

Special Services

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Overview of Special Education

The education of students with disabilities is firmly rooted in the constitutional guarantees involved in the “protection of vulnerable minorities.” This relationship means that the provision of services to students with disabilities is basic civil rights protected by the Constitution. Three federal laws have been passed to ensure these constitutional guarantees for individual with disabilities.

- The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) with subsequent reauthorizations: 2009 Individuals with Disabilities Improvement Act.
- Section 504 of the Rehabilitation Act of 1973 (Section 504)
- The Americans with Disabilities Act of 1990 (ADA)

The reauthorization of the IDEA 2004 was aligned with the Elementary and Secondary Education Act of 2001 – also known as the No Child Left Behind (NCLB) Act. And reaffirmed in Every Students Succeeds Act (ESSA) of 2015

The IDEA preserves the basic structure and civil rights of previous reauthorization and emphasizes both **access** to education and **improved results** for students with disabilities based on data and public accountability.

Procedural Safeguards

A parent/adult student has specific procedural safeguards assured by the IDEA and state law. The district provides a document title *Procedural Safeguards Notice to Parents/Adults student* that contain a full explanation of special education rights. We provide copies of this document in multiple languages (Spanish, Vietnamese, Korean, Cambodian, and Russian).

Student Eligibility under the IDEA

The existence of a disability or medical diagnosis does not, by itself, mean that a student is eligible under the IDEA. To be eligible for services under the IDEA, a student must have a disability that:

1. Meets the state disability criteria;
2. Adversely affects educational and functional performance; and
3. Requires specially designed instruction

The process used to make this determination is called "eligibility evaluation." During an eligibility evaluation, an evaluation team (which includes educators and the parent/adult student) reviews information from multiple sources including, but not limited to, general education interventions, formal and informal assessments, and progress in the general curriculum.

Free Appropriate Public Education (FAPE)

The local education agency (district) is required to ensure that a free appropriate public education (FAPE) is available to students who reside in the district and are eligible for special education. FAPE is individually determined for each student with a disability. FAPE must include special education in the least restrictive environment (LRE) and may include related services, transition services, supplementary aids and services, and/or assistive technology devices and services.

District Programs and Services

The district must ensure that the same array of academic, nonacademic, and extracurricular activities and services is available to students with disabilities as is available to students without disabilities.

Everett Programs:

We serve 2,786 students including 184 students in the Birth to Three program. Our programs offer a continuum of services.

Developmental Preschool and itinerant services – we serve 168 students in five elementary schools. They range in age from 3 to 5.

Developmental Kindergarten – a program that supports kindergarten students with disabilities who need a small class size with a higher student to staff ratio. Services and instruction is available in a range of areas including academic, social, adaptive, medical.

Resource Room – provides assistance in reading, math and written language to students in their neighborhood schools. These students primarily have learning disabilities, or conditions that require less than 3 1/2 hours of service per day.

Extended Resource - provides a greater level of assistance to students with a variety of disability categories. These programs are located in five elementary schools, four middle schools and in the three comprehensive high schools. The students in these programs work on academic as well as life skills.

Life Skills - provides maximum assistance to our most impacted population. Many students in this program require health, physical, as well as medical assistance. We always strive to provide a program that is academic in nature. Many of these students, because of the impact of their disabilities, are only working on life skills. These programs are located in six elementary schools, one middle school, and all three comprehensive high schools.

Achieve - We have behavioral support classrooms to serve students with emotional and or behavioral issues that impact their ability to learn and grow within the general education program. In each level, student's time in the behavioral support classroom is dependent on their ability to function within the school as a whole. The goal for behavior support students is to work their way out of these settings to a more average school experience. These classrooms are located at four elementary schools, four middle schools, and at all three comprehensive high schools.

GOAL Program (Gaining Ownership of Adult Lives) – an 18 to 21-year-old transition program

The GOAL program is designed to be a link between high school and adult life. It is a transition program that provides a sequence of school-based experiences and training to assist a trainee with special needs to become more self-reliant and independent. GOAL is not a place for students who need a full-time academic program. Students who go into the GOAL program usually have completed their high school graduation requirements in an extended resource room program.

STRIVE (Students Transitioning Responsibly into Vocational Experiences) – an 18 to 21-year-old transition program

The STRIVE program is designed to be a link between high school and adult life. It is a transition program that provides a sequence of school-based experiences and training to assist a trainee with special needs to become more self-reliant and independent. STRIVE is not a place for students who need a full-time academic program. Students who go into the STRIVE program usually have completed their high school graduation requirements in a life skills program.

Individualized Education Program (IEP)

The IEP is a document that outlines how a particular student with a disability will receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). It is a working document that can be amended as the student's needs change. The IEP is created collaboratively by IEP team members, including parents, the student (if appropriate), the student's teachers and other district personnel.

Least Restrictive Environment (LRE)

The IDEA states that to the maximum extent appropriate, students with disabilities are to be educated with students who are non-disabled. IEP teams should consider what constitutes LRE for the individual student. This includes consideration of a continuum of placements to maximize the student's benefit from special education and related services.

Summary of Activities That May Lead to Special Education Services

General education interventions

The district will establish a general education problem-solving team (sometimes called student assistance team) to address student learning needs and to reduce the need to identify students as disabled. The general education problem solving process should include whole-school approaches, scientifically based reading programs, positive behavior supports, and early intervening and response-to-intervention systems.

Accommodations and instructional interventions must be attempted during the problem-solving process before a student is referred to an evaluation team. These accommodations and interventions must be of sufficient scope and duration and must be clearly documented. If the student shows adequate progress with general education interventions and accommodations, a referral to consider a special education evaluation may be unnecessary. However, if general education interventions and accommodations must be provided on an ongoing basis or if the student shows limited or no progress and the student's performance is significantly discrepant from peers, a referral to consider a special education evaluation is warranted.

