

**Special Services**

**Practice and Guidance Manual**

2017-18

# PO Box 2098 Everett, WA 98213

# *www.everettsd.org*

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**INTRODUCTION**

The Everett Public Schools *Special Services Practice Manual* provides information for special education programs. ***The Special Services Practice Manual supersedes and replaces the Implementation of Special Education Services (ISES) manual, dated August, 2012.*** The manual is intended to support all employees providing services to students with disabilities who are eligible for special education.

The information was updated to provide details related to requirements in federal and state law, IDEA 2004, the Washington Administrative Code, district policies and procedures and the practices established and followed by the special services department of Everett Public Schools. The Individuals with Disabilities Education Act (IDEA 2004), ensures that children with disabilities and the families of such children have access to a free and appropriate public education (FAPE). IDEA is focused on improving educational results for children with disabilities (RCW 28A.155; WAC 392-172A). The *Special Services Practice Manual* provides a framework for the sequential approach from Child Find through implementation of an Individualized Education Program (IEP). The *Special Services Practice Manual* is designed to be a flexible working document, adaptable to the changing and diverse needs of students.

The mission of Everett Public Schools is to inspire, educate, motivate, and prepare each student to achieve to high standards, contribute to our community, and thrive in a global society. Embedded in this mission is the practice of *inclusive* education, where *all* students, including those with disabilities, perform to the best of their ability, as appropriate, in the general education setting. Inclusive education is grounded in the philosophy that all students have equal access to a quality education, the opportunity to participate in, and be challenged to perform at increased levels of achievement, contribute to our community, and thrive as adults when they leave Everett Public Schools.

Becky Clifford

Executive Director, Special Services

Heather Lechner Zac Crane Heather Brown

Director (North) Director (Central) Director (South)

### **Confidentiality and Records Management**

### All special services employees are responsible for maintaining the confidentiality of personally identifiable information pertaining to special education and all other students. Everett Public Schools requires staff to follow the protections afforded families as outlined in [WAC 392-172A-05180 through 05245](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-05180) and state law and federal regulations implementing the Family Educational Rights and Privacy Act, FERPA, (34 CRF Part 99). Key aspects regarding these protections include:

### Written consent must be obtained before personally identifiable information is disclosed (verbally or written) to others.

### Consent is *not* required before personally identifiable information is released to participating agencies for purposes of meeting a requirement of Part B of IDEA. A participating agency is defined as a public school or a contracted agency.

### Consent is required before releasing information to participating agencies providing or paying for secondary transition services.

### Regarding private schools, consent must be obtained before releasing information between the school district where the private school is located and resident school district.

### Upon request, the parent(s)/guardian(s) of a special education student or adult student will be afforded an opportunity to inspect, review and challenge all educational records which will include, but not be limited to, the identification, evaluation, delivery of educational services and provision of FAPE to the student.

### Refer to Everett Public Schools policies and procedures 4131 and 4131P

### **Code of Professional Conduct**

### As is the case with all public school employees, Everett Public Schools special services employees are held to professional standards as defined in the Code of Professional Conduct for Educational Practitioners for the State of Washington. [WAC 181-87](http://apps.leg.wa.gov/wac/default.aspx?cite=181-87&full=true). Any educational practitioner who commits an act of unprofessional conduct may be held accountable for the conduct. Areas of unprofessional accountability include:

### Misrepresentation or falsification in the course of professional practice

### Alcohol or controlled substance abuse

### Disregard or abandonment of generally recognized professional standards

### Abandonment of contract for professional services

### Unauthorized professional practice

### Furnishing alcohol or controlled substance to students

### Improper remunerative conduct

### Failure to assure the transfer of student record information or student records

### Failure to file a complaint

### All public school employees must also meet the definition of “good moral character” and “personal fitness.” [WAC 181-86-013](http://apps.leg.wa.gov/wac/default.aspx?cite=181-86-013). The comprehensive and unedited Code of Professional Conduct for Educational Practitioners document may be found on the Office of Superintendent of Public Instruction (OSPI) website in the Office of Professional Practice Section.

### **Parent(s)**

The term “parent(s)” used in this manual includes biological and adoptive parent, legal guardians, persons acting in place of a parent, such as relatives and stepparent, foster parent, persons appointed as surrogate parent, and adult students.

**Disclaimer**

The information contained in this manual is an overview of the district special services department practices and is not intended as legal advice. The state regulations that address IDEA are located at Chapter 392-172A WAC.

**Educational Acronyms**

**504** – Section 504 of the Rehabilitation Act of 1973

**ADA** – Americans with Disabilities Act

**AD/HD** – Attention Deficit Hyperactivity Disorder

**AIP** – Aversive Intervention Plan

**AT** – Assistive Technology

**ASD** – Autism Spectrum Disorders

**AYP** – Annual Yearly Progress

**BIP** – Behavior Intervention Plan

**BICS** – Basic Interpersonal Communication Skills

**CALP** – Cognitive Academic Language Proficiency

**CD** – Communication Disorder

**CEC** – Council for Exceptional Children

**CRSS** – Credit Recovery Summer School

**DAPE** – Developmentally Appropriate Proficiency Examination

**DEL** – Department of Early Learning

**DD** – Developmental Delay

**DDA** – Developmental Disability Administration

**DHH** – Deaf and Hard of Hearing

**DP** – Developmental Preschool

**DRA** – Developmental Reading Assessment

**DVR** – Division of Vocational Rehabilitation

**DSM** – Diagnostic Services Manual (current version V)

**EBD** – Emotional /Behavioral Disability

**ECEAP** – Early Childhood Education Assistance Program

**EL** – English Learner

**EOC** – End of Course Assessment

**ESD** – Educational Service District

**ESIT** – Early Services for Infants and Toddlers

**ERR** – Extended Resource Room

**ESY** – Extended School Year

**FAPE** – Free and Appropriate Public Education

**FAE** – Fetal Alcohol Effects

**FAS** – Fetal Alcohol Syndrome

**FBA** – Functional Behavioral Assessment

**FERPA** – Family Education Rights and Privacy Act

**FRC** – Family Resource Coordinator (IDEA, Part C)

**GOAL** – Gaining Ownership of Adult Life

**HH** – Home/Hospital

**HI** – Hearing Impairment

**HQ** – Highly Qualified

**IAES** – Interim Alternative Educational Setting

**IEE** – Independent Education Evaluation

**IDEA** – Individuals with Disabilities Education Act

**ID** – Intellectual Disability

**IEP** – Individualized Education Plan

**IEP+** – IEPPLUS

**IFSP** – Individualized Family Service Plan

**ISP** – Individual Service Plan

**LDA** – Locally Determined Assessment

**LEP** – Limited English Proficiency

**LRE** – Least Restrictive Environment

**LS** – Life Skills Program

**MDT** – Multi-Disciplinary Team

**OCR** – Office of Civil Rights

**OHI** – Other Health Impairment

**OI** – Orthopedic Impairment

**O & M** – Orientation and Mobility

**OSEP** – Office of Special Education Programs

**OSPI** – Office of the Superintendent of Public Instruction

**OT** – Occupational Therapy, Occupational Therapist

**PAVE** – Parents are Vital in Education

**PBIS** – Positive Behavioral Interventions and Supports

**PBS** – Positive Behavior Support Program

**PLEP** – Present Levels of Educational Performance

**PT** – Physical Therapy, Physical Therapist

**PWN** – Prior Written Notice

**RCW** – Revised Code of Washington

**RR** – Resource Room Program

**RTI** – Response to Intervention

**SAT** – Student Assistance Team

**SIT** – Student Intervention Team

**SDI** – Specially Designed Instruction

**SES** – Socio-Economic Status

**SLD** – Specific Learning Disability

**SLP** – Speech/Language Therapy, Speech/Language Therapist

**SST** – Student Study Team

**STRIVE** – Students Transitioning Responsibly into Vocational Experiences

**TBI** – Traumatic Brain Injury

**TVI** – Teacher of the Visually Impaired

**VI** – Visual Impairment

**WAC** – Washington Administrative Code

**WA-AIM** – Washington Access to Instruction and Measurement, formerly the WAAS Portfolio

**Chapter 1**

**SPECIAL SERVICES OVERVIEW**

**Chapter Contents**

Section 1. Guiding Regulations

Section 2. Special Services Central Office Employees

Section 3. Who to Contact?

**SPECIAL SERVICES OVERVIEW**

**SECTION 1. Guiding Regulations**

Three (3) federal laws address educational opportunities for individuals with disabilities:

* The Individuals with Disabilities Education Act (IDEA)
* Section 504 of the Rehabilitation Act (504)
* The Americans with Disabilities Act (ADA)

The IDEA preserves the basic structure and civil rights of previous reauthorizations and emphasizes both *access* to education and *improved results* for students with disabilities based on data and public accountability. State and federal laws and regulations that provide the regulatory and statutory basis for special education services in Washington are defined in [WAC 392-172A](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-05180). This manual is consistent with the policies and procedures of Everett Public Schools.

