

MARIETTA PUBLIC SCHOOLS POLICIES AND PROCEDURES FOR SPECIAL EDUCATION

According to IDEA-Amendment of 1997, it is the commitment of the Marietta Public School District to comply fully with the intent that all children with disabilities will receive a free and appropriate education. The purpose of Marietta Schools is to ensure the rights and protections of children with disabilities and their parents/guardians, to assist public agencies in the provisions of services and to assess and to ensure effectiveness of their efforts.

FREE APPROPRIATE EDUCATION

Marietta Public Schools identifies the Superintendent as the person responsible for special education programming.

“Special education” means specifically designed instruction that is provided at no cost to parents and meets the unique needs of a child with a disability. Special education includes, but is not limited to:

1. Specially designed instruction in the classroom (general education classroom with support services, accommodations, supplementary aids and services, co-teaching, collaborative teaching, resource lab services, part-time special education classroom, or full-time special education classroom)
2. Specially designed instruction in the home, hospital, institution, or other setting.
3. For preschool children, early childhood home, service provider location, part-time early childhood special education, early childhood special education, separate school, or residential facility.
4. Speech-language Pathology services
5. Occupational and Physical Therapy
6. Vocational education consisting of educational programs that prepare individuals for paid or unpaid employment or the additional preparation for a career, with modification, specially designed vocational education, or applied technology education.
7. Training instruction such as internships that enables students to develop awareness of environments and to learn skills necessary to move effectively and safely in their environment.

“Specially designed instruction” means adapting content, methodology, or delivery of services, as appropriate to meet the needs of an eligible child resulting from his/her disability. Specially designed instruction includes:

1. Consultation by qualified special education personnel.
2. Program monitoring by qualified special education personnel to ensure that the individualized education program (IEP) is being properly implemented and that the child is progressing in accordance with the IEP.

The district ensures compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794: “No otherwise qualified individual with a disability in the United States...shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

GOAL

All children with disabilities ages 3-21 will be provided full educational opportunities in the programs meeting standards established and approved by the Oklahoma State Department of Education. Every endeavor shall be executed to discover the unserved and the underserved and to extend such programming as may be necessary to assure each individual the right to full educational opportunities in accordance to their individual needs.

It is the goal of this school district to provide special education to all exceptional children who reside in the school district. This duty will be satisfied by:

The district directly providing special education for such children.

The district joining in a cooperative program with another district or districts to provide special education for such children.

The district joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing, or for children who are blind or partially blind.

PROGRAM STANDARDS

The special education department will include awareness, screening, evaluation/assessment and placement in accordance with the guidelines of the Oklahoma State Department of Education and IDEA.

Any eligible child with disabilities has a right to a public education through the twelfth grade and completion of a secondary education program with a standard high school diploma. The district will provide due process for children with disabilities in accordance with procedures established by OSDE.

The district will maintain information records of all children with disabilities in such a manner as to protect the confidentiality of information and to allow parental access to information. Home based instruction will be provided by the district to a qualifying student who must be taught at their home or in the hospital. Such instruction may be provided at the request of the parent/guardian and upon recommendation of the attending physician, building principal, and the special education director.

PERSONNEL STANDARDS

In consideration of meeting the full educational opportunity goal for each child with disabilities, ages 3-21, in our district, Marietta Public Schools employs personnel and related service personnel who are highly qualified according to federal criteria, who hold appropriate certification, licensure, or registration.

DEFINITIONS OF SUSPECTED DISABILITIES

AUTISM means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotypic movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has a serious emotional disturbance.

DEAF-BLINDNESS means concomitant hearing and visual impairment, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education program solely for children with deafness or children with blindness.

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

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

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

MULTIPLE DISABILITIES means concomitant impairment (such as intellectually disabled-blindness, intellectually disabled-orthopedic impairment, etc.) the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

ORTHOPEdic IMPAIRMENTS means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairment caused by congenial anomaly, and impairment from other causes (e.g. cerebral palsy, amputations, and fractures or burns that cause contractures.)

EMOTIONAL DISTURBANCE means a condition exhibiting one or more of the following characteristics over a period of time and to a marked degree, which adversely affects educational performance.

- A. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- B. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- C. Inappropriate types of behavior or feelings under normal circumstances

- D. A general pervasive mood of unhappiness or depression.
- E. A tendency to develop physical systems or fears associated with personal or school programs. The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have a serious emotional disturbance.