Referral to consider a special education evaluation (completed by the problem-solving team and sent to the evaluation team)

Following the problem-solving team's review of the student's response to general education interventions, if the team suspects that the student has a disability which adversely impacts his or her education, the problem-solving teams must initiate a referral to consider for special education

evaluation. The purpose of this referral is to bring a student to the attention of an evaluation team so that it can determine whether to conduct a special education evaluation. A referral to consider a special education evaluation marks the point at which procedural safeguards are activated. The parent/adult student must be involved in decision once a written referral has been made to the evaluation team to consider a special education evaluation.

Written Notice and Consent (completed by evaluation team)

Before administering assessment, written notice must be provided to the parent/adult student and written consent must be obtained from the parent/adult student.

Evaluation and Eligibility Determination (completed by evaluation team)

After receiving consent, the evaluation team must schedule assessments and ensure they are conducted. Next, the evaluation team reviews the assessment data, the response to general education interventions, and parent/adult student input and recommendations to determine whether the student is eligible for special education services. Then the evaluation team completes an Eligibility Report using data collected from individual assessments and provides the parent/adult student with a copy of the report. If the student is not eligible, the district must provide written notice to the parent/adult student that the data does not indicate eligibility under the IDEA 2004. The district must maintain documentation in permanent records.

IEP Development and Implementation (completed by the IEP team)

The time between receiving consent for assessment and implementing the IEP cannot exceed 60 calendar days, excluding periods when regular school is not in session for five or more consecutive school days.

The following activities are included in the development and implementation of the IEP:

- Conduct an IEP team meeting to develop an IEP within 30 calendar days of a determination that the student is eligible for special education and related services.
- After determining goals and objectives, the team must determine the placement in the least restrictive environment in which the IEP can be implemented.
- Obtain documentation indicating participating in the IEP team meeting.
- Obtain consent from the parent/adult student for initial placement in special education.
- Provide copies of the IEP to the parent/adult student and other participants, as appropriate.
- Provide written notice to the parent/adult student before implement the IEP if the provision of FAPE or the education placement is proposed to change.
- Make arrangements for IEP services by informing staff of their specific responsibilities under the IEP.
- Implement the IEP as soon as possible after it is developed
- Provide the parent/adult student with reports of the student's progress on IEP goals and on benchmarks/objectives, if applicable, as specified on the IEP at least as often as the parents of the students without disabilities are informed of their children's' progress.

Reevaluation (completed by evaluation team)

Reevaluation is conducted by the evaluation team. A reevaluation to determine whether a student continues to be eligible for special education services is completed as follows: (a) at least every three years, (b) when requested by the student's teacher or the parent/adult student, and (c) whenever conditions warrant. Approximately one month before conducting the reevaluation, the district must inform the parent/adult student that the reevaluation is due and provide him or her with a copy of the Procedural Safeguards Notice. The parents/adult student and district may agree in writing that a three-year reevaluation is not necessary.

Discontinuation of Services

Provide prior written notice to the parent and the adult student informing them of the discontinuation of services when:

- The evaluating team determines the student no longer meets eligibility requirements for special education services; or
- The student meets the requirement for graduation and is awarded a regular high school diploma; or
- The student completes the semester in which he or she reaches the age of 21 years.

Special Services Office

Becky Clifford, Executive Director
Donna Moran, Executive Assistant
Heather Brown, South Regional Director
Zac Crane, Central Regional Director
Lauren Weeden, North Regional Director
Patti McClinchy, Administrative Assistant
Jodie Moyer, Secretary
Jill Myers, Facilitator, Elementary, South
Kari Anderson, Facilitator, Secondary, North
Robin Arnold, Elementary, South
Marisol Mallari, P-12 Compliance Facilitator
Reno Nackos, Facilitator, Autism and Behavior
Penny Bravo, Special Services System Analyst
Vanessa Coile, Student Records Secretary, South
Stephanie Luxmore, Student Records Secretary, North
Linda York, Student Records Secretary, Central
Linda Navran, On Time Graduation Success Coordinator
Sandi Young, On Time Graduation Success Coordinator
Laura Peterson, Special Education Nurse Liaison

Special Education Program Locations

2018-2019 School Year

ELEMENTARY SCHOOLS			
Cedar Wood Resource Achieve		Emerson Resource Developmental Preschool	
Garfield Resource ExtendedResource		Hawthorne Resource Developmental Preschool Achieve	
Jefferson Resource Developmental Kindergarten ExtendedResource Life Skills		Madison Resource Extended Resource Life Skills	
Monroe Resource Developmental Preschool Developmental Kindergarten		Penny Creek Resource Achieve	
Whittier Resource Life Skills		Woodside Resource Developmental Kindergarten	
MIDDLE SCHOOLS			
Eisenhower Resource ExtendedResource Achieve		Evergreen Resource Extended Resource Life Skills Achieve	
Heatherwood Resource Achieve		North Resource ExtendedResource Achieve	
HIGH SCHOOLS			
Cascade Resource Extended Resource Life Skills Achieve 18-21 GOAL	Everett Resource Extended Resource Life Skills Achieve 18-21 STRIVE	Jackson Resource Extended Resource Life Skills Achieve 18-21 STRIVE	Sequoia Resource

