator/Director along with the new IEP paperwork.

## **Section 9: Modifications/Supports**

Best practice is to be specific when outlining these supports and modifications. Simply stating "collaboration" does not describe what communication needs to occur between general and special education staff. A more specific description would be "collaboration between special and general education teachers regarding grading, and homework requirements". Address all needed modifications and accommodations that the student requires to progress that are not covered by an IEP goal.

## **Collaboration**

Collaboration is not a service documented on the service page of the IEP, but is listed in the Program Modifications section of the IEP. When mentioning collaboration, it is best practice to specify what the collaboration will be about (e.g. grading, positioning, implementation of behavior plan, sensory needs).

## **Consultation**

Consultation is another service delivery model commonly used to provide IEP services and will differ according to the needs of the student. Consultation refers to the planned communication of information or skills from one person to others. It can include technical assistance and training, monitoring, service coordination. Consultation can be delivered in a variety of ways, such as in meetings with other team members or in natural settings, (e.g. classrooms, community work sites) where the consultant works directly with a student to model intervention or share information. Consultation should not be confused with supervision. In contrast to indirect service, the consultant does not supervise the services provided to the child. There does not need to be an IEP goal for consultation, as is required for direct or indirect supervision services. Consultation requires contact between the student and consultant in order for the consultant to communicate information and skills effectively with others

## **Section 10: Extended School Year (ESY)**

Please see appendix B Extended School Year for more information.

## **Section 11: Service Minutes**

Service minutes record both the number of minutes a student receives services and from whom that service is provided. Services must be provided at a minimum of 30 minutes per month for any student with an IEP.

For any service that is being provided by a person other than a properly endorsed special education teacher or related service provider, (indirect service) the supervision line of that specific service must be filled out. An endorsed person, either a special education teacher or related service provider, must provide this supervision. The minutes of supervision reflect how often the special education teacher or related service provider supervises in that location. For example, 1 X month for 20 minutes, one X daily for 10 minutes, etc. at a minimum, supervision must be provided monthly.

### **Direct Services**

Qualified personnel provide Direct Services directly to a student. Qualified personnel refer to those who have met state-approved certification with proper endorsements. (E.g. special education endorsement, Occupational therapist)

### **Indirect Services**

In contrast to direct services, indirect services are delivered directly to the student by another person (e.g. a paraprofessional, general education teacher) under the direct supervision of a qualified professional. These services refer to an IEP goal, and the person supervising the service is responsible for reporting progress on these goals. The IEP needs to specify who will provide the supervision, the frequency, and the location. Minutes are assumed to be weekly unless otherwise specified.

## **Section 12: Placement**

Placement in special education is the last consideration of the IEP team. Placement is described as amount of time spent in general education classroom. Remember, it will be necessary to write a justification for removing the student from General Education Environment. Refer to the note library for sample notes on accepting and rejecting placement.

## **Section 13: Meeting Notes**

Meeting Notes state what occurred in brief sentences; no need to describe what is in the IEP. This is a place to document what occurred in discussion and is not reflected in IEP. Note that parent was given or declined a copy of Procedural Safeguards. If the meeting is for purpose other than Annual Review, state purpose of meeting in notes, and agenda for meeting. Ask all present to initial notes, and give parents copy of notes along with copy of IEP and. After meeting, enter notes (exactly as you have written them) into the District's digital system.

### **IEP Flow**

1. Staff member responsible for scheduling meetings arranges IEP meeting following all required protocols.
2. \_\_\_\_\_ assures that all progress notes are up to date.
3. IEP Team begins work on new draft IEP.
4. IEP meeting is convened, team reviews data and constructs new annual IEP.
5. The team reviews all sections of the IEP, with any necessary changes being made. At the end of the meeting, meeting notes are reviewed and initialed by all participants to ensure accuracy. Parent/guardian is provided a copy of the draft IEP, any assessment used during the IEP planning process, written notice, and a copy of the procedural safeguards if accepted.
6. The IEP is appropriately filed and stored in the District special education record system located at the IASD District Office in McGrath, AK. A digital copy is also located in the student's special education documents in the District's digital database.
7. Remember all components of the IEP must be addressed. For further detail, see Alaska State Special

### **IEP Amendments**

Amendments may be made to any current IEP. Any amendments that result in change to an IEP require that the change be entered into the student's Draft IEP, upon completion of the amendment.