**The Three (3) Prongs of Special Education Eligibility**

To be eligible for services under the IDEA, a student must meet all three (3) of the following:

1. The state disability criteria

2. Adversely affect educational performance

3. Result in the need for specially designed instruction

**SECTION 2. Special Services Central Office Employees**

|  |  |  |
| --- | --- | --- |
| Name | Title | Ext # |
| Becky Clifford | Executive Director, Special Services | 5250 |
| Donna Moran | Executive Assistant | 5251 |
| Heather Lechner | Director, Special Services | 5272 |
| Zac Crane | Director, Special Services | 5253 |
| Heather Brown | Director, Special Services | 5256 |
| Patti McClinchy | Administrative Assistant | 5257 |
| Laurie Cwikla | Child Find Psychologist and Birth-3 Facilitator | 5263, 5777 |
| Jodie Moyer | General Secretary: Child Find and Birth-3 | 5261, 5777 |
| Jill Myers | Special Services Facilitator: South Region | 5269 |
| Kari Anderson | Special Services Facilitator: Central Region | 5271 |
| Andrea Downs | Special Services Facilitator: North Region | 5264 |
| Marisol Mallari | Special Education Facilitator (P-21 Compliance) | 5270 |
| Reno Nackos | Special Education Facilitator (Behavior and Autism) | 5255 |
| Penny Bravo | Special Services Systems Analyst | 5262 |
| Linda Navran | Special Services Success Coordinator | 5263 |
| Jamie Moore | Special Services Success Coordinator | 5263 |
| Laura Peterson | Special Services Registered Nurse Liaison | 5265 |
| Vanessa Coile | General Office Secretary: South Region Records | 5277 |
| Stephanie Luxmore | General Office Secretary: North Region Records | 5260 |
| Linda York | General Office Secretary: Central Region and Contract Schools Records | 5254 |

**SECTION 3. Who to Contact?**

* **Child Abuse Report Forms:** Each school has a standard procedure for completing child abuse report forms. Please check with your principal to learn the building protocol and where to obtain the forms. Buildings send all child abuse forms to Donna Moran at special services.
* **Educational/Classroom Supplies:** Special education teachers should receive classroom budget as any other teacher or department within the building, contact the building office manager.

The EEA collective bargaining agreement for special education certificated staff states in section 9.14 Special Education Workload/Incentives: “SLP, OT/PT, psychologists and classroom teachers in the Special Services Department will be reimbursed up to $200 annually from their school or Special Services Department for purchases of classroom-related supplies and materials or fees/tuition related to professional development.”

Classroom teachers access this budget from their building and related service employees receive reimbursement from special services.

* **ESY:** The decision is made annually at the IEP meeting. ESY is for maintenance of student skills and is not summer school. Students must meet the eligibility requirements for ESY as outlined in Chapter 5 of this manual. Contact special services administrator with questions.
* **File Information/Copies of student records:** Vanessa Coile, Stephanie Luxmore and Linda York are the records secretaries at the central office. Special education confidential records are located at the special services office. If you need a copy of a student IEP, or evaluation, please call or e-mail your region’s records secretary and she will send it to you. Official records requests must be referred immediately to the special services office for distribution.
* **General Education Accommodations and Modifications for Special Education Students:** If there are any issues regarding the provision of accommodations and modifications to the special education student, please bring this to the attention of the building administrator assigned to special education.
* **Home Tutoring for Students:** Patti McClinchy coordinates home tutoring. Any student suspended for more than ten (10) cumulative days may be eligible for home tutoring. The tutor works with the general education or special education teacher to provide lessons during the suspension. The student will remain on the provider’s caseload. The classroom teacher is also responsible for grading completed work and entering grades earned during the time the student is tutored. Contact special services administrator with questions.
* **IEPPLUS Systems Help:** Contact Penny Bravo regarding technical questions about IEPPLUS. Any content questions should be directed to your region’s special services facilitators.
* **IEP Procedural Questions:** New teachers will be given specific training in writing compliant IEP’s. Please refer to this manual for questions first, if you cannot find your answer then contact your region’s special services facilitator.
* **Interpreter:** Contact your school office manager.
* **Legal Questions:** If you have questions of a legal nature or if the team is notified that an attorney will be attending an IEP meeting, contact special services administrator immediately. If an attorney shows up unexpectedly, please stop the meeting and contact special services administrator for further direction.
* **Paraprofessional Assignments within the Building:** The principal works with the special education teachers to determine the appropriate division of paraprofessional resources to each classroom. The paraprofessionals are to be assigned to assist special education teachers with students or to assist special education students who require extra help in general education classrooms. Special education paraprofessionals must not be assigned to general education classrooms to alleviate issues with unequal distribution of special education students.
* ***Requests:***  links to time sheets, reimbursement vouchers, travel request forms and mileage forms are located in Appendix A of this manual and are sent directly to Special Services. The Section 9.14 Preference form and Child Specific Request Form are included in Appendix A. Directors review child specific requests on an on-going basis.

**Chapter 2**

**CHILD FIND**

**Chapter Contents**

Section 1. Child Find

1. Early Intervention Programs of Snohomish County - *Birth to Three (3) Years of Age*
2. Preschool Child Find Program –*Three (3) to Five (5) Years of Age*
3. Kindergarten to 21 Years of Age
4. Parentally Placed Private School Students
5. Homeschooled Students

Section 2. Special Education Services for Private and Home School Students

1. **District Consultation with Private School Representatives**

Section 3. Transition Timeline and Procedures: IDEA Part C to Part B

1. Transitional Conference: *Referral for Part B Special Education and Related Services*
2. Determination of Eligibility for Part B
3. Individualized Education Plan (IEP)
4. Late Referrals to Part C

**CHILD FIND**

**SECTION 1. Child Find**

Child Find is a component of the Individuals with Disabilities Education Act (IDEA) that requires states to *locate, evaluate,* and *identify* all students with suspected disabilities ages birth through 21 in need of special education and related services.

1. **Early Intervention Programs of Snohomish County – *Birth to Three (3) Years of Age***

The Department of Early Learning’s (DEL) Early Support for Infants and Toddlers (ESIT) program provides services to students, birth to three (3) years of age, who have disabilities or developmental delays. Eligible infants and toddlers and their families are entitled to individualized, quality early intervention services in accordance with IDEA Part C. Everett Public Schools works with community partners and agencies who provide birth to three (3) interventions. The district is committed to maintaining working relationships with all contracted agencies. Transitions at the age of three (3) years old are made through the Preschool Assessment Team.

1. **Preschool Child Find Program –*Three (3) to Five (5) Years of Age***

The Preschool Assessment Team provides a free developmental screening and/or special education evaluation for all students, three (3) to five (5) years of age, who suspected of having a developmental delay or disability*.* The purpose of screening is to identify any developmental delays that may potentially affect a student’s functional or pre-academic performance. All evaluations and services are provided at no cost to the parent(s)/guardian(s).

Upon completion of the screening, a member of the Preschool Assessment Team will explain the results to the student’s parent(s)/guardian(s). If the screening results indicate the student is having difficulty in one or more areas, a referral is made for a comprehensive special education evaluation. Eligible preschool students are entitled to individualized, quality, early intervention special education services in accordance with IDEA Part B.

The Preschool Assessment Team is located at:

Evergreen Middle School

7621 Beverly Lane

Everett, WA 98203

Child Find Intake Number: 425-385-5777

Webpage: <http://www.everettsd.org/Page/10682>.

1. **Kindergarten to 21 Years of Age Child Find Program**

All students entering kindergarten must be five (5) years of age by August 31. Child Find activities are extended to students enrolled in the district, homeschooled or attending private elementary or secondary schools located within the Everett School District boundaries. Students of concern are referred to the building *Student Assistant Team*.

1. **Parentally Placed Private School Students**

Everett Public Schools is responsible for conducting Child Find, including individual evaluations, of all parentally placed private school students suspected of having a disability. This includes students from other districts attending private elementary and secondary schools located within the district boundaries.

For K-12 students attending private school, initial evaluations are the responsibility of the district in which the private school is located, even if the student does not reside in the Everett Public Schools. The referral is processed by the school the student would attend based on the address of the private school, unless otherwise advised.

For K-12 students attending private school, all **re-evaluations** are the responsibility of the student’s district of residence.

Private school student referrals are received by a designated public school

|  |  |
| --- | --- |
| *Private school* | *Designated Public School* |
| St. Mary Magdalen | Emerson, Evergreen |
| Light of Faith Christian Academy | Woodside, Heatherwood, HMJHS |
| Montessori Schools of Snohomish County | Emerson, Evergreen, Cascade |
| Archbishop Thomas J. Murphy | CHS/HMJHS |
| Immaculate Conception/Our Lady of Perpetual Help | Lowell, North |
| Everett Christian | Garfield, North |
| Cedar Park Christian School | Silver Lake, Heatherwood |
| Forest Park Adventist School | Jackson, North |

The referral and evaluation process follows the same requirements as child find requirements: 25 school day referral meeting deadline and a 35 school day evaluation deadline.

Private schools cannot be required to conduct interventions or provide intervention data to school teams prior to evaluation. Private schools should provide present levels data to help the referral team decide if there is a sufficient evidence to suspect a disability is present.

[See Private School Parent/Staff Handbook]

1. **Homeschooled Students**

For homeschooled students residing within the district’s boundaries, evaluation is the responsibility of the assigned resident public school based on address of student.

Port Gardner, the support center for K-12 homeschool families enrolled in the parent partnership program, processes referrals and evaluations on site.

Homeschooled students residing within the district’s boundaries, but are not enrolled in the parent partnership program at Port Gardner, should contact the assigned resident school for referral concerns or evaluation requests.

**SECTION 2. Special Education Services for Parentally Placed Private School and Homeschool Students**

1. **District Consultation with Private School Representatives**

The district must locate, identify and evaluate all students with disabilities who are enrolled by their parent(s)/guardian(s) in private, including religious, elementary schools and secondary schools located in the school district boundaries. The Child Find process must be designed to ensure equitable participation of parentally placed private school students and an accurate count of those students.