SPECIFIC LEARNING DISABILITY means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury minimal dysfunction, dyslexia, and developmental aphasia. The term does not apply to children who have learning problems that are primarily the result of visual, hearing, or motor disabilities, or intellectual disabilities, or emotional disturbance, or of environment, culture or economic disadvantage.

SPEECH-LANGUAGE IMPAIRMENT means a communication disorder such as stuttering, impaired articulation, language impairment, or a voice impairment that adversely affects a child's educational performance.

TRAUMATIC BRAIN INJURY means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract reasoning, judgment, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, and information processing, and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

VISUAL IMPAIRMENT includes blindness that means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

DEVELOPMENTAL DELAYS means children aged 3-9 experiencing developmental delays. The term child with a disability for children aged 3 to 9, at the discretion of the state of Oklahoma and the Marietta school district and in accordance with 300.313, include a child who is experiencing developmental delays, as defined by the State of Oklahoma and is measured by appropriate diagnostic instrument and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who needs special education and related services.

OTHER HEALTH IMPAIRED means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, Tourette syndrome, rheumatic

fever, and sickle cell anemia and adversely affects the child's educational performance.

CHILD IDENTIFICATION, LOCATION

Marietta Public Schools will collaborate with other public school agencies and community resources at the local and county levels to locate and identify children with established or suspected disability conditions, regardless of the severity of the disability.

Public awareness activities, including newspaper announcements, social media posts, and school website links, will provide information about various education and related services and programs for children with disabilities available through Marietta Public Schools and other responsibly public and private resources.

Marietta Public Schools has designated an individual to coordinate and implement public awareness and child find activities. The district is responsible for informing parents of their rights under FERPA of 1974 and IDEA regarding personally identifiable information, which is maintained in the child identification process. Marietta Schools coordinates with the Sooner Start Intervention Program in referrals for the identification and evaluation of infants and toddlers who may be eligible for early intervention services beginning at three years of age. Marietta Public Schools are responsible for developing and maintaining a comprehensive, multi-agency referral, evaluation, and eligibility process for the identification of children with suspected disabilities. Parent/guardian and school personnel will be informed of the referral and evaluation procedures.

EVALUATION PROCEDURES

Prior to the initial placement of a child with a disability, a comprehensive multidisciplinary evaluation will be administered in all areas related to the suspected disability of a child. The purpose of the evaluation is to determine the presence of a disability (ies), any adverse effect on the academic performance, the child's educational needs, and whether the child requires special education and/or related services.

Evaluation means procedures used to determine whether a child has a disability and nature and extent of the special education related services a child needs. Parent/guardian consent is required for the initial, pre-placement evaluation. As part of this consent, the parent/guardian will be given a description of the evaluation procedures Marietta Public Schools will use. The Review of Existing Data, Parent Consent for Evaluation, Parents Rights in Special Education and the Multidisciplinary Evaluation and Eligibility Team Summary document the completion of steps for an initial, pre-placement evaluation of a child with a disability.

A parent/guardian has a right to an independent educational evaluation at personal expense if the parent/guardian disagrees with an evaluation which has been obtained by Marietta Public Schools. If the school believes that its evaluation is appropriate, the parent/guardian may initiate a due process hearing to determine whether the evaluation is appropriate. If the evaluation is deemed to be appropriate, the results of the independent evaluation must be considered in decisions regarding the free appropriate education of a child and may be presented as evidence in the due process hearing.

If a parent/guardian brings independent educational evaluations to the school for their child. Marietta Public Schools has the right to consider the testing but not accept the testing if the team deems it not appropriate for the child and can conduct their own evaluations, through the school evaluation process, with parent consent.

PARENTAL INVOLVEMENT

Marietta Public Schools maintain that parental involvement is essential to the success of providing a free and appropriate education to all disabled children. The parent has the right to initiate a request for an initial evaluation. If personnel other than the parent makes the request, parents are notified of the intent to refer for evaluation and are expected to take an active part in the decision to refer.

Parental consent for referral is required before individual assessment is made. The parent is a participating member of the team, which determines what special services his/her child needs through the development of an individual education plan, which may or may not lead to special education placement. The parent is notified in writing of the reasons for referral, how, where, and when assessment will take place, methods and tools of assessment, and procedures that will follow assessment. The parent is also notified in writing of his/her rights regarding the referral, assessment, evaluation, eligibility, individual education planning, placement, confidentiality, and review process.

Procedural safeguards are clearly explained in writing including rights to a due process hearing to challenge the evaluation or placement of his/her child or the appropriateness of the education being provided to his/her child. Refer to “Parents Rights In Special Education: Notice of Procedural Safeguards” which may be obtained from any special education teacher in the district.