An amendment may not be used to revise or extend an IEP at the time of Annual Review.

### **No Meeting Amendment**

An amendment to an IEP can be made without holding a meeting for ONLY the following changes:

Minutes of service Location of service Goals/objectives

Deletion of related service Accommodations to statewide assessments

Related services (including transportation) cannot be added with no meeting amendment

The special education provider is required to talk with parent about this amendment, and sign on the IEP Amendment Form that the parent is in agreement with this change. A Written Notice is required.

### **Exit from Services**

#### **No Longer Eligible Exit**

Special education law provides four acceptable reasons for a student to exit from special education. All four of these reasons require the case manager to fill out a Written Notice. These four reasons are:

- The student is no longer eligible. This exit must be documented in the ESER. The student graduates with regular diploma.
- Reaches maximum age (age 22 if the student was 21 years of age on the first day of school) -Requires Written Notice.
- Parent has revoked consent for special education services in writing - Requires Written Notice

#### **Still Eligible Exit**

Student may still be eligible for services and no longer receive them if:

- The student moves out of the Iditarod Area School District. In this case the Special Education Coordinator / Director will forward the student file to the new school, this does not require Written Notice.
- The student drops out of school. This requires a written notice.
- The student receives a Certificate of Achievement.

In both cases the Special Education Coordinator / Director will fill out the exit form, following the proper checklist and form will be filed

### **Special Education Records**

#### **Working Files**

Working Files are the student files kept at the student's school and maintained by that building staff. Transfer of working files between teachers for relocation purposes or otherwise is the responsibility of each individual educator. File should be purged to the minimum requirements before transferring, unless prior arrangements with the receiving personnel indicate otherwise. Working files must be kept confidential and locked with access logs posted.

### **Mandatory Minimum Contents**

- A current copy of the IEP.
- Progress Notes for the current IEP year (since last annual review).
- Any completed Release of Information forms. Original copies of these forms must also be kept in the permanent

Special Education file.

- Therapy logs for related service providers.

### **Optional Contents**

The following items are not required in working files, but can be useful in providing services to the student.

- Student Work Samples
- Formal and informal evaluations (including ESER).
- Assessment data (Videotapes etc.
- Other notes and items deemed helpful by either the Case Manager or Related Service Providers.

### **Personal Notes and Discoverable Educational Records**

#### **Non-Discoverable Personal Notes/Memory Aides**

Documents created and kept by a district employee for their sole use. (34 CFR 99.3) These personal notes or other memory aides are not shared or referenced in conversation. These documents should be maintained for only the current school year.

#### **Discoverable Educational Records**

Student records, which contain information directly, related to a student and are maintained by an agency or institution. (34 CFR 99.3) Educational records may be requested by and given to parents. Notes that are intended to be referenced or shared at a meeting orally and/or copied to any other document (IEP/ESER etc.) could become a matter of an educational record. Any record passed between staff could also become an educational record and can be subject to discovery in a due process hearing or other litigation.

**All parent and out-of-district requests for Special Education records will be handled by the Special Education Coordinator/Director at the District office.**

### **District Data Profile**

Alaska's Department of Education and Early Development reports on each district's compliance with indicators as defined by United States Office of Special Education Programs (OSEP).

These indicators (for students with disabilities) are:

1 - Percentage of students who graduated with IEPs

2 - Percentage of students who dropped out

3b - Percentage of students who participated in statewide assessments

3c - Percentage of students proficient in Math, Reading

4 - Percentage of students who were suspended or expelled

5 - Percentage of students who are outside regular class <21% of day

5 - Percentage of students who are outside regular class >60% of day

6 - Percentage of preschool students with typically developing peers

7 - Percentage of preschool students demonstrating improved performance

8 - Percentage of parents reporting schools which facilitated parent involvement

9,10 - Percentage of students who are racially and ethnically disproportionately

represented in special education 11 - Percentage of students whose evaluations were completed in 90 calendar days 12 - Percentage of students referred by ILP who have an IEP by their 3<sup>rd</sup> birthday