Acronyms and Abbreviations

ADA	Americans with Disabilities Act	IFSP	Individual Family Services Plan
ADD	Attention Deficit Disorder	IQ	Intelligence Quotient
ADHD	Attention Deficit Hyperactivity Disorder	LEA	Local Education Agency
AT	Assistive Technology	LI	Language Impairment
AU	Autism	LD	Learning Disability
BIP	Behavioral Intervention Plan	MD	Multiple Disabilities
CI	Cognitive Impairment	LRE	Least Restrictive Environment
DB	Deaf Blindness	NAEP	National Assessment of Educational Progress
DD	Developmental Delay	NCLB	No Child Left Behind Act
DP	Due Process	O&M	Orientation and Mobility
DPH	Due Process Hearing	OCR	Office of Civil Rights
E/BD	Emotional/Behavioral Disorder	OI	Orthopedic Impairment
ELL	English Language Learner	PBIS	Positive Behavioral Interventions and Supports
ESY	Extended School Year	PBS	Positive Behavioral Supports
FAPE	Free and Appropriate Public Education	PGI	Performance Goals and Indicators
FAS	Fetal Alcohol Syndrome	PLOP	Present Levels of Performance
FBA	Functional Behavior Assessment	PWN	Prior Written Notice
FERPA	Family Educational Rights and Privacy Act	RTI	Response to Intervention
HI	Health Impairment	SBR	Scientifically Based Research
IAES	Interim Alternative Educational Setting	SD	Standard Deviation
IBI	Intensive Behavioral Interventions	SI	Speech Impairment
IDEIA	Individuals with Disabilities Education Improvement Act 2009	SLP	Speech Language Pathologist
IEE	Independent Educational Evaluation	TBI	Traumatic Brain Injury
IEP	Individual Education Program	VI	Visual Impairment
		WAA	Washington Alternative Assessment

Special Education Glossary

Academic achievement: A student's level of performance in basic school subjects, measured either formally or informally.

Accommodations: Changes in the curriculum, instruction, or testing format or procedures that enable students with disabilities to participate in a way that allows them to demonstrate their abilities rather than disabilities. Accommodations are generally considered to include assistive technology as well as changes in presentation, response, timing, scheduling, and setting. Accommodations do not invalidate assessment results.

Adaptation: Changes to curriculum, instruction, or assessment that fundamentally alter the requirements, but enable a student whose disabilities significantly impacts performance, an opportunity to participate.

Adaptive behavior: Behavior that displays an age-appropriate level of self-sufficiency and social responsibility which includes the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, direction, functional academic skills, work, leisure, health, or safety.

Adult student: A student with a disability, age 18 or older, to whom rights have transferred under the IDEA 2004.

Age-appropriate activities: Activities that typically developing children of the same age would be performing or would have achieved.

Age of majority: The age at which, by law, a child assumes the responsibility of an adult. In Washington, the age of majority is 18.

Alternate assessment: A specific assessment, developed by the state in lieu of statewide assessments, designed to measure functional skills within the same domains required by the regular statewide or district-wide assessments. It is designed for students who are unable to demonstrate progress in the typical manner and who meet the state-established criteria

Alternative schools: A public school placement option that may be utilized for students who are not succeeding in the traditional school environment but may benefit through the use of modified curriculum or flexible programming.

Articulation: The ability to speak distinctly and connectedly

Articulation disorder: Incorrect productions of speech sounds, including omissions, distortions, substitutions and/or additions that may interfere with intelligibility.

Assessment: The formal or informal process of systematically observing, gathering, and recording credible information to help answer evaluation questions and make decisions. It is an integral component of the evaluation process. A test is one method of obtaining credible new information within the assessment process. Assessment data may also include observations, interviews, medical reports, and data regarding the effects of general education accommodations and adaptations, interventions, and other formal or informal data.

Assistive technology (AT): any item, piece of equipment, or product system whether acquired commercially off a shelf, modified, or customized that is used to increase, maintain, or improve functional capabilities of a student with a disability. This excludes surgically implanted medical devices.

Assistive Technology service: any service that directly assists as student with a disability with the assessment, selection, acquisition, or use of an assistive technology device.

Attention Deficit Disorder (ADD): A biologically based mental disorder that has these typical characteristics: short attention span; distractive behavior; difficulty following directions and staying on task; and an inability to focus behavior. The disorder compromises many skills needed for academic success, including starting, following through with, and completing tasks; moving from task to task, and following directions.

Attention Deficit Hyperactivity Disorder (ADHD): A biologically based mental disorder in which a person has inappropriate degrees of inattention, impulsiveness and hyperactivity.

Audiologist: A licensed health care professional who diagnoses hearing loss and selects and fits hearing aids.

Autism: An IDEA disability category in which a developmental disability, generally evident before age 3, significantly affects verbal and nonverbal communication skills, social interactions and adversely affects educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental changes or change in daily routines, and unusual response to sensory experiences.

Behavioral Intervention Plan (BIP): A plan comprising practical and specific strategies designed to increase or reduce a definable behavior. These strategies address preventative techniques, teaching replacement behaviors, how to respond or resolve behaviors, and crisis management, if necessary.

Benchmark: A major milestone which describes the progress the student is expected to make toward annual goals within a specified period of time

Braille: A tactile system of reading and writing, used by students who are blind or visually impaired, with an official code composed of Braille characters or cells that consist of various patterns of raised dots that correspond to alphabetic letters, punctuation marks and other symbols.

Business day: A workday (Monday through Friday) except for federal and state holidays, unless specifically included.

Change of placement for disciplinary reasons: A removal from the current educational placement for more than 10 consecutive school days or a series of removals that constitute a pattern when they total more than 10 school days in a school year. Factors such as the length of the removal, the proximity of the removals to one another, and the total amount of time the student is removed are indicators of a pattern.

Child: An individual who has not attained age 18.

Child Find: A process to locate, identify, and evaluate students who reside in the district and may be in need of special education.

Cognitive impairment: An IDEA disability category in which sub-average intellectual functioning exists concurrently with deficits in adaptive behavior. These deficits are manifested during the student's developmental period and adversely affect the student's educational performance. The term "mental retardation" was previously used to refer to this condition.

Comparable benefit: The IDEA requirement that obligates districts to ensure that private school students with disabilities receive benefits that are comparable in quality, scope, and opportunity for participation in special education services funded by the IDEA to those students with disabilities enrolled in public schools.