REEVALUATION

A reevaluation shall be conducted if conditions indicate the need for a reevaluation, or at least every three years. Review of existing data and information is used to determine whether any additional individual assessments, tests, or evaluation may be necessary. Areas of suspected disability, which have been ruled out through initial evaluation will not require reevaluation unless conditions exist which warrant additional assessments for reevaluation. Reevaluation procedures to address specific areas of functioning related to suspected disability are not necessarily required to be the same tests or procedures used for the initial evaluation.

DISPROPORTIONALITY

If valid and reliable testing and full and individual evaluation materials appear to have led to the overrepresentation of students who are members of a particular race, national origin, or cultural group in any special education category, then the school district shall conduct a thorough self-evaluation to determine:

1. Whether additional or substitute materials and procedures, which have at least equal predictive validity, but do not have such an adverse effect on members of a

- particular racial, national origin or cultural group, can be identified.
2. Whether any of the following resulted in racial or cultural bias:
 - a. The use of tests with inherent content and/or language bias
 - b. The use of tests that lack validity for a group of persons with whom or the purposes for which they are used
 - c. The use of tests that lack reliability for a group of persons with whom they are used
 - d. The presence of culturally and linguistically incompetent test administration
 - e. Student unfamiliarity with test behaviors and assumptions
 - f. Student discomfort with the test administrator and/or testing environment
 - g. Lack of student motivation to perform well
 - h. The failure to integrate full and individual evaluation from multiple sources and/or to reconcile inconsistent or conflicting full and individual evaluation results.

Marietta Public Schools will utilize the policies and procedures for Special Education Services set forth by the Oklahoma State Department of Education.

REVOCAION OF PARENT CONSENT FOR SPECIAL EDUCATION AND RELATED SERVICES

On December 31, 2008, the United States Department of Education issued supplementary regulations to the Individuals with Disabilities Education Act (IDEA) that permits parents to revoke consent for their child's special education and related services. (Note: The right to revoke consent for special education services is also transferred to the student when he/she reaches the age of majority.)

1. A parent (or student who has reached age of majority) must submit in writing their request to revoke consent of services.
2. The revocation of consent is in its entirety; IDEA does not give the parents the ability to revoke consent for a particular service.
3. The parent's right to terminate their child's IEP services is not subject to challenge in a due process hearing or mediation.
4. The LEA must respond to the parent's request with prior written notice before terminating services.
5. The prior written notice must:
 - a. Cease services in a timely manner
 - b. Inform the parent, in language understandable to the general public, regarding the change in educational placement and services that will result from the parent's revocation of consent
 - c. Include information on resources for parents in understanding the requirements of Part B of the IDEA
6. If a parent revokes consent:
 - a. The LEA is not in violation of the requirements of a free appropriate education
 - b. The child will be treated as a nondisabled student for disciplinary purposes.
7. If the parent revokes consent for special education and related services, the parent may

- request at any time that the student be re-enrolled in special education.
8. In such case, the request shall be treated as a request for initial evaluation.
 9. There is no limitation on the number of times a parent may revoke consent for special education and related services and then subsequently request reinstatement in special education.

ASSESSMENT FOR STUDENTS WITH DISABILITIES IN THE OKLAHOMA SCHOOL TESTING PROGRAM (OSTP)

The Every Student Succeeds Act (ESSA) of 2015 prohibits schools from excluding students with disabilities from the educational accountability system. The act requires that states assess 95% of all students, and 95% of each “subgroup” in every school with federally mandated annual state tests in English and math. Excluding students with disabilities from testing is also a violation of IDEA. IDEA addresses the participation of children with disabilities in assessments with appropriate accommodations in administration, as necessary, as well as their participation in alternate assessments for those children who cannot participate in state and district-wide assessment programs. States are required to provide accommodations and alternate assessments, as needed, to ensure that students with disabilities participate fully in ESSA testing. Students with disabilities should participate in the same tests taken by their peers. However, some students need accommodations to show their knowledge on a regular assessment, or they need to participate in an alternate assessment which is linked to the same standards found in the regular assessment. These assessment requirements were put into place as a way to determine if the school is adequately educating every student in critical core academic areas.

There are two types of assessments within the OSTP for grades 3-8 and the ACT/SAT secondary level tests. All are aligned to the state-mandated core curriculum and the Oklahoma Academic Standards (OAS).