13 - Percentage of students who have transition plans completed by 16<sup>th</sup> birthday

14 - Percentage of youth who are employed or in post-secondary program one year after leaving high school

Current data profile may be viewed for each district at: <https://education.alaska.gov/rcsped/>

### **Parent Declines Consent**

When a parent declines to give consent for initial special education placement, the child remains in general education without special education services. If a parent, at a later date, decides they would like special education services, a new referral must be started if the compliance (90 calendar day timeline) date is past. If the compliance date is not past, a new referral need not be started. In the ESER notes, the information about refusal of services should be noted. Information from the first evaluation may be used for the new evaluation.

### **Parents Revokes Consent for Services**

Once a parent has signed initial consent for a child to enter special education, that consent is binding until the child exits (graduates with a diploma, is no longer eligible, or withdraws from the district), unless the parent revokes their consent for all special education services in writing. If a parent wishes to discontinue their child from receiving special education services, these concerns need to be addressed meaningfully. It may help to offer other ways of continuing the child's IEP: supervision or consultative services.

If the parent continues to refuse services:

1. Document invitation to a meeting to discuss.
2. Ask the parent for their revocation of consent for services in writing. This can be a letter that the parent writes; there is no form for this notice.
3. Give the parent Written Notice for Revocation of Services; this will explain that their child no longer will have the protection of IDEA.
4. Fill out Exit form, check box stating Parent has revoked consent for services.
5. Immediately give paperwork to Special Education Coordinator/Director

If a parent subsequently changes their mind, and wants special education services reinstated, the child will need to have a new "Initial" referral. The team may use existing information, but the entire initial referral process must be followed.

## Appendix A: Annual Goals and Objectives

An annual IEP must contain both annual goals and short-term objectives. Current baseline data is required for each annual goal.

Goals are taken directly from Present Levels of Performance and address each area of deficit that is noted in the PLAFFP. If the student has no further needs in an area for the past three years, record this information in the PLAFFP. Each goal must address an Alaska State standard.

An appropriate goal must be measurable, observable, and specific, describe what the child (not the adult) will do, and must be written to expect completion within the annual timeframe for which the IEP is written.

All goals taken into an IEP meeting are considered drafts. Each draft goal should be discussed with the team and edited as needed.

Review previous goals as the starting point for new goals, with revisions as needed.

Continuing goals with no revision should rarely happen, since it indicates that the student is not able to meet the goal. If this is the case, best practice indicates that the task should be rewritten, possibly breaking it into smaller steps, to make the goal achievable for the student.

Goal should be written using the following three tests: The Stranger Test, The So What Test, and The Dead Man's Test.

- **The Stranger Test:** Means that anyone could look at the goals and know what is being worked on and how to assess that the child has completed the task.
- **The So What Test:** References the determination that the task is an important skill to learn.
- **The Dead Man's Test:** This test is used when looking at behaviors to make sure that the goals are written in a positive, active manner. For example, a dean man can easily “not do something.”

**Example 1:** A student pounds on the desk with his fist when he is frustrated and a goal is written for reduction of the behavior. "Student will refrain from pounding his fist". A dead man can accomplish this goal. The goal is a passive one and does not provide alternative positive behavior for the student to demonstrate.

**Example 2:** "Student will state he is frustrated prior to putting his hands on a desk or table during three of the five reading lessons". A dead man could not accomplish this goal. It is measurable and focuses on the positive action/behavior to be accomplished.

An easy way to write goals is to use the acronym "SMART". SMART goals are easy to report progress, are easier to determine mastery, and are legally defensible.

Specific  
Measurable  
Action  
Words  
Relevant  
Time Sensitive

### Short Term Objectives

Short Term Objectives (or benchmarks) are the steps it will take to reach an annual goal. There should be at least two objectives for each annual goal. If you are unable to draft two objectives, the goal may need to be

## **Appendix B: Extended School Year**

### **Determine Eligibility**

Extended school year services must be provided only if a child's IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE. Alaska regulations, the DEED state handbook and court decisions indicate that a student is provided ESY only when FAPE requires these services for the student to receive meaningful educational benefit. Educational benefit is provided when a student makes the expected progress each quarter on his or her goals and objectives so that it is reasonable that such goals will be achieved at the end of one year's implementation of an IEP.