Compensatory education: Educational services which are above and beyond those normally due a student under his or her state's education law. The principle is acknowledged by most courts that have considered the issue to be an appropriate remedy when a student has been denied free appropriate public education.

Compensatory remedy: A judicial order or administrative action intended to redress a violation of the rights of a student with a disability who has suffered a loss as a result of the wrongful or negligent act of another and to restore the student to the position he or she would have been in if the wrongful or negligent act had not occurred. The remedy may include the award of monetary reimbursement or other corrective actions as appropriate to the needs of the student.

Complaint: A formal written statement submitted to the State Department of Education by an individual or organization that contains one or more allegations and the facts on which the statement is based that a district or agency has violated a requirement of Part B of the IDEA.

Consent: Voluntary, written approval of a proposed activity, as indicated by a parent/adult student signature. The parent/adult student must be fully informed in his or her native language or other mode of communication and must understand all information relevant to the activity to make a rational decision.

Controlled substance: Any drug so designated by law whose availability is restricted; i.e., so designated by federal Controlled Substances Acts. Included in such classifications are narcotics, stimulants, depressants, hallucinogens, and marijuana.

Corrective Action Plan (CAP): A plan that orders a district as a result of an IDEA complaint to take corrective actions to resolve legal deficiency as found by the Office of the Superintendent of Public Instruction.

Critical life skill: Skills that lead to independent functioning. Development of these skills can lead to reduced dependency on future caretakers and enhance student's integration with nondisabled individuals. Skills may include such things as toileting, feeding, mobility, communication, dressing, self-help, and social/emotional functioning.

Dangerous weapon: A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

Data-based decision making: The collecting of information that can be charted or graphed to document performance over time followed by an analysis of the information to determine needed changes in policies, programs, or procedures.

Day: Refers to a calendar day unless otherwise indicated as a business or school day.

Deaf-blindness: An IDEA disability category in which a student demonstrates hearing and visual impairments, and where the combination of these two disabilities causes such severe communication and other developmental and educational needs that the student cannot be accommodated with special education services designed solely for students with deafness or blindness.

Deafness: An IDEA disability category in which a hearing impairment is so severe that the student, with or without amplification, is limited in processing linguistic information through hearing, which adversely affects educational performance.

Detained youth: Anyone aged 3 through 21 who is being held for a crime regardless of whether or not that person has appeared before the court.

Developmental achievement: Gains a student makes which follow the pedagogic theory that all children learn in the same basic way and in the same sequence, although at different rates.

Developmental delay: An IDEA disability category used only for students ages 3 through 9 for whom a significant delay exists in one or more of the following skill areas: receptive/expressive language; cognitive abilities; gross/fine motor functioning; social/emotional development; or self-help/adaptive functioning.

Discipline: A set of rules or techniques designed by a district for the purpose of minimizing disruption and promoting positive interaction.

Disclosure: The access to or the release, transfer or other communication of education records, or personally identifiable information contained in these records by oral, written, electronic, or other means.

Discrepancy formula: The difference between a student's academic achievement and intellectual ability used to establish eligibility for special education under the category of learning disability.

Disproportionality: A disparity or inequality. The term refers to a statistical range of data where students of a specific race or ethnicity are identified in either greater or fewer numbers than expected when compared to the representation of that race or ethnicity within the general school population. The areas addressed in the IDEA are: (1) identification as a student with a disability; (2) identification as a student with a specific category of disability; and (3) placement in a particular educational setting.

Dropout: A student who has left an education system before completion of requirements and is not known to be enrolled in any other educational program.

Due process hearing: An administrative hearing conducted by a state appointed hearing officer to resolve disputes on any matter related to identification, evaluation, educational placement, or the provision of a free appropriate public education.

Early Intervening Services: Services for students who need additional academic and behavioral support to succeed in a general education environment. These students have not been identified as having a disability.

Education record: A student's record maintained by an educational agency or institution or by a party acting for the agency or institution, which may include but is not limited to: print, handwriting, computer media, video or audio tape, film, microfilm, and microfiche, but is not within the exceptions set out in FERPA.

Emotional disturbance: An IDEA disability category in which a student has a condition exhibiting one or more of five behavioral or emotional characteristics over a long period of time, and to a marked degree, that adversely affects educational performance. The term does not include students who are socially maladjusted unless it is determined they have an emotional disturbance. The term emotional disturbance does include students who are diagnosed with schizophrenia.

Essential Components of Reading Instruction: The term means explicit and systematic instruction in (a) phonemic awareness, (b) phonics, (c) vocabulary development, (d) reading fluency, including oral reading skills, and (e) reading comprehension strategies.

Evaluation: A broad term that encompasses the assessment process as well as what the evaluation team does with assessment and related information within the context of identification, placement, and appropriate programming questions.

Evaluation team: A group of people, including the parent/adult student, charged with the responsibility to make decisions regarding evaluation, assessments, and eligibility. This team includes the same membership as the IEP team (although not necessarily the same individuals) and other qualified professionals as appropriate. The evaluation team may conduct its business with or without a meeting. However, if requested by the parent/adult student, a team meeting will be held.

Expedited due process hearing: An administrative hearing conducted by a state appointed hearing officer to resolve disputes concerning discipline for which shortened timelines are in effect in accordance with the IDEA.

Expulsion: Removal of a student from school for an extended period of time: for general education students, services usually cease during an expulsion.

Extended school year (ESY): A program to provide special education and related services to an eligible student with a disability beyond the conventional number of instructional days in a school year and at no cost to the parents. An ESY program must be based on an IEP team decision.

Extracurricular activities: Programs sponsored by a district that are not part of the required curriculum but are offered to further the interests and abilities of students.

Family Educational Rights and Privacy Act (FERPA): A federal law protecting the privacy of students and parents by mandating that personally identifiable information about a student contained in education records must be kept confidential. FERPA also contains provisions for access to records by parents, students, staff, and others.