The two assessments include the following:

1. Oklahoma Core Curriculum Tests (OCCT)
 - a. Intended for grades 3-8 in various subject areas and the ACT/SAT
 - b. Developed for the majority of students and aligned to OAS
 - c. Administered with or without accommodations
2. Oklahoma Alternate Assessment Program (OAAP)
 - a. Developed for students with the most significant cognitive disabilities
 - b. Measures achievement of alternate academic standards of the state curriculum

IEP teams, which include the parent, are to determine the appropriate assessment for each student based on the individual needs of the student. Districts are not allowed to make policies in determining participation in statewide assessment. IEP teams will utilize the “Oklahoma Criteria Checklist for Assessing Students with Disabilities” to determine if a student will participate in an alternate assessment. The determination should be individualized and reviewed on an annual basis.

The Every Student Succeeds Act (ESSA) requires reporting the results on statewide assessments as part of the state's accountability system. ESSA mandates that no more than 1% of all tested students may participate in an alternate assessment. IEP teams should discuss the accommodations needed for students to participate in the general assessment prior to considering eligibility in the alternate assessment.

Marietta Public Schools follows all OSDE requirements for accommodations for students on tests and training for school personnel for administering these tests.

INDIVIDUAL EDUCATION PROGRAM

There are three main parts of the IEP requirements: the meeting, where parents/guardians and school personnel jointly make decisions about an educational program for a child with a disability; an IEP document, a written record of the decisions reached at the meeting; and the review/revision of the IEP as appropriate.

The IEP has a number of purposes and functions:

1. It serves as a communication tool between parents/guardians and Marietta Schools, and enables them, as equal participants, to jointly determine the child's needs and anticipated outcomes.
2. When necessary, the IEP process provides an opportunity for resolving any differences between the parents/guardians and the school.
3. The IEP is a written commitment of necessary resources for learning.
4. It is a management tool.
5. It is a compliance document ensuring the FAPE and least restrictive environment agreed to by the parents/guardians, student (if appropriate) and the school.
6. It provides a method of evaluation of the extent of the child's progress towards meeting the annual goals.
7. It provides a transition plan, when appropriate, that includes each public agency's responsibilities before the student leaves the school setting.

LEAST RESTRICTIVE ENVIRONMENT

The purpose of the least restrictive environment requirement is to ensure that, to the maximum extent appropriate, children with disabilities receive instruction with children that do not have disabilities. The IEP team must clearly document that a variety of options are considered to determine placement in the least restrictive environment in order to meet the individual child's needs based on his/her IEP. The selected decisions must be individually determined on the basis of each child's ability and needs, and not on factors such as category of disability, availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience.

TRANSITION SERVICES

Transition services provided to the student shall be a coordinated set of activities which helps promote movement from school to post-school activities including postsecondary education,

vocational training, integrated employment, continuing and adult education, adult services, independent living or community involvement. The transition services focus on preparing the student with disabilities for successful independence in the community.

SPECIAL EDUCATION TRANSFER POLICY

If a transfer application is received for a child with disabilities to a school district other than the district of residence of the child pursuant to the Education Open Transfer Act the following provisions shall apply:

1. The school district shall establish availability of the appropriate program, staff, and services prior to approval of the transfer;
2. Prior to the approval of the transfer of a child on an individualized education program (IEP), a joint IEP conference shall be required between the district of residence and the receiving district; and
3. Upon approval of the transfer, the receiving district shall claim the child in the average daily membership for state and for federal funding purposes and shall assume all responsibility for education of the child. For state funding purposes, the State Department of Education shall include the appropriate grade level weight and all category weights to which the pupil is assigned pursuant to the provisions of Section 18-201.1 of this title when calculating State Aid pursuant to the provisions of Section 18-200.1 of this title, regardless of whether the receiving district provides education to the student using traditional in-class means or via online instruction. When applicable, the receiving district may apply to the Oklahoma Special Education Assistance Fund for assistance in meeting any extraordinary costs incurred.

SPECIAL EDUCATION STUDENT DISCIPLINE/SUSPENSION

When considering disciplinary measures for special education students, the following should be considered:

Counseling
"Time-out" area
Restriction from participation in school activities
Staying after school or class
In-school suspension

When suspension of less than ten (10) days from school is necessary for the special education student, the following guidelines will be followed:

- A. Conference held with student to:
 1. Provide opportunity for student to defend actions,
 2. Explain disciplinary measures to student;
- B. Notify parent by telephone and confirm conversation by mail.