ESY eligibility and the amendment including goals / objectives will be determined at the annual review meeting for each student.

At the annual review meeting the IEP team will review the progress notes from the previous year's IEP.

If progress is significant or goals are met, then FAPE has been provided and meaningful educational benefit has been acquired, thus ESY is not required.

ii. If progress notes indicate the student has not been achieving satisfactory progress, the team will need to review the progress reports and underlying data in order to determine whether the student requires ESY.

### **ESY eligibility can be based on one of three areas;**

Progress on Critical Skills (limited)

Review baseline for each goal

Review progress notes from previous year's IEP to determine gains

1. Unsatisfactory or limited gains, is an indicator that ESY may be required

2. Satisfactory progress or goals being met indicates FAPE and meaningful educational benefit has been successfully provided and ESY is not required

### **Regression / Recoupment**

Determine areas of educational need for which the student did not make sufficient progress during the prior year and then identify goals for ESY eligibility review

Review data required for regression / recoupment

Data indicating student's level of functioning immediately prior to break

Data regarding the student's level of functioning at the conclusion of the break (no regression= no eligibility for ESY)

Data at the end of a reasonable period of time for recoupment (if a student has not relearned the skill by the end of a reasonable recoupment period that he / she possessed at the beginning of the break, that student should be considered for ESY for that skill)

Reasonable recoupment periods

Summer break = 3-6 weeks

Sources of data for regression / recoupment

Progress monitoring, including behavioral

IEP progress notes

Benchmark assessments

**Self-sufficiency-** generally applies to students with functional and adaptive needs that interfere with the development of independence at level similar to typically developing peers

1. Does the data demonstrate that ESY services are necessary to prevent the loss of skills necessary to independently function and reduce the dependency on care givers?

n. This includes students with scores on the ESER in functional communication, functional academics and other adaptive areas that present two standard deviations below the mean.

### **Create ESY amendment paperwork (at the annual meeting)**

Complete ESY eligibility form

Determine goals/ objectives to be addressed during ESY (ESY is not meant to be a duplication of full services)

and not necessarily all goals and objectives will be offered, and related services are separately determined at the same meeting)

Complete ESY amendment form (at or prior to meeting)

1. ESY minutes are determined as total time served (450), not separated by topic (reading, math, related services etc.). ESY staff will determine the specific topic area minutes

Complete and collect ESY transportation form.

Parents complete ESY registration form.

Submit all ESY paperwork to District Office with annual review paperwork

### **Documenting ESY eligibility**

Data used for determining ESY eligibility must be shared with parents at a meeting.

Written Notice must also reflect information used to make the ESY eligibility discussion/eligibility determination

Justification for ESY must be clearly written (note regression, projected goals not being met, etc.) and summary of student specific data analysis

If a parent declines ESY for a student that is eligible at the annual meeting and they

return later in the school year to change their decision, the ESY amendment information and paperwork can be completed with a no meeting amendment. All ESY paperwork is still required to be completed and returned to the District Office once the no meeting amendment is completed.

### **Friendly reminders**

Measurable annual goals are written to provide meaningful educational benefit to the student and must be achievable within the one-year term of an IEP

Related service providers must be at the annual meetings to determine eligibility for ESY service in their own perspective areas

IEP teams are required to confer with the District school psychologist regarding data analysis for ESY at or before the annual IEP team meeting

Case managers will send transportation info to parents at the end of April once it is received; actual date to be determined annually.

Case managers will call parents to confirm ESY attendance, address and contact information during last week of school prior to check out.

It is required to have an IEP in order to be eligible for ESY.

## **Appendix C: Childfind**

### **Preschool Childfind Screening**

Parents contact the Special Education Coordinator/Director to schedule a screening appointment at Childfind. Following the screening, evaluators meet with parents to plan evaluation, and evaluation occurs following parent consent.