To ensure timely and meaningful consultation, the district will consult with parent(s)/guardian(s) and representatives of private school students annually. The consultation process is completed by special services and includes:

* *Child Find*: The Child Find process and how parentally placed private school students suspected of having a disability can participate equitably, including how parent(s)/guardian(s), teachers, and private school officials will be informed of the process.
* *Proportionate Share of Funds:* The determination of the proportionate amount of federal funds available to serve parentally placed private school students with disabilities includes the determination of how the amount was calculated.
* *Determination of Special Education and Related Services:* The student team will determine how, where, and by whom special education and related services will be provided for parentally placed private school students with disabilities that are not dually enrolled in the student’s home school. The amount of money allocated is shared equitably by all students parentally placed. Consideration of services is documented on a student service plan (not an IEP), which is reviewed at least annually and includes:
* Types of services needed, which include direct and alternative service delivery options;
* How these services will be *apportioned* among students needing service;
* How the provided services will be evaluated and monitored; and
* *Ongoing Communication:* Private school and the student’s home school will clarify how they will provide ongoing communication throughout the school year to ensure parentally placed private school students with disabilities identified through the Child Find process can meaningfully participate in special education and related services.

Upon determination of special education eligibility, private school parent(s)/guardian(s) can *choose* from 3 options:

1. Parent(s)/guardian(s) may decline to receive services
2. Parent(s)/guardian(s) may choose to receive SDI through an Individual Education Plan (IEP) in which case the student would dually enroll in their neighborhood public school and private school
3. Parent(s)/guardian(s) may choose to receive services through an Individual Service Plan (ISP) which is determined annually by the district following a consultative process conducted with private school representatives.

Private school students eligible for special education receive services in the following locations, depending on residence:

|  |  |
| --- | --- |
| Student’s residence | Service location |
| Student resides within Everett Public Schools | IEP services through assigned resident school  ISP through Everett Public Schools |
| Student resides outside Everett Public Schools | IEP through home school district  ISP through Everett Public Schools |

**SECTION 3. Transition Timeline and Procedures**

**IDEA Part C to Part B**

1. **Transitional Conference: *Referral for Part B Special Education and Related Services***

Held no later than 90 days before the student’s third birthday, but at the discretion of all parties, may occur up to nine (9) months before the student’s third birthday.

The Early Childhood Assessment Team lead in the school district will serve as the point of contact with the Family Resource Coordinator (FRC) for timely execution of transition planning conferences.

The FRC will arrange a transition conference no less than 90 days prior to the child’s third (3) birthday. The FRC will invite the district to attend the transition conference in order to collaboratively develop comprehensive transition steps and plan for the child and family.

The district will provide the family with a copy of the procedural safeguards as required in Part B of the IDEA, and attend the transition conference.

With the parent’s/guardian’s written consent, the FRC provides the district with the child records and information that may support Part B eligibility determination and continuity of services.

Parent(s)/guardian(s) have the right to withhold consent if they decide not to proceed with the Part B initial evaluation and eligibility process. If the parent/guardian denies consent in writing, access to special education services under the IDEA will not be available to the student upon turning three (3). The FRC will provide the family with a copy of the Part C Procedural Safeguards at this time, as well as contact information for the school district if needed at a future date.

The district reviews the existing information within 25 days of the referral and determines if initial evaluation is necessary.

If the team determines need for evaluation, parent/al consent for Part B initial evaluation is obtained. Prior written notice of evaluation is provided to parent/guardian.

The district develops the assessment plan with the evaluation team and parent(s)/guardian(s) and reviews, selects, and/or conducts evaluations appropriate to determine eligibility within 35 days of the date of consent for evaluation. On or before the 35-day timeline, the evaluation group will meet to determine eligibility and the need for special education and related services. The parent(s)/guardian(s) are provided a copy of the evaluation report and documentation of determination of eligibility. If the Part C lead agency does not attend the eligibility team meeting, the district will provide a copy of the *Eligibility Determination* page of the evaluation report for the student’s Part C record and data reporting needs.

1. **Determination of Eligibility for Part B**

If the student is not eligible, the FRC will assist family to access community resources.

For students turning three (3) during the summer months, the district completes the evaluation prior to summer vacation. For eligible students, the Individualized Education Program meeting can be held before summer vacation but must be developed before the student’s third (3) birthday.

If the child is eligible to receive Part B special education and related services, the district convenes a meeting within 30 days to develop the IEP. The IEP team will minimally consist of: A special education teacher, general education teacher if the student participates in a general education environment, appropriate special education providers, a district representative, and parent(s)/guardian(s) or legal guardians.

If requested by parent(s)/guardian(s) or at the discretion of the district, the case manager of the IEP team may invite the FRC or other community service providers to the IEP meeting.

With parent/al consent for initial provision of special education and related services, the IEP will be in effect on the child’s third (3) birthday.

1. **Individualized Education Plan (IEP)**

Completed within 30 calendar days of the eligibility determination or before the student’s third birthday.

If an eligible student’s third (3) birthday occurs during the summer months, the student’s IEP must be developed within 30 days of the eligibility decision and/or by the third birthday. At the IEP meeting, the team determines the need for Extended School Year (ESY) services. If the student does not need ESY services, the start date for initiation of the IEP can be the beginning of the school year or when the district’s preschool program begins in the fall.

1. **Late Referrals to Part C**

If a student is referred to Part C between 90 and 45 days of the third (3) birthday, the Part C lead agency will proceed with the referral, eligibility determination, and initial IFSP planning meeting.

The child is referred to Part B to notify the district and determine Part B eligibility. The transition conference is not required but the transition steps and services can be incorporated into the IFSP.

If a student is referred to Part C less than 45 days of the third (3) birthday, the student is referred to the district as a Child Find for evaluation and determination of eligibility for Part B special education and related services. The FRC offers support to the family by providing information about community resources.

Late IEPs for late referral and transition from Part C are reported to OSPI in the Exception Report.

**Chapter 3**

**REFERRAL AND TIMELINES**

**Chapter Contents**

Section 1. Pre-Referral

1. General Education Team Process: The Pre-Referral
2. Timeline for the Pre-Referral Process

Section 2. Referral and Timelines

1. What is the Referral?
2. Process for the School-Initiated Referral
3. Process for the Parent/guardian-Initiated Referral
4. Determination Not to Evaluate Student
5. Timeline for the Referral

**REFERRAL AND TIMELINES**

**SECTION 1. Pre-Referral**

1. **General Education Team Process: The Pre-Referral**

Each school is required to have a problem solving team process to plan accommodations and interventions in general education for struggling students and to ensure referrals to consider special education evaluations are appropriate.

The school based problem solving team (child study team, student assistant team, student study team, etc.) is composed of general educators who develop a systematic process and provide interventions to improve student learning. Special education employees are not regular members of this team but may be called upon to provide consultation for specific students. Some guidelines for these processes are:

* Interventions in general education or early childhood environments must be attempted before a student is referred for special education evaluation.
* Interventions should be of sufficient scope and duration for determination of the adverse educational performance and should be clearly documented.
* Based on the documented review of data and information presented, the team determines further action.

1. **Timeline for the Pre-Referral Process**

There is no set time frame for completion of student intervention activities at the general education level. The amount of time needed depends on the nature of the difficulty and the degree of success achieved by interventions.

**SECTION 2. Referral and Timelines**

1. **What is the Referral?** [WAC 392-172A-03005](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03005)

Students who present with academic, communication, motor, or behavioral difficulties are first brought to the attention of the school based problem solving team. Parent(s)/guardian(s) must be notified of the concerns. After the student study team has exhausted their interventions, the student will be referred for special education evaluation.

1. **Process for the School-Initiated Referral**

The procedure for processing referrals for students suspected of having a disability includes the following:

* The general education team completes a written special education referral.
* The district must notify the parent(s)/guardian(s) through a Prior Written Notice (PWN) that the student has been referred because of a suspected disability. Unless immediate action is warranted and documented, the district, with parental input, will determine whether or not to evaluate the student.
* The district must prepare an invitation form on IEPPLUS to start the referral process and paper work. This invitation will include all team members that need to participate in the referral meeting.

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| Participants at a Special Education Referral Review Meeting  At a minimum, this meeting includes the following members:   * School Psychologist * General Education Teacher * Special Education Teacher * Related Service Providers * English Learner (EL) Facilitator – when appropriate   Parent/guardian participation at the meeting is not required; however, parent/al input is required when making a decision whether or not to evaluate the student.  As equal participants their active involvement should be encouraged at meetings related to the referral. |

* Within 25 school days after receipt of the referral, the school psychologist will schedule a meeting to make a determination whether or not to evaluate the student. This determination is based on the information provided from the general education intervention team or referring party. Information can include, but is not limited to, classroom observations, work samples, attempted modifications, behavior plans, routine hearing/vision screen, health records, attendance records, discipline data, student progress reports. The parent/guardian must be afforded an opportunity to provide input regarding the need for the initial evaluation or referring concern(s), including the opportunity to schedule a meeting if needed.
* Based on this information, the team will determine the evaluation case manager based on the areas of suspected disability.
* The identified case manager will provide a second PWN, indicating the decision of whether or not the student will be evaluated for special education.([WAC 392-172A-05010](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-05010)).
* Procedural safeguardsmust be provided to the parent(s)/guardian(s) when a referral is made to consider a special education evaluation.

1. **Process for the Parent/guardian-Initiated Referral**

A student’s parent/guardian, teacher, public agency, or other persons knowledgeable about the student, may initiate a request for an initial evaluation to determine if the student is eligible for special education services. If the request is verbal, encourage the parent/guardian to put the request in writing. If the parent/guardian is unable to write, document the request through a PWN.