For suspension of over ten (10) days for the special education student, additional procedures should be followed:

Schedule an IEP meeting to determine if the student's behavior is the result of the handicapping condition. When the behavior is related to the handicapping condition, and a change in program or removal from the current program is recommended, the IEP must be revised to reflect change in placement. The school must provide an alternative program (i.e., IEP revision, home-based, etc.). When behavior is not related to the handicapping condition, the procedures established for regular students should be followed. However, any long-term change in the student's current school program should be recorded in the IEP.

In an emergency situation where the student is endangering himself/herself or others, the school has the authority to remove the child from school immediately. However, the IEP/placement team must convene as soon as possible after an emergency removal to determine further appropriate action. In any event, the school district's disciplinary due process procedures must be followed.

Discipline problems that an IEP team is able to anticipate may be addressed on an individual basis in the child's IEP.

The Policies and Procedures Manual for Special Education for the State of Oklahoma issued by the State Department shall serve as the standing policy in all other matters concerning procedures for serving special education students.

ELIGIBILITY FOR EXTRA-CURRICULAR ACTIVITIES

Every effort will be made to help students with disabilities succeed in all classes and thus maintain eligibility for extra-curricular activities. This effort and responsibility will consist of a team approach and will involve at least one regular classroom teacher, the special education teacher, parents/guardians, student, administration and any other members of the placement team.

When failing grades are due to attendance problems or failure to attempt assigned work that is within capability and the problem cannot be satisfactorily resolved by the placement team, it will result in the student not being eligible to participate in extracurricular activities.

GRADING

There is one definite rule for grading students in all special education categories: There must not be any discrimination in the system of grading. That is, if all students in a school are graded by the A, B, C, etc., plan, special education students will also receive A, B, C, etc. In recording grades on a permanent record (such as a transcript), there must not be any reference to the student's placement in special education.

P.L. 94-142 is based on an "appropriate education." If this mandate is followed, fair grading should be no problem. Some suggestions:

- A. Grades should never be given as motivation (A's) or punishment (F's).
- B. A student should earn the grade. Too easy a program would result in too many A's and too difficult, D's or F's. A program should be planned on the level where the child is functioning

but the teacher should always be alert to expand this level upward.

C. Students should not be placed in academic subject classes beyond their ability because of an inflexible school schedule.

Parents must understand grading in special classes. The grade earned may not be comparable to grades earned in regular classes. Parents need to be told where the student is functioning and what is being learned, rather than relying on the report card "grades" to understand progress. The teacher who has the student for a period should give the grade for that time. If the grade will go on one regular report card, the special teacher and regular teacher should confer. If the regular teacher objects to giving a "passing" grade to a student who is not in his/her class, both teachers could sign the report card. Since separate report cards are given on the secondary level, there should be no problem.

A student in special education can get a failing grade. The student cannot fail because the academic level is too high (that is, not an appropriate program) but failing grades may be given because of refusal to do work within capability and for poor attendance. However, when failure does appear, consideration should be given to addressing the problem on the IEP with the idea of alleviating it.

DIPLOMAS

It is recommended that diplomas issued to handicapped students be the same as those to non-handicapped students. To do otherwise may leave the local school district open for a discrimination complaint.

This recommendation is based on the nondiscrimination clause in Section 504 of the 1973 Vocational Rehabilitation Act and Oklahoma Regulations. The intent is that handicapped students are entitled to receive the same considerations as non-handicapped students. Therefore, they should not be excluded on the basis of their handicap, from receiving any benefit for which they are otherwise qualified.

As long as handicapped students have successfully completed all requirements for graduation as outlined by their IEP teams or regular classes (following the Oklahoma State Board of Education guidelines for high school graduation), they cannot be denied graduation or given inferior diplomas.

TRANSCRIPTS

A student's transcript must not contain any information that is considered to be confidential. This would include reference to special education placement or categories, special services, test information or reference to handicapping conditions.

COVID-19

Although there is no identified method or detailed guidance to adequately and equitably meet the needs of disabled students during the covid-19 pandemic, Marietta Public Schools will

employ a variety of delivery options to provide services.

The district will prioritize the health and safety of students, staff, and communities foremost. In order to provide successful implementation of distance learning, should it be necessary, Marietta Public Schools will engage family participation to make sure learning continues for the student. The faculty will continue to communicate with the student and parent/guardian through Zoom, Google Classroom, or by phone/text and will document all correspondence during this time.

If for some reason services cannot be provided through an online opportunity or alternative means that are available to other students, the district will determine what compensatory services are required once normal school operations resume.

Marietta Public Schools will make every effort possible to meet required timelines by scheduling and holding IEP meetings virtually or by phone conferences and will document all attempts.