### **School Age, enrolled in school: Childfind (Intervention)**

The purpose of intervention is problem solving to address a student's learning and behavioral challenges. Each school develops its own process for intervention teams. Grade level teams and Response to Intervention (RTI) teams serve as intervention teams in our schools. Best practices require research-based interventions are documented, and an intervention team meets at least twice to review child's progress prior to a referral for special education evaluation. Progress monitoring via measurements is required if concerns include skill deficits in reading, writing, or math. A referral for special education eligibility may be considered, with parents present. Intervention teams may not unduly delay referral. The intervention team meeting shall be documented.

The intervention team must include District school psychologist when a student is suspected of LD, CI, ECDD, Autism, OHI, and TBI. Appropriate specialist must be present if concerns include need for speech therapy, OT, PT, APE, Vision, or Hearing services.

### **School Age, not enrolled in public school Childfind**

Children in IASD's attendance boundaries not enrolled in district schools have a right to an evaluation, if necessary, to determine need for special education services. To initiate a referral, contact must be made with Special Education Department. Such a referral will be considered a "Private Referral".

### **Appendix D: Written Notice, Informed Consent, and Notice of Procedural Safeguards**

#### **Written Notice - WN**

Written Notice is essentially the same document we used to call Prior Written Notice or PWN. The new language used in special education processes drops the prior from the acronym.

IDEA requires that the district provide the parent with a WN any time the district proposes or refuses to initiate or change the identification, evaluation, placement, or IEP.

Any change proposed to an IEP or any proposal of evaluation requires a WN. When in doubt, always provide a WN.

This WN is to reflect what action will occur following the IEP meeting; not what will occur at the meeting.

Date of IEP meeting should be same as WN.

#### **Description Of Proposed Action Must Be Future Oriented.**

Answer the question, what will happen tomorrow and beyond? For example: IEP will be implemented as written.

Assessments will be conducted, followed by a list of those assessments.

A behavior plan will be implemented as written and data collected, etc.

#### **Examples of what to avoid:**

Team met and discussed IEP

Annual IEP due.

Review 3yr. re-evaluation and annual IEP.

#### **Reason for Proposed Action Must Explain Why We Are Going To Move Forward With Proposal**

##### **Example of proper wording:**

As written this IEP will provide (student) with FAPE in the least restrictive environment.

IEP team held Evaluation Planning meeting and determined the assessments listed will be necessary to determine eligibility, etc.

##### **Examples of what to avoid:**

Annual IEP review is due.

Annual review of IEP as required by law 3yr. re-evaluation due

#### **Procedural Safeguards**

Always remember to offer Procedural Safeguards to parents and to use the checkbox to record if the parents accepted or declined. Always check the date on the Procedural Safeguards to ensure the parent is receiving the most up-to-date and current copy. IDEA requires that parents receive a copy of Procedural Safeguards:

Once each year.

Upon initial referral.

Upon filing of Due Process Hearing.

Upon request of parent.

Procedural Safeguards are available at: <https://education.alaska.gov/TLS/>

For those actions that require Written Notice, but **DO NOT** require provision of a copy of the Procedural Safeguards, the following information must be included on the Written Notice form:

- A statement of the parents' protection under the Procedural Safeguards and a means by which a copy can be obtained.
- Sources for parents to contact to obtain assistance in understanding the provisions of the Procedural Safeguards.

The following table outlines what type of notification is required and when. If the action requires written notice. If the action requires parents be provided a copy of the Procedural Safeguards. If the accompanying form contains a copy of the Procedural Safeguards statement on the form.

<b>Steps to Special Education Process</b>	<b>Notification</b>	<b>Written Notice</b>	<b>Copy of PS</b>	<b>Copy of PS Statement on Form*</b>
Procedural Safeguards must be provided to the parent(s) once a year.			X	
Upon Request of the Parent			X	
Initial Referral	Verbal or written notification	X	X	
Initial Evaluation	Informed Consent	X		X
Refusal to evaluate		X		X
Student found ineligible for special education services		X		
IEP meeting	Invitation	X (following meeting)		
Educational Placement	Informed Consent	X		X
Refusal or Failure to Respond for a Consent for Reevaluation		X		
Reevaluation without further assessments conducted	Verbal or written notification	x		
Reevaluation with assessments conducted	Informed Consent	X		
District accepts out-of-district IEP and eligibility category		X		X
Change of Placement		X		X
Change in the type and amount of services		X		X
Change in the IEP		X		X
Exit from special education (including graduation)		X		X