Fluency disorder: Stoppages in the flow of speech that are abnormally frequent and/or abnormally long. These interludes take the form of repetitions of sounds, syllables, or single syllable words; prolongations of sounds; or blockages of airflow and/or voicing in speech.

Free Appropriate Public Education (FAPE): A basic IDEA requirement which states that special education and related services are provided at public expense (free); in conformity with an appropriately developed IEP (appropriate); under public supervision and direction (public); and include preschool, elementary and secondary education that meets the education standards, regulations, and administrative policies and procedures issued by the State Department of Education (education).

Functional achievement and performance: Gains made by a student which include programming in community living, reading, communication, self-care, social skills, domestic maintenance, recreation, employment or vocational skills. Also called independent living skills.

Functional Behavioral Assessment (FBA): A systematic process for defining problem behavior and gathering medical, environmental, social, and instructional information that can be used to hypothesize about the function of student behavior.

General education interventions: Those processes developed by a problem-solving team established at the local level, whose name may vary, with the purpose to problem solve in regard to the educational needs of any student. Procedures, meeting schedules and team membership are established locally. The team is likely to include general educators and administrators and could include counselors, specialists and special education personnel. Parent participation is valuable but not required.

Goal: A measurable statement that includes behavior, evaluation procedures and performance criteria and describes what the student is reasonably expected to accomplish from the specialized education program within the time covered by the IEP (generally one year).

Graduation: The point in time when a student meets the district requirements for receipt of a regular high school diploma.

Guardianship: A judicial determination under which a competent adult has the legal right and duty to deal with problems, make decisions, and give consent for an adult with a disability (at least 18 years of age) who cannot act on his or her own behalf. The court will specify the nature and scope of the guardian's authority.

Gun-Free Schools Act: Federal legislation enacted in 1994 requiring school districts and similar public agencies to adopt a policy generally requiring the expulsion from school for a period of not less than one year of any student determined to have brought a weapon to school, although permitting exceptions to be made on a case-by-case basis for students, including students with disabilities whose behavior is determined to be a manifestation of their disability.

Health impairment: An IDEA disability category in which a student exhibits limited strength, vitality or alertness, including heightened alertness to environmental stimuli that is due to chronic or acute health problems (such as asthma, ADD or ADHD, cancer, diabetes, epilepsy, Fetal Alcohol Syndrome, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia and stroke) to such a degree that it adversely affects the student's educational performance.

Hearing impairment: An IDEA disability category in which a student has a permanent or fluctuating hearing loss that adversely affects the student's educational performance but is not included under the category of deafness.

Highly Objective Uniform State Standard of Evaluation (HOUSSE): A rubric developed by the State Department of Education to determine if a teacher is "highly qualified" to teach in a given subject and grade level designation.

Highly Qualified: The standard which personnel must possess with the appropriate certification, endorsement, licensure, coursework, training, skills and qualifications to provide educational services to students.

Homeless: Those individuals and families who are sleeping in places not meant for humans such as cars, parks, sidewalks, and abandoned buildings, or those who are sleeping in an emergency shelter as a primary nighttime residence.

Honig Injunction: A court order to remove a special education student from school or current educational placement due to factors of dangerousness. Districts are required to continue with the provision of FAPE.

Individualized Education Program (IEP): A written document (developed collaboratively by parents and school personnel) which outlines the special education program for a student with a disability. This document is developed, reviewed and revised at an IEP meeting at least annually.

IEP team: A team established by the IDEA and comprised of the student's general education teacher, a special education teacher, a district representative, parents, the student when appropriate and other knowledgeable persons. The team is responsible for developing an IEP, determining placement, and reviewing and revising the student's IEP and placement at least annually.

Illegal use of drugs: The unlawful use, possession or distribution of substances identified under the Controlled Substances Act but does not include the use of a drug taken under supervision by a licensed health care professional.

In-lieu of transportation: Alternate method of transporting students to and from school.

In-school suspension: A disciplinary technique, considered a less restrictive alternative to sending a student home, that involves excluding the student from the regular classroom and assigning him or her to a temporary location where students work and receive a minimum amount of privileges.

Instructional intervention: An action or strategy based on an individual student's problem that is designed to remedy, improve, or eliminate the identified problem.

Interagency agreement: A written document that defines the coordination between the state and/or public/private agencies and/or districts with respect to the responsibilities of each party for providing and funding programs and services.

Interim Alternative Educational Setting (IAES): The educational setting in which a district may place a student with a disability for up to 45 school days, who possesses or carries a weapon or illicit drugs, uses illicit drugs or sells or solicits the sale of a controlled substance while at school or a school function. An IAES may also be ordered by a due process hearing officer based upon evidence that maintaining the current placement is substantially likely to result in injury to the student or others.

Itinerant specialist: A teacher who normally travels and provides services to students in different schools or in the home or consults with teachers and administrators.

Joint custody: A court order awarding custody of a minor child to both parents and providing that physical and/or legal custody shall be shared by the parents.

Joint physical custody: A court order awarding each of the parents significant periods of time in which a child resides with or is under the care and supervision of each of the parents. The actual amount of time is determined by the court.

Language impairment: An IDEA disability category in which a delay or disorder exists in the development of comprehension and/or the uses of spoken or written language and/or other symbol systems and which adversely affects the student's educational performance. A language impairment may involve any one or a combination of the following: the form of language (morphological and syntactic systems); the content of language (semantic systems); and/or the function of language in communication (pragmatic systems).

Learning disability: An IDEA disability category in which a specific disorder of one or more of the basic psychological processes involved in understanding or in using spoken or written language may manifest itself in an impaired ability to listen, think, speak, read, write, spell or do mathematical calculations, adversely affecting the student's educational performance. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include a student who has needs that are primarily the result of visual, hearing, or motor disabilities; cognitive impairment; emotional disturbance; or environmental, cultural, or economic disadvantage.