If the parent/guardian expresses a written or verbal request for evaluation, it is viewed as a referral, and the initiation of the 25 school day timeline begins. It is the responsibility of the first contacted individual to bring the concerns to the school psychologist for discussion. The team will:

* Prepare an Invitation form on IEPPLUS to start the referral process and paper work. This invitation will include all team members that need to participate in the referral meeting.
* Within 25 school days after receipt of the referral, the school psychologist will schedule a meeting to make a determination whether or not to evaluate the student. This determination is based on the information provided from the general education intervention team or referring party. Information can include, but is not limited to, classroom observations, work samples, attempted modifications, behavior plans, routine hearing/vision screen, health records, attendance records, discipline data, student progress reports. The parent/guardian must be afforded an opportunity to provide input regarding the need for the initial evaluation or referring concern(s), including the opportunity to schedule a meeting if needed.
* Based on this information, the team will determine the evaluation case manager based on the areas of suspected disability.
* The identified case manager will provide a second PWN, indicating the decision of whether or not the student will be evaluated for special education.WAC 392-172A-05010.

1. **Determination Not to Evaluate Student**

The team may choose not to evaluate a student who has been referred for special education for many reasons. Some reasons may include, but are not limited to:

* Pre-referral activities were not sufficiently documented by the general education team. The team submits incomplete data that does not identify the problem or indicate interventions to correct the difficulty. In this case, the referral is returned to the student intervention team and activities are recorded with outcome summary.
* The information on the referral form does not support further evaluation. The team may recommend further screening and/or additional intervention strategies.
* The information on the referral form indicates that the student may have some other type of problem that could be corrected within the general education program with support from other specialists.
* The current general education teacher wishes to withdraw the referral that was submitted by a previous teacher. The teacher may have implemented strategies that appear to remediate the student’s problem (e.g., visual schedule, modifications in schedule, breaks during the instructional day, instructional content and instructional group size, etc.).
* Parent/guardian requests to withdraw the referral submitted.
* Documentation exists (e.g. excessive absences, student’s articulation or motor performance does not adversely impact educational performance, rate of progress compared to peer groups, etc.) that clearly supports the absence of a suspected disability.
* If a team, with parent/guardian input, determines that evaluation is not recommended, a PWN must be developed detailing the disposition of the special education referral.

1. **Timeline for the Referral**

A decision by the referral team must be made in 25 school days from the date of the referral was received.

**Chapter 4**

**EVALUATION AND ELIGIBILITY**

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**EVALUATION AND ELIGIBILITY**

The purpose of an evaluation is to determine whether a student is eligible for special education and related services and, if so, recommend needed services. The initial evaluation is the essential next step following the referral in the evaluation process. Should the student qualify, a reevaluation is conducted every three (3) years to determine if the student continues to be a student with a disability who requires specially designed instruction.

**SECTION 1. Special Services Administrative Input**

The reason for requesting additional conversation, with regards to certain eligibility categories prior to evaluations being finalized, is to have a discussion of the evaluation data and ensure that the evaluation team is considering all the factors necessary for a sufficient evaluation. Administrative input will not be used to override evaluation team decisions. If the administration believes a draft evaluation needs revision, the administration will recommend that the evaluation team reconvene to reconsider the proposed findings and recommendations. However, if the evaluation team has finalized an evaluation and the recommendations and findings are not supported by the evaluation data and discussion within the evaluation report, a reevaluation will be requested to provide additional information that is required for the evaluation to be sufficient.

**SECTION 2. Initial Evaluation**

The initial evaluation process begins after the referral team has recommended the evaluation. The purpose of the evaluation is to determine if 1) a student ***has a disability***, 2) if there is an ***adverse educational impact*,** and 3) whether the student ***requires specially designed instruction***.

The team and parent(s)/guardian(s) meet to develop an assessment plan for the comprehensive evaluation. The evaluation must be comprehensive in scope to address any suspected area of disability. If the parent(s)/guardian(s) cannot attend the assessment plan and consent meeting, the team must find a mutually agreeable time to meet with the parent(s)/guardian(s). The team must document at least three (3) attempts to find a mutually agreeable time to meet with the parent(s)/guardian(s). The parent(s)/guardian(s) must agree and sign the consent form before the initial evaluation can be conducted. Parent/al consent for an initial evaluation must *not* be construed as consent for an initial provision of special education and related services.

If the student is a ward of the state and not residing with a parent/guardian, it is the responsibility of the school district to obtain consent from the biological parent/guardian. If the parent/guardian no longer has the right to make educational decisions or cannot be located, then a surrogate can be appointed. School districts must ensure that a person selected as a surrogate parent/guardian is not an employee of OSPI, the school district, any other agency that is involved in the education or care of the student, or has no personal or professional interest that conflicts with the interest of the student; see [WAC 392-172A-03000](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03000) and [WAC 392-172A-05130](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-05130) for further clarification.

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| Evaluation amendments are not acceptable. Evaluation teams will conduct a reevaluation and write a new evaluation report which resets the triennial evaluation due date. |

A comprehensive evaluation:

* Must be conducted within 35 school days from the date the written consent is received at the school by the evaluator;
* Must be administered by trained personnel conforming with the standardization of the test format;
* **Must be conducted *in all areas related to the suspected* disability and sufficiently comprehensive to identify all of the student’s special education needs, *whether* or not commonly linked to the suspected disability category;**
* Must use technically sound and culturally and racially nondiscriminatory tools;
* Should be administered in the student’s native language or mode of communication, if possible;
* Must include cognitive, academic, developmental, and functional information;
* Must include review of existing data including classroom based data, medical records, outside evaluations (if appropriate), and include parent/guardian input; and
* Must not use a single test instrument or procedure as the sole criterion for eligibility decisions.

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| A student’s initial evaluation must be comprehensive and individualized. This is a longstanding provision of IDEA. |

A comprehensive initial evaluation establishing eligibility is the ***foundation*** of the initial Individualized Education Program (IEP). Evaluation results are first used to determine if a student has a disability as defined by IDEA 2004 and state regulations. The information gathered in the initial evaluation must be relevant to IEP development and would need to include functional, developmental, academic, and/or medical (if applicable) information about the student.

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| The purpose of any evaluation is to determine if a student meets each of the three (3) prongs of eligibility:   * The presence of a documented disability, * An adverse educational impact, and * The student requires specially designed instruction |

**SECTION 3. Evaluation Team**

IDEA 2004 defines the evaluation team as a group of people with the responsibility to make decisions regarding evaluation assessments and eligibility. Pursuant to best practice, the evaluation team is to consist of the following individuals:

* Parent/guardian
* Special education teacher
* General education teacher
* Administrator
* Evaluation case managers (school psychologist and/or related service providers)

The evaluation team will review existing data and any additional assessments conducted. The evaluation case manager documents the date, frequency, and source. The source is defined as the specific tools, instruments, and data collection methods used.

**SECTION 4. Evaluation Results/Eligibility Determination Meeting**

Upon completion of the evaluation or reevaluation report, the evaluation team meets to consider the findings and determine whether the student meets the eligibility criteria. The evaluation case manager presents the synthesized report results to the parent/guardian and evaluation group. The evaluation case manager does not present conclusions, but presents the facts from which conclusions can be drawn.

The team must use the three-prong test to determine if, in the given area, the student (1) has a disability which (2) results in a significant adverse educational impact, such that (3) the student requires specially designed instruction (SDI). SDI is defined as instructional activities that adapt, as appropriate, to the needs of an eligible student in content, methodology, or delivery of instruction to address the unique needs of the student. The three (3) prongs of special education determination must be met in order for the student to be determined eligible for special education and related services.

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| Decisions about a student’s eligibility or ineligibility for special education services cannot be based solely on the results of a single test or one score on a subtest. |

All components of the evaluation must be considered when determining the presence of a disability that adversely affects educational performance and requires specially designed instruction. The results must relate the findings to academic, developmental, and functional performance and provide complete, comprehensive information, which will be the base of the IEP. The evaluation report needs to conclude that the disability is not due to lack of appropriate instruction in reading or math and not due to limited English proficiency.

Each member of the evaluation team contributing to the evaluation must sign and date the evaluation report. If a member of the team does not agree with the conclusions, that member must provide a written document addressing their disagreement. **Parent(s)/guardian(s) must be provided a copy of the evaluation report and procedural safeguards.** Parent(s)/guardian(s) will also be provided with a PWN of the eligibility decision within five (5) days of the decision. If the evaluation team determines the student is eligible for special education services, an IEP must be written within 30 calendar days.

**SECTION 5. Reevaluation** [WAC 392-172A-03000](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03000)

A reevaluation is conducted every three (3) yearsand must determine if a student continues to meet eligibility criteria for special education and related services. Any comprehensive evaluation which resets the triennial evaluation timeline, must address *all* areas of functioning for which the student is receiving service plus any areas about which concerns have been raised.

To confirm continued eligibility, district practice requires reevaluations to include:

* *Current* academic assessment and related developmental needs
* *Current* cognitive assessment or, when appropriate, review of cognitive measures
* *Current* health information from a licensed practitioner, when appropriate
* Evidence of *current* adverse educational impact

Cognitive assessment is required for secondary students who may require accommodations for the College Board (e.g. AP, PSAT, SAT), as well as those who may become eligible through Developmental Disability Administration (DDA).