District refuses services requested by parent		X		X
District proposes/refuses to change disability category		X		X
District changes or destroys information in district files that personally identifies a child		X		X
Intent to transfer parental rights (at least by 17-years of age)	Verbal or written notification	X		
Request for due process hearing			X	
Discipline	Verbal or written notification	X	X	

## **Appendix E: Intensive Funding**

### **Intensive Funding**

Special Education Coordinator/ Director will make determinations of submission of students eligible for Intensive Funding. Student's services on IEP must meet all criteria as outlined in Alaska State Special Education Handbook. Resource Specialists will work with special education providers to ensure that IEP meets all of these criteria. Criteria for intensive funding can be found in the "Alaska Special Education Handbook", page 139.

### **Criteria for Intensive Funding**

A child with a disability may be counted for intensive funding if the child's individualized educational program meets **ALL** of the following criteria:

- Direct daily instruction by a certified special education teacher
- Provision of multiple services including related services. (This means that in addition to special education and special transportation, the child must also be receiving at least one related service involving instruction. (i.e. speech and language services, audiology services, psychological services, physical therapy, occupational therapy, recreation, therapeutic recreation, early identification and assessment of disabilities in children, counseling services, rehabilitation counseling, orientation and mobility services, medical services for diagnostic or evaluation purposes, school health services and social work services in schools).
- At least one certified special education teacher or related service provider supervises all services not provided by a certified special education teacher.
- Continuous special education programming. (This means that the child needs specially designed instruction for the entire school day.) Assistance and training in two or more adaptive skills, appropriate to the age of the child, defined as communication, social or emotional development, motor development, cognitive functioning, behavior, and daily living or self-help skills.
- That individual care will be provided to the student for the student's entire school day by staff that is trained to meet the student's individual needs.
- When the student needs transportation, the student will receive special transportation, except that this transportation requirement does not apply in the case of a student who has received special transportation for at least a year and no longer needs it.
- Score two standard deviations below the mean on a standardized adaptive measure approved by the department or if no standard measure is available, documentation that demonstrates a level of skill or performance that is two standard deviations below the mean. This information shall be documented in the Evaluation Summary and Eligibility Report (ESER).

**Note:** A district may seek a Department waiver, for one year, from one or more of the requirements listed above if the District needs additional funding for a child whose IEP Team have determined that the child's educational program includes high-cost services that do not meet the intensive funding criteria.