Least Restrictive Environment (LRE): The IDEA requirement that students with disabilities, including those in public or private institutions or other care facilities, be educated with students who are non-disabled to the maximum extent appropriate.

Letter of Authorization on (LOA): Allows a district to request emergency certification when a professional position cannot be filled with someone who has the correct certificate.

Limited English proficient (LEP): Students from language backgrounds other than English who need language assistance services in their own language or in English in the schools and who meet one or more of the following conditions: (1) the student was born outside of the United States or his or her native language is not English; (2) the student comes from an environment where a language other than English is dominant; or (3) the student is American Indian or Alaskan Native and comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency. The student also has sufficient difficulty speaking, reading, writing or understanding the English language to deny him or her the opportunity to learn successfully in English-only classrooms.

Manifestation determination: A determination by the IEP team of whether or not the misconduct of a student with a disability was (1) a demonstration of the disability, that is an inability to understand impact and consequences or an inability to control behavior; (2) the result of an inappropriate placement; and/or (3) the lack of provision of services consistent with the IEP and placement.

Mediation: A voluntary, informal process in which an impartial third-party mediator helps parents and district or agency personnel resolve a conflict. Mediation usually results in a written agreement that is mutually acceptable to both parties.

Medicaid Services (School-Based): Those related services, assessment and plan development for students receiving Medicaid which school districts must bill for reimbursement.

Migrant Student: A student of compulsory school attendance age who has not graduated from high school or completed a high school equivalency certificate and resides within a family that is composed of migrant fisher or agricultural workers. The student has moved within the preceding 36 months in order for the family to obtain or seek this type of temporary or seasonal employment that is a principal means of livelihood.

Monitoring: An activity conducted by OSPI to review a school district's compliance with federal laws, regulations, and state rules.

Multiple disabilities: An IDEA disability category in which two or more impairments coexist (excluding deaf-blindness), whose combination causes such severe educational problems that the student cannot be accommodated in special education services designed solely for one of the impairments. Multiple disabilities are generally life long, significantly interfere with independent functioning, and may necessitate environmental accommodations and adaptations to enable the student to participate in school and society.

Native language: The language or mode of communication normally used by an individual or, in the case of a student, the language normally used by the student's parents. In direct contact with a student, the native language would be the language or mode of communication normally used by the student and not the parents if there is a difference between the two.

Nonpublic school student: Any student who receives educational instruction outside a public school classroom, including but not limited to a private school or home school student.

Objectives: Measurable, intermediate steps that describe the progress the student is expected to make toward an annual goal in a specified amount of time; similar to a benchmark.

Occupational therapist: A professional licensed through the Bureau of Occupational Licenses who is responsible for assessing fine motor skills including student's use of hands and fingers and developing and implementing plans for improving related motor skills. The occupational therapist focuses on daily living skills such as eating, dressing, schoolwork, play, and leisure.

Office of Special Education Programs (OSEP): The branch of the Office of Special Education and Rehabilitative Services (OSERS) within the U.S. Department of Education which is responsible for administering programs relating to the free appropriate public education to all eligible beneficiaries, including interpreting the requirements of the IDEA 2004 statute and regulations.

Orientation and Mobility (O&M) services: Services provided by qualified personnel to blind and visually impaired students to enable these students to attain systematic orientation to and safe movement within the home, school, and community, including teaching; (1) spatial and environmental concepts and use of information received by the senses to establish, maintain, or regain orientation and line of travel; (2) use of the long white cane as appropriate to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; (3) understanding and use of remaining vision and distance aids; (4) other concepts, techniques and tools.

Orthopedic impairment: An IDEA disability category that includes physical impairments that adversely affects a student's educational performance and are caused by congenital anomaly (e.g., clubfoot, absence of an appendage, etc.); disease (e.g., poliomyelitis, bone tuberculosis, etc.); or from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contracture).

Paraprofessional: A non-certified, non-licensed individual who is employed by a district and who is appropriately trained and supervised in accordance with state standards to assist in the provision of special education and related services.

Parent: A natural, adoptive or foster parent, a legal guardian, a person acting as a parent, or a surrogate parent who has been appointed by the district. The term "acting as a parent" includes persons such as a grandparent or stepparent with whom the student lives as well as persons who are legally responsible for a student's welfare. The term does not include state agency personnel if the student is a ward of the state. A foster parent may act as a parent if the natural parent's authority to make education decisions on behalf of his or her child has been terminated by legal action and the foster parent meets the criteria.

Parent/adult student: The student's parent or the adult student if he or she is at least 18 years of age and his or her parent has not retained special education rights.

Part B: Part of the IDEA that relates to the assistance to states for the education of students with disabilities who are ages 3 through 21. Part B is administered by OSPI and carried out by school districts and other public agencies.

Part C: Part of the IDEA that relates to the assistance to states for the education of children with disabilities and the early intervention programs for infants and toddlers, ages birth through 2, with disabilities.

Personally identifiable information: Includes but not limited to; student's name, name of parent or other family member, address of student or family, social security number, student number, list of personal characteristics that would make the student's identity easily traceable or other information that would make it possible to identify the student with reasonable certainty.

Phonology: The process used in our language that has common elements (sound patterns) which affect different sounds.

Phonology disorders: Phonology disorders are errors involving phonemes, sound patterns and the rules governing their combinations.

Physical therapist: A professional licensed through the Bureau of Occupational Licenses who, in the school setting, assesses students' needs and provides interventions related to gross motor skills. In working with students with disabilities, the physical therapist provides treatment to increase muscle strength, mobility, endurance, physical movement and range of motion; improve posture, gait and body awareness; and monitor function, fit and proper use of mobility aids and devices.