**Evaluation amendments are not accepted by the district.** If there has been a significant change to the student’s health or functioning, a reevaluation outside of the three-year timeline is warranted. Reevaluations completed outside the triennial timeline can be comprehensive or targeted. A targeted reevaluation can be used to consider new information that the IEP team determines only impacts a single area of service; it does not reset the three-year timeline. (*The decision making framework and IEPPlus process guides are available on docushare for targeted reevaluations.)*

**A reevaluation must be completed prior to a change in placement.** Federal and state law dictates that a “substantial or material” change to the student’s educational program, such as the type of services provided, constitutes a change of placement. *OSPI Technical Assistance Paper #5 (TAP #5) available at* [*www.k12.wa.us/SpecialEd/pubdocs/TAP\_5.pdf*](http://www.k12.wa.us/SpecialEd/pubdocs/TAP_5.pdf)

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| The purpose of the evaluation is to determine eligibility and make recommendations to the IEP team regarding the nature and extent of needed special education and related services. Placement decisions are made by the IEP team NOT the evaluation team. |

Reevaluations must be completed within 35 school days after the parent/guardian has signed consent and before the three (3) year due date, whichever comes first. A school district may proceed with a reevaluation and does not need parent/al consent, provided that

* It made reasonable efforts to obtain such consent, and
* The student’s parent(s)/guardian(s) failed to respond,
* If the parent(s)/guardian(s) do not return the signed consent form, the team will send another letter explaining the need for reevaluation and parent/al consent and will enclose another consent form and a copy of the PWN;
* All attempts must be documented.

1. **Dismissal from Special Education**

A student who is making reasonable progress in the general education environment and receiving special education services should be considered for dismissal. However, a reevaluation is needed for dismissal.

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| Although a student may continue to be a student with a disability, if the present levels of performance no longer supports a determination of an adverse educational impact and/or the student no longer requires specially designed instruction, a reevaluation should be initiated to consider dismissal from special education. |

1. **Targeted Reevaluation (Add/Delete/Modify Area of Service)**

If the team (i.e. MDT) is considering new information related to a change in the student’s functioning in one (1) area of service, the following essential questions are intended to support the team in determining the scope of reevaluation:

* Is the team considering a significant and substantial program change in time and/or resources based on new information (i.e. progress reports, medical, therapy logs)?
* Are there multiple areas of SDI or related service involved?
* Is the IEP team considering a later discussion about placement change?
* Is the three-year evaluation timeline approaching to re-establish eligibility?
* Is updated information needed in other areas?
* Is the team considering a change in eligibility category?

The evaluation case manager for the targeted area should initiate a planning/consent meeting with the parent(s)/guardian(s). If with parental input at this time, it is determined that additional areas of service should be considered, a comprehensive reevaluation is required. If the team decides to proceed with one or more assessments as part of a targeted reevaluation, parental consent for assessment must be obtained. (*See TAP #5, questions 2 and 7).*   
  
Once a targeted reevaluation is completed, the IEP team should meet to review the reevaluation results and make a determination about whether or not it is appropriate to add/delete/modify the area of service. The results should be documented in an individual report of assessment results and PWN. Any IEP amendments should also be completed with the IEP team convened to document the change in services.

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| A targeted reevaluation should not be considered more than once in a 12-month period to add/delete/modify a student’s services. |

1. **Reevaluations and Graduation**

No reevaluation is required when special education eligibility terminates due to graduation from high school with a regular diploma or due to reaching the end of the school year during which the student turned 21. Instead, the district will provide PWN to the student and the parent/guardian within one month before the student’s anticipated last day of school. The IEP team will provide the student with a summary of academic achievement and functional performance including recommendations on how to assist the student in meeting post-secondary goals.

1. **Independent Educational Evaluations (IEE)**

An IEE is an evaluation conducted by a qualified examiner who is not employed by the school district or responsible for the education of the student. If the parent/guardian disagrees with the district’s evaluation or reevaluation of their student, the parent/guardian may request one IEE at public expense each time a district conducts an evaluation with which the parent/guardian disagrees. The request does not have to be in writing, so it is important that staff who work with the student know who to notify (Regional Special Services Administrator) when a parent/guardian requests an “IEE OSPI TAP5 revised 2012”.

Should a parent/guardian request an IEE, employees must **contact your regional special services administrator within one school day**. The timeline begins the moment the request is received for an IEE. If a team fails to notify the special services office, critical timelines required by law may not be met, resulting in substantial cost to the district.

The administrator will review the request and respond in writing within 15 calendar days whether or not the district agrees with the request. If the district agrees to provide an IEE, arrangements will be made promptly. If the district denies the request to pay for an IEE, it must file for a due process hearing within 15 calendar days of the parent’s/guardian’s request. The district may request mediation as an option after filing the due process hearing. If the parent(s)/guardian(s) withdraw their request for an IEE, the due process hearing can be dismissed.

If a parent/guardian of a student already receiving special education services brings an outside evaluation to any member of the evaluation or IEP team, the IEP team must convene to consider the evaluation and each recommendation. This consideration of the outside evaluation and recommendations must be documented using a PWN or reevaluation. This must be done even if it is outside the triennial evaluation timeline.

**SECTION 6. Eligibility Criteria**

The District will use the eligibility criteria and assessment procedures as set forth by the Washington Administrative Code for special education. [WAC 392-172A-01035](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172a-01035).

1. **Autism**

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before three (3) years of age that adversely affects a student’s educational performance. Other characteristics often associated with autism are: engagement in repetitive activities, stereotyped movements, resistance to environmental change or change in daily routines, and/or unusual responses to sensory experiences. Autism does not apply if a student’s educational performance is adversely affected primarily because the student has an emotional behavioral disability. “A student who manifests the characteristics of autism after age three (3) could be identified as having autism if the criteria above are satisfied.” [WAC 392-172A](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03110).

1. **Medical versus educational classification of autism:** Although the educational classification of autism set forth in the WAC has not changed substantially, the *Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition* (DSM-5) has made significant changes that will affect how medical providers provide the diagnosis of autism for children. Evaluation teams must be cognizant of these changes when evaluating students and considering this eligibility category for students.

The DSM-5 has replaced Autistic Disorder with:

Autism Spectrum Disorder (ASD) which reflects a scientific consensus that four previously separate disorders are actually a single condition with different levels of symptom severity in two core domains. ASD now encompasses the previous DSM-IV autistic disorder (autism), Asperger’s disorder, childhood disintegrative disorder, and pervasive developmental disorder not otherwise specified. ASD is characterized as (1) deficits in social communication and social interaction; and (2) restricted, repetitive behaviors, interests, and activities. Because both components are required for diagnosis of ASD, social communication disorder is diagnosed if no restricted repetitive behaviors are present. *Highlights of changes from DSM-IV-TR to DSM-5; American Psychiatric Publishing.*

1. **Communication Disorder**

Initiation of a communication-only referral must still go through the general education intervention team before a special education referral is made. The referral must be reviewed by the *whole* team.

“A speech or language impairment means a communication disorder such as, stuttering, impaired articulation, language impairment, or a voice impairment, that adversely affects a student’s educational performance.” [WAC 392-172A-01035.](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172a-01035) Pragmatic language and executive functioning are not stand alone qualifying areas under the communication disorder funding category.”

Educational performance includes the consideration of the ability to benefit from the curriculum, to interact with peers and adults and to participate in vocational activities. Examples of adverse educational performance impacted by a communication disorder:

Academic impact documented by:

* Academic performance below grade level
* Difficulty with language-based activities
* Difficulty conveying information orally

Social impact documented by:

* Inability to be understood by adults or peers
* Difficulty maintaining or terminating verbal interactions
* Peers tease the student about communication attempts
* Student demonstrates embarrassment and frustration about communication problems

Vocational impact documented by:

* Lack of functional communication to participate in vocational activities.

1. **Deafness or Hearing Impairment/Hard of Hearing**

In IDEA, a “hearing impairment” is described in educational terms as “an impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance.” A hearing impairment may range from a mild loss to a severe loss. Deafness, as described in IDEA, is “a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification” (IDEA, 2004).

Hearing loss varies in severity; however, as IDEA’s definition specifies, deafness entails the most severe cases. Impairments can affect the ability to hear intensity (loudness, measured in decibels), pitch (frequency, measured in hertz) or both. Typically hearing loss above 90 decibels is considered deafness.

1. **Blindness or Visual Impairment**

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

“Legal blindness” refers to a central visual acuity of 20/200 or less in the better eye with corrective lenses, or a visual field loss, such that the peripheral field is less than 20 degrees (Cassin, Solomon, & Rubin, 1990; Levack, Stone, & Bishop, 1991).

“Legal blindness” is not the only definition pertinent to the field of visual impairment. The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) describes visual impairment and blindness as having vision loss, even with correction, that “adversely affects the educational performance” of a learner (Individuals with Disabilities Education Improvement Act (IDEA), 2004). A visual impairment is determined by how the student functions in the environment and not solely on the basis of a diagnosis or visual condition.

A visual impairment is the loss of vision that cannot be corrected by refraction (glasses). There are a number of eye disorders that can lead to visual impairments. Visual impairment can also be caused by trauma and brain and nerve disorders. Visual impairments affect people differently.

The first step in determining if the student is eligible and in need of school related vision services is to obtain a vision exam by an eye care specialist. Evaluation and interpretation of the eye report has a direct bearing on how a teacher of the visually impaired conducts assessments to determine areas of need and necessary accommodations.

1. **Deaf-Blindness**

Several definitions are used in describing deaf-blindness, some medically related, while others refer to the learner’s functioning in the environment. Some terms reflect the need for support for the student’s unique learning characteristics.

The federal definition of deaf-blindness recognizes the uniqueness of this disability. It states, “Deaf-blindness means concomitant hearing and vision impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.” (U.S. Department of Education, 2004). Deaf-blindness requires its own interpretation and bank of considerations, when planning a student’s educational program.

1. **Developmental Delay**

The term developmental delay means a student, three (3) through eight (8) years of age, who is experiencing developmental delays that adversely affect the student’s educational performance in one of the five (5) developmental areas. The student must fall:

* Two (2) standard deviations below the mean in one (1) or more of the five (5) developmental areas (cognitive, communication, physical, social/emotional, or adaptive development); or
* One and one half (1.5) standard deviations below the mean in two (2) or more of the five (5) developmental areas.