## Appendix F

### Alaska State Dept of Education Approved Assessment List for Determining Special Education Eligibility

Adaptive Behavior Assessment System (I, II)  
Antecedent, Behavior, Consequence Adaptive  
Behavior Evaluation Scale (1, 2, R) Achenbach  
Assessment, Evaluation, and Programming System  
Behavior Assessment System for Children (I, II, T)  
Battelle (1, 2, Dev Inc, Cog)  
Battelle Development Inventory (1, 2)  
Behavior Day Treatment (1, 2)  
Behavior Evaluation Scale (1, 2, 3)  
Bruininks-Oseretsky Test of Motor Proficiency (1, 2)  
Battelle Development Inventory (1, 2)  
Behavior Rating Inventory Executive Function (P)  
Brigance (I, II)  
Brief Symptom Inventory Comprehensive  
Application of Behavior Analysis to Schooling (I, II)  
Callier-Azusa  
Children's Communication Checklist (1, 2)  
Clinical Evaluation of Language Fundamentals (1, 2,  
3, 4)  
Connors (1, 2, 3, Peabody)  
Communication and Symbolic Behavior Scales (DP,  
PP) Comprehensive Test Of Nonverbal Intelligence  
(1, 2) Developmental Assessment for  
Students with Severe Disabilities (1, 2)  
Developmental Indicators for  
the Assessment of Learning (1, 2, 3, R) Emotional  
Disturbance Decision Tree Expressive Vocabulary  
Test (1, 2) General Adaptive Composite  
Gilliam Autism Rating Scale (1, 2)  
Goldman-Fristoe Test of Articulation (1, 2)  
Goldman-Fristoe IED (1, 2)  
Kaufman Assessment Battery for Children (I, II)  
Kaufman (Speech)  
Kaufman Brief Intelligence Test (1, 2)  
Kaufman Test of Educational Achievement (I, II) Lieter  
(R)  
Mullen Non-Speech Test  
Nonspeech Test of Receptive Language Oral and Written  
Language Scales (I, II) Peabody Developmental Motor  
Scales (1, 2) Peabody (I, II, Dev)  
Preschool and Kindergarten Behavior Scales (1, 2)  
Preschool Language Scales (1, 2, 3, 4, 5)  
Peabody Picture Vocabulary Test (1, 2, 3, 4)  
Receptive Expressive Emergent Language Test (1, 2, 3)  
Stanford-Binet Intelligence Scale (1, 2, 3, 4, 5)  
Structured Photographic Expressive Language Test (1, 2,  
3) Social Skills Improvement System  
Stanford-Binet  
Transdisciplinary Play-Based Assessment (1, 2)  
Test of Early Language Development (1, 2, 3) Test of  
Gross Motor Development (1, 2)  
Test Of Language Development (1, 2, 3, 4, I)  
Test Of Nonverbal Intelligence (1, 2, 3)  
Transdisciplinary Play-Based Assessment (1, 2) Universal  
Nonverbal Intelligence Test Vineland Adaptive Behavior  
Scale (I, II)  
Verbal Behavior-Milestone Assessment Placement  
Program Vineland (I, II)  
Visual-Motor Integration (1, 2, 3, 4, 5, 6, R)  
Wechsler Intelligence Scale for Children (I, II, III, IV)  
Woodcock-Johnson (I, II, III)  
Wechsler Preschool and Primary Scale of Intelligence (I,  
II, III) Wide Range Assessment of Memory and Learning  
(1, 2)

# Glossary

## **Additional Assessment**

When a student is currently receiving special education services, and the team agrees that there needs to be further evaluation to determine necessity for specific additional services, an additional assessment is conducted. Case manager initiates these additional assessments.

## **Behavioral Intervention Plan**

A behavioral intervention plan is a set of positive behavioral interventions and supports, along with other strategies, designed to assist a student whose behavior impedes his own learning or the learning of others. Although the IDEA requires districts to consider the need for PBIS when a student's behavior impedes learning, it provides limited guidance as to when a BIP is required and does not provide any guidance as to the format or content of a BIP.

## **Compliance Date or the "90 Calendar Days"**

Once Consent to evaluate form is signed by the parent and received by the district, the team has **90 calendar days** to complete the evaluation and meet again **to implement the IEP**. This includes in-service and parent teacher conference days and weekends. The date the district receives this consent is considered "day1" of the 90 days. The Compliance Date is the date when the 90-calendar day deadline ends.

## **Does Not Qualify (DNQ)**

Does Not Qualify means the student is not eligible for services. When a student is evaluated and "does not qualify", the ESER must still be filled out, meeting held by the compliance date, and signatures obtained . A Written Notice is required.

## **Eligibility Categories**

The Eligibility Categories and their requirements are specified on the State of Alaska Special Education website under the Alaska Special Education Handbook link: <http://education.alaska.gov/tls/sped/Handbook.html>

## **ESER**

Acronym for the Evaluation Summary and Eligibility PLAFFP and IEP Goals will be generated from the content of this report. Section 4 of the ESER will drive the IEP content, from the section "Educational needs and Recommendations".

## **FAPE**

Acronym for Free and Appropriate Public Education.

## **Functional Behavioral Assessment**

The purpose of a functional behavioral assessment is to isolate a target behavior and to develop a hypothesis regarding the function of the target behavior. A target behavior is one that interferes with a student's ability to progress in the curriculum and to achieve the student's IEP goals. Once the target behavior is identified and the hypothesis developed, a positive behavior intervention plan can be prepared to address the target behavior with strategies and interventions, :if necessary, or the target behavior can be addressed using a more informal approach.

## **Intensive Funding**

Education Coordinator/Director will make determinations of submission of students eligible for Intensive Funding. Student's services on IEP must meet all criteria as outlined in Alaska State Special Education Handbook.