Positive Behavioral Supports (PBS): Positive reinforcers, rewards or consequences provided to a child for specific instances of behavior that impedes learning or the learning of others (or refraining from behavior) as appropriate for the purpose of allowing the student to meet his or her behavioral goals/benchmarks.

Present level of performance: A statement of the student's current level of achievement or development in an area of need and how the student's disability affects his or her involvement and progress in the general education curriculum offered to students without disabilities.

Private school: A school that is not funded by or under federal or state control or supervision.

Problem-solving team: A general education team established at the local level, whose name may vary, with the purpose to problem solve regarding the educational needs of any student. Procedures, meeting schedules, and team membership are established locally. The team is likely to include general educators and administrators and could include counselors, specialists, and special education personnel. Parent participation is valuable, but not required.

Procedural safeguards: The formal requirements of Part B of the IDEA that are designed to allow a parent/adult student to participate meaningfully in decisions concerning an appropriate educational program for a student with a disability and, if necessary, dispute such decisions. Also referred to as special education rights.

Professional development: High-quality comprehensive programs that are essential to ensure that persons responsible for the education or transition of students with disabilities possess the skills necessary to address the educational and related needs of these students. These should be scientifically-based and reflect successful practices including strategies for recruiting, hiring, preparing and retaining personnel.

Professional judgment: An opinion formed after due consideration by the team of professionals and parent that a student is eligible for special education even though the student did not meet all the specific eligibility criteria for a particular disability category. Documentation is required to demonstrate a student meets this eligibility criteria using credible formal and informal data (work samples, series of observations, etc.).

Public expense: When a district or public agency either pays for the full cost of an evaluation or special education services or ensures that it is otherwise provided at no cost to the parent; for example, through joint agreements with other state agencies.

Reasonable measures: A combination of recorded written and/or oral documentation to meet notification requirements of local educational agencies to parents/adult students.

Reasonable time: A period of approximately 10 calendar days.

Reevaluation: A periodic evaluation conducted at least every three years, or more frequently if conditions warrant, or if the student's parent or teacher requests an evaluation of a student already identified as eligible for services under the IDEA.

Related services: Refers to transportation and such developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education and includes the following: speech therapy, language therapy, 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, interpreting services, medical services for diagnostic or evaluation purposes, school health/nursing services (excluding surgically implanted medical devices), social work services in schools, and parent counseling and training.

Response to Intervention (RTI): A formal process for evaluating student response to scientifically research-based interventions consisting of the core components of: (1) problem identification, (2) problem analysis, (3) applying research-based interventions and (4) progress monitoring/decisions rules.

Resolution Session: A preliminary meeting involving the parents, relevant members of the IEP team, and a representative of the district who has decision-making authority, required prior to a due process hearing.

School day: Any day, including a partial day, that students are in attendance at school for instructional purposes.

School psychologist: A professional who holds a state issued certificate with an endorsement in Psychology and is charged with the responsibility to conduct assessments and determine a student's cognitive, academic, social, emotional, and/or behavioral functioning. This professional also provides direct services to students, consults with district staff, and may be a member of the evaluation and/or IEP team.

Scientifically-Based Research (SBR): Research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to core academic development, instruction, and difficulties; and includes research that: (a) employs systematic, empirical methods that draw on observation or experiment; (b) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; (c) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and (d) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objectives and scientific review.

Screening: A fast, efficient first step in the assessment process to identify students who may have disabilities and should undergo further interventions prior to testing.

Serious Bodily Injury (SBI): Bodily injury which involves: (a) a substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; or (d) protracted loss or impairment of the function of bodily member, organ or mental faculty.

Social worker: A professional who holds a state issued certificate with an endorsement in Social Work and helps students and teachers address social and emotional issues. This professional may be a member of the evaluation and/or IEP team.

Socially maladjusted: Student behaviors (Conduct Disorder and Oppositional Defiant Disorder) that are very similar to those exhibited by students considered to have an emotional impairment but are not used for purposes of IDEA eligibility.

Special education: Specially designed instruction or speech/language therapy at no cost to the parent to meet the unique needs of a student with a disability including instruction in the classroom, the home, hospitals, institutions, and other settings; instruction in physical education; speech therapy and language therapy; transition services; travel training; assistive technology services; and vocational education.

Specially designed instruction: Adapting the content, methodology, or delivery of instruction to address the unique needs of an eligible student that result from the student's disability and to ensure access to the general education curriculum so that the student can meet the education standards of that district that apply to all students.

Speech impairment: An IDEA disability category that includes articulation/phonology, voice, and fluency disorders.

Speech-language pathologist: A professional holding a state issued certificate who can assess and treat persons with speech, language, voice, and fluency disorders. This professional coordinates with and may be a member of the evaluation and IEP teams.

Stay put: A requirement that a district or agency maintain a student with a disability in his or her present educational placement while a due process hearing or subsequent judicial proceeding is pending unless the parties agree otherwise.

Substantial evidence: A legal term that means "beyond a preponderance of the evidence" or "beyond more likely than not."

Supplementary aids and services: Accommodations and adaptations that must be made to the general education classroom and/or curriculum to ensure the satisfactory participation of a student with a disability, including supports to the general education teacher.

Surrogate parent: An individual assigned by a district or an agency to assume the rights and responsibilities of a parent under the IDEA when no parent can be identified or located for a particular student or when the child is a ward of the state.

Suspension: A temporary stop, delay, interruption or cessation of educational services.

Transition Services: A coordinated set of activities for a student with a disability designed within an outcome-oriented process. Services are based on individual student needs addressing instruction, related services, community experiences, employment, post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

Traumatic brain injury (TBI): An IDEA disability category that refers to an injury to the brain caused by an external physical force and resulting in a total or partial functional disability or psychosocial impairment, or both, that adversely affects 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 thinking, judgment, problem solving, sensory perception and motor abilities, psychosocial behavior, physical functions, information processing and speech. The term does not apply to congenital or degenerative brain injuries or to brain injuries induced by birth trauma.