1. **Areas of Developmental Delay – Definitions**

The five (5) developmental areas for the purpose of applying eligibility criteria to developmentally delayed students are as follows:

* *Cognitive development:* Comprehending, remembering, and making sense out of one’s experience. Cognitive ability is the ability to think and is often thought in terms of intelligence.
* *Communication development:* The ability to effectively use or understand age-appropriate language including vocabulary, grammar, and speech sounds.
* *Social or emotional development*: The ability to develop and maintain functional interpersonal relationships and to exhibit age-appropriate social and emotional behaviors.
* *Adaptive development***:** The ability to develop and exhibit age-appropriate self-help skills, including independent feeding, toileting, personal hygiene and dressing skills.
* *Physical development:* Fine and/or gross motor skills requiring precise, coordinated, use of small muscles, and/or motor skills used for body control such as standing, walking, balance, and climbing.

1. **Considerations for Qualifying Students Using the Developmental Delay Category:**

* Conduct the three (3) prong test. It must be established that there is not only a disability, but an adverse educational impact and need for specially designed instruction (SDI) in the areas of concern.
* A severe discrepancy cannot be established for students below first grade as the diagnostic tests and discrepancy tables are only designed for students with specific learning disabilities in grade one (1) and above.
* Sensory is not a qualifying area under the developmental delay funding category. If sensory impacts access to SDI and the student also qualifies for fine and/or gross motor services, see the section under related services.
* Pragmatic language is not a qualifying area under the developmental delay funding category.
* Evidence must show the student has developmental or learning problems that are not the primary result of limited English proficiency, cultural differences, environmental or economic disadvantage.

Students who qualify under the developmental delay category must be reevaluated before the student’s ninth (9) birthday and determined eligible for services under one of the other eligibility categories should they continue to qualify for special education services.

1. **Emotional/Behavioral Disability**

Emotional/behavioral Disability means a condition exhibiting one (1) or more of the following characteristics over a long period of time, and to a marked degree that adversely affects a student’s educational performance. (WAC 392-172A-01035(e)(1))

* An inability to learn that cannot be explained by intellectual or health factors
* An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
* Inappropriate types of behaviors or feelings under normal circumstances
* A general pervasive mood of unhappiness or depression
* A tendency to develop physical symptoms or fears associated with personal or school problems

The behavior must significantly interfere with the student’s ability to benefit from instruction.

Emotional/behavioral disability includes schizophrenia if adverse educational impact and need for specially designed instruction standards are met. The term does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance.

Students who have social maladjustment behaviors such as those who refuse to obey school, home and societal rules controlling their behavior for their own benefit, who externalize blame, who may be adjudicated delinquents and who are oppositional and/or argumentative are not necessarily students with emotional/behavioral disabilities.

*The Professional Practice Standards Guidelines in Evaluation and Identification of Students with Emotional/Behavioral Disabilities,* Washington State Association of School Psychologists (approved 5/2000, in the process of revision) states:

Students who are primarily socially maladjusted and not identified as meeting qualifying criteria for EBD are often those children or adolescents that engage in simple, chronic delinquent behavior. Breaking rules or social conventions for obvious secondary gain, frequent involvement in the criminal justice system, truancy, running away from home, early sexual promiscuity, and drug/alcohol use are often associated with social maladjustment that is not related to EBD. Similarly, students who demonstrate controlled misbehavior depending on situation and potential gain, or those whose misbehavior is associated with testing limits are also often considered to be socially maladjusted without EBD.

Before a student with behavioral issues is referred for a special education evaluation, school teams need to demonstrate evidence of instruction and interventions over a long period of time, remembering that the WAC mandates evidence of one or more characteristics over a period of time for EBD eligibility. The interventions must include careful monitoring and documentation, which is critical for judging whether or not the interventions were effective. Interventions should include positive behavior support and proactive classroom management using multiple interventions if the first few are not successful. Behavior interventions, behavior plans and behavior contracts must be attempted by the general education team during the pre-referral process. The accumulated documentation will provide a solid basis for making a special education referral.

Clinical diagnoses should not be used to include or exclude a student from the EBD classification. Rather than using DSM diagnostic criteria for a determination or eligibility, the evaluation team should evaluate the behavior’s impact on the student’s educational progress.

As with **ALL** special education disability classifications, the EBD disability/evaluation does not determine program or placement. The IEP team determines program and special services determines the school placement of a student for the program. This disability classification is not assumed to place a student in the ACHIEVE (behavioral) program.

1. **Other Health Impairment**

A student who qualifies as Other Health Impaired should have a documented deficit in education or functional performance and evidence of need in order to be considered eligible for services in reading, writing, math and other relevant aspects of school functioning. In absence of this documentation a clear discussion of the students’ acquisition of grade level skills must be articulated in the evaluation report and reviewed with a special services administrator prior to the evaluation review meeting. As a cognitive assessment is required as part of a comprehensive evaluation, a discussion of cognitive ability and any specific factors specific to the student should also be included in the evaluation report. The health impairment must be related to the student’s inability to make satisfactory progress in the general education environment and must require specially designed instruction.

Other health impairments are defined as a student classified as having a health impairment exhibiting limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, resulting 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 (ADHD), diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
* [**adversely affects**](http://nichcy.org/disability/categories) a student’s educational performance.

Medical information needs to be current and documented by a licensed medical professional, but if necessary information is not available through the parent/guardian, please contact a special services administrator early in the evaluation process. A student with ADHD may also be eligible under another category (i.e. SLD or EBD), if he or she meets the criteria for that other disability and needs special education and related services. The evaluation team should carefully consider the primary handicapping condition of the student to determine the appropriate eligibility category.

1. **Intellectual Disability**

An intellectual disability means significantly sub average general intellectual functioning, existing concurrently (at the same time) with deficits in adaptive behavior and manifested during the developmental period that adversely affects a student’s educational performance.

1. **Criteria for an Intellectual Disability**

The evaluation team must determine a student qualifies for special education services as a student with an intellectual disability when the following criteria are met:

* The student has a full scale intelligence standard score that is commonly at or below 70, which is the result of an individually administered intelligence test by a qualified psychologist (DSM-Intellectual Disability Fact Sheet-2013 American Psychiatric Association).
* The student exhibits significant deficits in adaptive functioning expected for the student’s age as evidenced by a significant delay (that is commonly at or below 70) in overall adaptive skills. At least two (2) individuals familiar with the student should provide adaptive ratings when possible and provide interpretation of data when scores are discrepant.
* The student's educational performance is adversely affected.

The evaluation team must be cognizant of cultural and language issues to prevent inappropriate identification of students having an intellectual disability. The team must carefully choose culturally sensitive assessment tools.

1. **Multiple Disabilities**

Multiple Disabilities means concomitant (simultaneous) impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments. The term does not include deaf-blindness.

1. **Orthopedic Impairment**

Orthopedic impairment means a severe orthopedic impairment that [*adversely affects*](http://nichcy.org/disability/categories) a student’s educational performance and requires specially designed instruction. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g. poliomyelitis, bone tuberculosis), and impairments from other causes (e.g. cerebral palsy, amputations, and fractures or burns that cause contractures).

1. **Specific Learning Disabilities**

Specific learning disability (SLD) 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 the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculation, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, that adversely affects a student’s educational performance in oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, and/or mathematics problem solving.

The evaluation team making the eligibility determination must provide evidence that the academic underachievement is not primarily the result of:

* a visual, hearing, or physical disability,
* intellectual disability,
* emotional disturbance,
* cultural factors,
* environmental or economic disadvantage,
* limited English proficiency,
* a lack of appropriate instruction in reading, including the five essential components of reading instruction: phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension strategies; or
* A lack of appropriate instruction in math.

The evaluation team must consider data that demonstrates the student was provided appropriate instruction, delivered by qualified personnel, and data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting student progress during instruction.

1. **Supplementary Report and Severe Discrepancy Model**

The severe discrepancy model qualification criterion includes:

* Information and data, documenting achievement and progress, which has been collected through observations, record reviews, interviews, etc. Multiple sources must be used in making an SLD determination. The evaluation case manager may include documentation of a pattern of strengths and weaknesses in performance, achievement, or both relative to age, intellectual development, and grade level state standards.
* A discrepancy between achievement and intellectual ability of at least one and a half (1.5) standard deviations in the area(s) of disability. OSPI’s published discrepancy table must be used to determine the presence of the discrepancy.
* A full scale or overall composite intellectual ability score must be used and be 69 or greater to consider this eligibility category.

1. **Other Considerations**

The student cannot be determined eligible under the SLD funding category if the determination factor for special education eligibility is the primary result of:

* A visual, hearing, or physical disability;
* Intellectual disability;
* Emotional disturbance;
* Cultural factors;
* Environmental or economic disadvantage; or
* Limited English proficiency;

OSPI has a publication entitled: Identification of Students with Specific Disabilities using the Severe Discrepancy Model and you can obtain a copy at: <http://www.k12.wa.us/SpecialEdResourceLibrary.aspx.>

1. **Use of Professional Judgment**

The following guidelines should be followed in the use of professional judgment:

* Documented evidence must show that the student also exhibits academic strengths and the learning problems are not due to overall limited cognitive ability.
* Specific data collected must support the characteristics of a learning disability. Data can be collected from formal assessments, review of existing information, assessments of student progress, observation of the student, and information gathered from all other evaluation processes.
* When applying professional judgment, the evaluation group must document in a written narrative an explanation as to *why* the student has a severe discrepancy, including a description of all data used to make the determination through the use of professional judgment. Professional judgment is data-based, see [WAC 392-172A-03070(2).](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03070)

The evaluation process is intended to establish eligibility according to the WAC; it is not about getting a student extra help or pleasing a particular member of the school team. When special education services are considered an instructional intervention, students miss key instructional content within the general education setting.