Resource Specialists will work with special education providers to ensure that IEP meets all of these criteria. <http://education.alaska.gov/tis/sped/Handbook.html>

### **Intensive Needs Programs**

These programs serve students with multiple disabilities, and typically students are educated through a collaborative team approach, with therapy goals and activities becoming part of their daily schedule. Staffing in programs with intensive needs typically approaches a one-to-one ratio.

### **Intensive Resource Programs**

These programs are non-categorical and provide IEP services to students who have more than minimal needs. Typically these students have more than 900 minutes per week on their IEPs. Students do not need to qualify for these programs, placement decisions are made based on a student's amount and type of services, by the IEP team. At times, a teacher who is identified as a resource teacher may provide services to students who have more than minimal needs, depending on the building staffing and assignment made by the building administrator.

### **Specific Learning Disability: Iditarod Area School District Criteria**

Eligibility for Specific Learning Disability for students will be determined using progress monitoring data, benchmark assessment data, individual achievement testing results, as well as classroom observation. This data will determine whether the student meets criteria by having a discrepancy in performance and also in rate of improvement, which is insufficient to close the gap of achievement between the student and a typical peer.

IASD refers to the state approved assessment list when deciding which test is best suited to the needs of the student, see Appendix F.

Refer to 4 AAC 52.130 for specific details regarding these eligibility notes.

### **Prior Written Notice - PWN:**

Outdated naming convention and acronym for Written Notice. Other Districts may still use this term.

### **Progress Monitoring**

Students learn best when instruction is designed based on continuous assessment of student progress. Consistent, regular progress monitoring is required for all students receiving instruction in reading, writing, and math. Weekly progress monitoring is most often appropriate for students receiving instruction in reading and math between grades k-8. Students will receive progress monitoring for their reading with the use of program assessments. At the time of initial referral to special education, a progress monitoring report is required as documentation of general education interventions, unless the District school psychologist determines it is not necessary.

### **Related Service**

When Speech-Language, OT, PT, Counseling, etc. are provided in addition to the academic support, it is a related service. Related services must be necessary for the student to benefit from his or her special education Program.

### **Resource Programs**

These programs are non-categorical and provide IEP services to students who have minimal to moderate needs. Typically, these students have less than 900 minutes per week on their IEPs, and may include goals addressing academics, attention, and behavior. Students do not qualify for these programs, placement decisions are made based on a student's amount and type of services, by the IEP team.

### **Secondary Transition**

The IEP Team must view transition planning as the focus of the IEP during the IEP developed before the student is age 16. Transition planning is an integral component of the IEP, rather than a single or separate event in the

IEP process. That is why the IEP forms require IEP Teams to identify the student's desired post-school outcomes before proceeding to the other IEP components. The transition statements, LRE sections, related services, participation in general education curriculum, annual goals, short-term objectives/benchmarks, etc. must all be related and integrated. Written permission to invite out-of-district agency staff must be obtained prior to IEP meeting.

### **Self-contained Programs**

These programs are non-categorical and provide services to students with a majority of their time in school needing to be modified from the general curriculum. Many of these students' IEP's focus on behavioral goals, or on life skills. Students do not qualify for these programs. Placement decisions are made based on a student's amount and type of services by the IEP team.

### **Special Education Service**

These are described on the IEP, Section 11. Academic support and Adapted PE are always special education services, not related services. Special education services must be necessary for the student to benefit from his or her Regular Educational Program.

### **Speech Language Impairment**

#### **Speech and Language Services**

Speech-Language Services is the only service that can be either a special education or a related service. Under certain circumstances to be approved by the ~~Director~~ of Special Education Coordinator/Director, a related service may be the only service a child receives (i.e. OT, PT). This would then be considered the special education service for that student.

### **Vision and Hearing Screening**

Results of these screenings are to be documented on the referral form, not on the ESER.

### **Working Files**

Working Files are the student files capped at the student school and maintained by that building staff.

### **Written Notice (WN)**

IDEA requires that the district provide the parent with a Written Notice any time the district proposes or refuses to initiate or change the identification, evaluation placement, or IEP. This WN is to reflect what action will occur following the IEP meeting; not what will occur at the meeting.