Travel training: Instruction to students with significant cognitive disabilities and any other students with disabilities who require instruction to enable them to develop an awareness of the environment in which they live and to learn the skills necessary to move effectively and safely from place to place within the home, school and community.

Unilateral placement: A decision by a parent, at his or her own discretion, to remove his or her child with a disability from a public school and enroll the student in a private facility because the parent believes that the district did not provide FAPE in a timely manner.

Universal design: A concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and service that are made usable with assistive technologies.

Visual impairment including blindness: An IDEA disability category characterized by impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes partial sight, which refers to the ability to use vision as one channel of learning if educational materials are adapted, and blindness, which refers to the prohibition of vision as a channel of learning, regardless of the adaptation of materials.

Voice disorder: An IDEA disability category that refers to the absence or abnormal production of voice quality, pitch, intensity, or resonance. Voice disorders may be the result of a functional or an organic condition.

Voluntary enrollment in a private placement: Enrollment by a parent of a student with a disability in a private facility or home school for religious, philosophical, curricular, or other personal reasons.

Ward of the State: Includes a foster child (unless the child has a foster parent that would meet the definition of "parent"), or a "child in the custody of a public child welfare agency."

Written notice: A written statement provided by the district to a parent/adult student within a reasonable amount of time proposing or refusing to initiate or change the identification, evaluation, educational placement or the provision of FAPE.



Funding Information

The State of Washington provides three avenues to fund special education:

- 1) The first is through IDEA grants. This is the basic allocation of funds from the state (sometimes called federal flow through dollars). These dollars are accessed through the state I-Grant system.
- 2) We also receive funding from the state for basic education, since every student with special education services is a basic education student first.
- 3) The State of Washington provides a remedy for the high cost of student with extraordinary needs through the Safety Net application process. This requires extensive documentation of the cost of each student considered for additional funding. We received 1.7 million dollars in Safety Net reimbursement in 2017-2018.

In addition, we use levy dollars to fully fund special education.

Complaint Procedures

Citizens Complaint

Any individual or organization may file a citizen complaint if it believes a school district, another public agency services special education students, a private agency under contract with a public agency to serve special education students, an educational service district, or the state has violated federal or state laws or regulations implementing IDEA. The complaint must be in writing and it must be signed.

The signed complaint **must** include the following information:

- A statement that a public agency has violated requirements of Part B of IDEA, or corresponding state law or regulation.
- The name of the school district. If the complaint is about an agency other than the school district providing special education services, including the name and address of the other agency.
- A description of the problem with the facts supporting the allegations
- The name, address, and telephone number of the person filing the complaint.

The citizen complaint should be sent directly to:

Office of Superintendent of Public Instruction
Attn: Special Education Operations
PO Box 47200
Olympia, WA 98504-7200

After a complaint is received by OSPI, a copy of the complaint, along with any accompanying documentation, is sent to the school district, and the district is asked to respond to the allegations. A copy of the district's response is sent to the complainant and he or she is given an opportunity to reply to the district's response.

After investigation, a written decision is issued within 60 days, unless an extension of time is warranted. If the parent or district needs additional time to address issues brought forth in the complaint he or she must request an extension and the reasons needed for the extension. If there are violations of either state or federal special duration law or regulations, the decision will address measure that are designed to correct both student specific and district systemic violations. See: WAC 392-172-324A through WAC392-172-348A.

Due Process Hearings

Both parents and school districts may request an impartial due process hearing involved issues about the identification, evaluation, placement, or provision of a FAPE to a student. The Office of Administrative Hearings (OAH) assigns an independent administrative law judge (ALJ) to conduct the special education due process hearing.

The **original** request for a due process hearing must be provided to the other party. Parents who are requesting a hearing provide the original request for a due process hearing to the superintendent of the school district. A **copy** of the due process hearing request must also be sent to OSPI, Administrative Resource Services:

Office of Superintendent of Public Instruction

Attn: Administrative Resource Services

Old Capital Building

PO Box 47200

Olympia, WA 98504-7200

A copy of the due process hearing request may also be faxed to the Administrative Resource Service at 306 753-4201.

State and federal regulations require that a request for a due process hearing contain the following written information (which remains confidential):

- The name of the student,
- The address of the residence of the student (or available contact information in the case of a homeless student);
- The name of the school the student is attending;
- A description of the nature of the problem and the facts related to the problem;
- A proposed resolution of the problem to the extent known and available to the party at the time.

The right to a due process hearing can be denied or delayed if the request does not include all of the information stated above. It is up to the party requesting the hearing to provide proof that the due process hearing request was received. Any issues about whether or when the due process hearing request was received will be determined by the ALJ.

Once OPSI receives a hearing request OSPI assigns a cause number and forwards a copy of the hearing request to OAH. OAH appoints an AU who sends written conformation to both parties that addresses the proceeding and timelines for the hearing process.

IDEA 2009 establishes a resolution period after the due process hearing request is provided to the other party.

Except for hearings involving discipline, while the due process hearing is pending, a student must remain in his or her present educational placement until the completion of all the proceedings unless the parties agree otherwise. An AU must issue a final decision not later than 45 days after

the hearing time period begins unless the AU grants an extension of time at the request of either party. When a due process hearing request involves disciplinary matters, the due process hearing is expedited. While a hearing involving discipline is pending the student remains in the interim alternative educational setting until the AU decision, or the expiration of the disciplinary time period, whichever comes first, unless the parties agree otherwise. Expedited due process hearings must occur within 20 school days from the date the hearing is requested. The AU must issue a final decision within 10 school days after the hearing.

Both parents and school districts may be accompanied and advised by an attorney and by individuals with special knowledge or training with respect to the problems of children with disabilities.