Scores from the required, annual state assessments or other district mandated tests are part of the evaluation data but not the sole reason to qualify a student for special education services. A past history of special education is not a reason to continue in special education.

1. [**Traumatic Brain Injury**](http://nichcy.org/disability/specific/tbi/)

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](http://nichcy.org/disability/categories) a student’s educational performance. Traumatic brain injury (TBI) 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, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. TBI does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

1. **Washington State Disability Codes**

01 – DEVELOPMENTAL DELAY

02 – EMOTIONAL BEHAVIORAL DISABLED

03 – ORTHOPEDIC IMPAIRMENTS

04 – OTHER HEALTH IMPAIRED

05 – SPECIFIC LEARNING DISABILITY

06 – INTELLECTUAL DISABILITY -MILD/MODERATE/SEVERE

07 – MULTIPLE DISABILITIES

08 – DEAFNESS

09 – HEARING IMPAIRMENT

10 – VISUAL IMPAIRMENT

11 – DEAF-BLINDNESS

1. – OMMUNICATION DISORDER
2. – AUTISM

14 – TRAUMATIC BRAIN INJURY

1. **Students Not Eligible for Special Education**

Students demonstrating commensurately below average cognitive ability and below average academic achievement may not be eligible for special education under any identified funding category and therefore are not eligible for special education services. These students may require additional supports available through general education such as district reading and math specialists or state and federal programs.

**SECTION 7. Evaluation Summary**

The evaluation summary must contain an analysis of the evaluation results, including individual assessments, a description of how the disability affects involvement and progress in the general education curriculum (or for preschool students, in appropriate developmental activities), the need for specially designed instruction, and recommend the nature and extent of any needed special education and related services. WAC 392-172A-01070 and 392-172A-03035. The student is not eligible for special education services under the SLD category if the determinant factor is the lack of appropriate instruction in reading and math. OSPI has developed a checklist for preparing evaluation reports that is available on its website at: [www.k12.wa.us/SpecialEd/ResourceLibrary/Eval-IEP-Module/default.aspx](http://www.k12.wa.us/SpecialEd/ResourceLibrary/Eval-IEP-Module/default.aspx).

**SECTION 8. Available Assessment Tools**

The professional psychologist, speech/language pathologist and occupation/physical therapist groups maintain an inventory of tools currently in use and supported by the Everett Public Schools. Each assessment tool has met the stringent criteria set forth by the governing agencies regarding test validity and reliability for use by assessment professionals working in educational settings and making special education placement decisions for students. Availability of specific tools within the district may include tools housed at each school, specific schools, or with the special services department. Replacement protocols are available through special services by contacting the administrative assistant.

**Chapter 5**

**THE IEP**

**Chapter Contents**

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**THE INDIVIDUALIZED EDUCATION PROGRAM**

An individualized educational program (IEP) must be written for students who have met the criteria of eligibility for special education services under the Individuals with Disabilities Education Act of 2004 (IDEA 2004).

Special education means specially designed instruction, provided at no cost to parent(s)/guardian(s) and designed to meet the individual needs of a student with a disability. Specially designed instruction means adapting the content, methodology or delivery of instruction as appropriate to the individual needs of an eligible student to ensure access to the general education curriculum in meeting the essential components of the general education requirements (Common Core State Standards for English Language Arts/Literacy Standards, Mathematics Standards, and the Next Generation Science Standards).

School districts are obligated to provide a special education program that is “reasonably calculated to provide meaningful educational benefit” in the Least Restrictive Environment (LRE). The IEP is the legally binding document that describes the program and services to enable the student to make progress in his or her education. A student’s “program” is defined by his or her IEP.

Educational programs described by IEP’s should be consistent with recognized research-based instructional practices, should be guided by data (as identified in the present level of performance portion of the IEP and IEP progress reports) and should take place in the LRE. The LRE is the program in which the student can (1) participate meaningfully and *relatively independently* (with accommodations and modifications as appropriate) in the classroom’s learning and social activities (2) that has the greatest contact with general education curricula and typical peers.

An initial IEP must be written within 30 calendar days following the evaluation results meeting***.*** By federal and state law, IEP’s are required to be completed before the annual due date.

**SECTION 1. The IEP Team**

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| IEP Teams must include:   * One or both of the parent/guardians or guardians, * Student if age 15 or older, * The school administrator or an administrator designee who has the authority to commit school resources, * The student’s general education teacher; for secondary students one or more of the general education teachers who teach the subject most likely to be impacted by the student’s disability, and * The special education teacher * Related services personnel if applicable * Interpreter if applicable * District Rep, if applicable |

1. **Invitation to the IEP Meeting**

Parent(s)/guardian(s) or adult student must be included in the development of the IEP. Adequate written notice of an invitation (approximately two (2) weeks prior to the anticipated meeting) to the IEP meeting must be sent to the parent/guardian (and student age 15 and older) early enough to ensure they can attend. The invitation must contain information about the purpose, location and time of the meeting.

For an initial IEP, parent(s)/guardian(s) **are required** to be in attendance and provide written consent for the delivery of special education and related services to the student.

For the continuing annual IEP, a meeting may be conducted without the parent(s)/guardian(s) if the parent(s)/guardian(s) are not able to attend, or choose not to attend, when:

* The parent(s)/guardian(s) have given **written** permission to conduct the IEP in their absence
* The parent(s)/guardian(s) have been contacted at least three (3) times and have agreed to attend and are absent from the mutually agreed upon meeting date. The case manager must attempt to contact the parent/guardian at the start of the meeting by phone to provide the parent/guardian with the opportunity to participate by phone conference. All attempts to contact the parent/guardian must be documented in a PWN and on the IEP signature page.

All attempts to schedule an IEP meeting should be documented. For example: the parent/guardian was unable to attend and did not notify the team that they would not be attending. After a minimum of three (3) different methods of contact with the parent/guardian, the IEP team may proceed with the meeting.

1. **Team Membership Attendance**

All team members must be present for the IEP meeting. The purpose of the general education teacher is to provide input to the student’s participation in their class and to share grade level equivalent expectations.

An administrator or administrative designee is required to attend *all* IEP meetings and his or her attendance cannot be excused. If he or she cannot attend, the meeting must be rescheduled. If any other required IEP team member cannot attend, parent/al consent must be obtained in writing that they will agree to excuse the required member and agree to proceed with the meeting.

The excusal form must be used for documenting the parent’s/guardian’s decision. If you know in advance that a team member cannot attend, let the parent/guardian know beforehand. If the parent/guardian does not agree, the meeting must be rescheduled to include all the required attendees. The excused member must provide written input for the development of the IEP prior to the meeting and provides input to the parent/guardian and other IEP team members. Administrators may NOT be excused from an IEP meeting using an excusal form.

Parent(s)/guardian(s) may bring an advocate or other individuals to the IEP meeting. If an attorney is expected to attend, parent(s)/guardian(s) must give the district prior knowledge. The attending attorney’s responsibility is to inform the district attorney prior to the IEP meeting. If an attorney shows up at a meeting without your prior knowledge, stop the meeting and call special services.

State law emphasizes parent/al involvement in placement decisions. We must ensure that parent/guardians are afforded the opportunity to be members of a team who makes decisions regarding educational placements of their child. [WAC 392-172A-03110](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03110).

1. **Team Decision Making**

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| Placement decisions are to be made by the IEP team at the conclusion of the IEP meeting, or after the team feels they have sufficient information to make a placement decision for the student. IEP teams determine levels of service – not location. |

The IEP team has an obligation to develop an educational program which aligns to the evaluation and meets the standard that is “reasonably calculated to provide meaningful educational benefit” in the LRE for the student.

Parent(s)/guardian(s) are key members of the IEP team. The parent/guardian must have input in all discussion of the services recommended for the student. Meaningful parent/guardian input offers insight into how their child learns, the child's interests, and provide information as to the learning at home.

The IEP is a working document and should be discussed at the IEP meeting by the team.

A parent/guardian is required to be present and sign an initial IEP. The district cannot start special education services until the parent/guardian signs the initial IEP.

If the parent(s)/guardian(s) or guardian(s) are unable or elect not to attend an annual continuing IEP, a meeting may be conducted without either parent/guardian in attendance, if:

* The parent/guardian has given written or oral consent for the meeting to be conducted in their absence and is noted in the PWN.
* If the team proceeds without the parent/guardian in attendance, every attempt must be made to get the parent/guardian to participate via telephone conference.
* Once the IEP is concluded, if the team was still unable to contact the parent/guardian, attempts must be made to review the IEP with the parent/guardian, document attempt on PWN

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| Signature on the IEP indicates attendance at the IEP meeting. If someone did not attend the IEP meeting, do not ask the absent team member to sign the IEP. |

**SECTION 2. Contents of the IEP**

Specially designed instruction (SDI) must be provided in all areas which the student qualifies. Each area of eligibility must have a present level of performance statement which will generate goals and SDI minutes reflected in the summary of services matrix. Ensure you have checked the most current evaluation for all areas of services and the goal areas evaluated are aligned to the identified needs in the evaluation.

1. **Adverse Educational Impact Statement** WAC 392-172A-03090(1)(a)(i).

An adverse educational impact statement documents how the student’s disability substantially affects involvement and progress in the general education curriculum and functional performance. For preschool students, the IEP includes a written statement of the student’s present levels of academic achievement and functional performance, including as appropriate, how the disability affects the student’s participation in appropriate activities. For students who require considerable services to meet their educational needs, ensure that a statement about the services being required through post-secondary, including job placement and training be included.

1. **Consideration of Special Factors** [WAC 392-172A-03110(2)(a)](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03110)

Based on the individual needs of the student, the IEP team should consider any of the following services that may be appropriate for the student and must document the services on the IEP.

1. **Transportation**

If the student requires special transportation as a related service, the IEP case manager should begin coordinating these needs with the transportation department immediately following the IEP meeting. The district transportation department requires three (3) days before transportation is started from the time the transportation has been notified.

1. **Extended School Year (ESY)**

Extended School Year (ESY) services meet state standards and are provided to a student eligible for special education:

* Beyond the normal school year
* In accordance with the student’s IEP
* Provided at no cost to the parent/guardians

Extended school year services must be provided only if the student’s IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE to the student. The purpose of extended school year services is the maintenance of the student’s learning skills or behavior, not the teaching of new skills or behaviors.

Eligibility for ESY consideration based on documented evidence, includes:

* Regression (significant loss of skills or behaviors if educational services are interrupted in any area specified in the IEP, and recoupment (the recovery of skills or behaviors to a level demonstrated before interruption of services specified in the IEP) time; or
* Nature and severity of the student’s disability where an interruption in services would threaten the acquisition of critical life skills that support the ability to function as independently as possible; or
* Emerging skill: Few, if any, gains are made during the regular school year. A skill is in the process of emerging, and the IEP team believes that with ESY services the student would make reasonable gains; or

The ESY services shall be clearly delineated on the IEP amendment form and included in the student’s IEP. The ESY amendment’s summary of services page shall list each of the areas of eligibility, i.e. reading, writing, and math. Do not use the generic term “academics.” The IEP team submits an ESY application to special services on or before May 1 of the current school year, indicating services needed and goals identified. These needs inform staffing and location needs as defined by the student’s individual ESY needs.

1. **Behavior**

A functional behavior assessment (FBA) is a tool used to assist teams in identifying the function of the behavior and to develop a behavior intervention plan (BIP). An FBA must be considered when the behavior interferes with the learning of the student or others. The team determines when the behavioral needs are at a level that requires an FBA. Parent/guardians must provide written consent before a team can conduct an FBA. Consent is documented on the Prior Written Notice.

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| The District requires all students who have been placed in a Positive Behavior Support program also have an FBA and BIP. |

A behavior intervention plan (BIP) describes positive behavioral strategies used to alter the student’s environment and teach skills. The BIP is developed by the IEP team and added to the IEP at the team meeting. The IEP must provide a statement of how and when the BIP will be evaluated and monitored.

1. **Emergency Response Protocol** WAC 392-172A-02105.

The term "emergency response protocol" means the systematic use of stimuli or other treatment that a student is known to find unpleasant, for the purpose of discouraging undesirable behavior. Emergency Response Protocol are used when the student presents:

* It is used only in instances of imminent harm to the self or another person  
  [WAC 392-172A-02110](http://apps.leg.wa.gov/documents/laws/wsr/2016/02/16-02PERM.pdf)

After positive interventions have been used and data has been taken over time, it may become necessary for an emergency response protocol (ERP) to be added to the IEP. The IEP team is required to meet and develop the ERP before any interventions are used.

The ERP must be reviewed every three (3) months and included in the quarterly (high school) and bi-annual (elementary) progress reports sent home to parent/guardians. [WAC 392-172A-03135](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03135).

The following actions are prohibited according to [RCW 28A.600.485](http://app.leg.wa.gov/RCW/default.aspx?cite=28A.600.485) :

* Withholding or delaying food or liquids
* Electrical current
* Throwing, kicking, burning, or cutting a student
* Striking a student with a closed fist
* Shaking a student
* Threatening a student with a deadly weapon
* Denying hygienic care
* Isolation except under specific conditions set up in the ERP
* Medication
* Noise (no student may be forced to listen to noise or sound that the student finds painful)
* Noxious sprays
* Physical restraint except under the considerations set up in the ERP
* Taste treatment
* Water treatment (e.g. squirt guns, etc.)

Chairs that restrict movement are not to be used as a behavioral restraint or instructional tool; they are intended to be used solely by students with physical disabilities for postural sitting support.

When a student is restrained or secluded, the team must document the action on an incident report. The specific requirements on the use of restraint/isolation are outlined in the behavior and discipline chapter of this manual and in the district board policy and procedures. Use district Policy and Procedures 3319 and 3319P.

1. **Health and Medical Factors**

A health plan documents medical conditions and a recommended course of action for medical management at school. Health plans are developed by the district nurse. If a health plan is required, it must be current, attached to the IEP, and uploaded into IEPPLUS (for assistance, contact the special services nurse liaison). The student’s health concerns must be noted in the present levels of performance of the IEP. Pertinent information must be provided to all building employees interacting with the student, including those in the transportation department. Teachers should include health plans in the Consideration of Special Factors portion of the IEP

1. **Assistive Technology** [WAC 392-172A-01025.](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-01025)

### An assistive technology (AT) device means any item, piece of equipment, or product system whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student eligible for special education. The term does not include a medical device that is surgically implanted, or the replacement of such device.

An AT service means any service that directly assists a student eligible for special education in the selection, acquisition, or use of an AT device. [WAC 392-172A-01030.](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-01030)The term includes:

* An evaluation of the needs of a student, including a functional evaluation of the student in the student's customary environment;
* Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students eligible for special education;
* Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
* Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
* Training or technical assistance for a student eligible for special education or, if appropriate, that student's family; and

Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student. The district is required to ensure that AT devices and services are provided, if needed, to a student in order to receive a free appropriate public education (FAPE). The district will permit the student to use school purchased assistive technology devices at home and other settings if the IEP team decides access to these devices is needed in order to receive FAPE. Schools must ensure that guardians have completed the appropriate release forms for home use.

**IEP Team Process**

* The IEP team will consider the needs of the student.
* The IEP team will gather data of the student in multiple settings.
* The IEP team will submit the data, written needs assessment, and recommendations to the special services elementary or secondary facilitator.

**The District AT Team**

The district AT team consists of a part-time speech language pathologist, an occupational therapist, and a speech language pathology assistant. This team can be accessed through special services.

**When to Request an AT Consultation?**

The need for an AT consultation may occur at any time during the provision of services to students with disabilities. It may come up during the official “consideration” during the IEP meeting or at any time while a student is receiving special education and related services. However, the best time to consider the need for AT is during the evaluation.

1. **Secondary Transition and Graduation**

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| Each student 15 years of age and older is required to be invited to and participate in all of their secondary transition IEP meetings. |

Begin planning for transition and graduation with eligible students during their ninth grade year or before the student turns 16 years of age. The IEP team will plan graduation requirements in coordination with a student’s expected graduation date.

If a student is expected to remain in school until 21 years of age and will be attending the STRIVE or GOAL adult-transition program, the student must have met their state assessment and general education course requirements as determined by the IEP. The student will continue working on acquiring vocational, independent living and academic skills to meet the requirements of the student’s IEP goals and the final graduation requirement: the High School and Beyond Plan. Once a student meets the graduation requirements, the student is no longer eligible for special education services. [WAC 392-172A-02000](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172a-02000)*.*  If a student turns 21 years of age *after* August 31, the student is entitled to continue attending the entire school year if they have not completed their graduation requirements. See Appendix B for 18-21 Transition Services Eligibility Criteria

IDEA requires that upon the year that a student turns 16 years of age, the IEP must include a transition plan to prepare students to transition from school to post-secondary activities and vocational settings. The IEP team must develop the plan to include the post-secondary goals, transition services, and courses of study to assist in the student achieving those goals.

If the student does not attend an IEP meeting related to transition services, the district must take other steps to ensure that the student’s preferences, strengths, needs, and interests are considered. Documentation of the invitation to the student and an explanation of the student’s absence is required.

If transition services described in the IEP are likely to be provided or paid for by other agencies, with parent/guardian/adult student consent, representatives of the agency(ies) must be invited to participate in the IEP meeting.

The first step in the transition plan process is to gather student information. The information can be collected from people with knowledge of the student. This input will provide a more complete picture of the student's needs, strengths, preferences and interests on the student’s transition IEP.

The transition plan must include:

1. **Multi-Year Courses of Study**

The multi-year courses of study include the identification of student’s multi-year classes with focus on improving the academic and functional achievement of the student.

The course of study is *not* simply a list of courses the student has already taken, rather, a list of courses the student will take from the date of that IEP through the student’s anticipated year of graduation from high school.

These courses must relate directly to the student’s postsecondary goals identified on the IEP, such as career and technical education courses, elective courses, specially designed instruction, community experiences, job shadowing/work placement opportunities, etc. [*https://www.k12.wa.us/SpecialEd/programreview/Monitoring/SecondaryTransition.aspx*](https://www.k12.wa.us/SpecialEd/programreview/Monitoring/SecondaryTransition.aspx)

1. **Age-Appropriate Transition Assessments**

Document the transition assessments used with the student on the IEP. These assessments are used to identify student strengths, needs, preferences, and interests. To do this, you may use a combination of questionnaires, vocational assessments, interest inventories, surveys and checklists that are appropriate for the student, depending on individual needs. From these transition assessments, the post-secondary transition services and goals are developed.

1. **Post-Secondary Goals**

Post-secondary goals are required to be reviewed annually, and updated as appropriate, to ensure that they reflect the student’s current needs, strengths, preferences, and interests**.**

The post-secondary goals do not need to be written like IEP goals; however, a narrative needs to be included on the IEP explaining what the student is planning to do after graduation from high school. A *measurable* postsecondary goal is one that can be clearly identified as “met” or “not met.” In other words, is it possible to determine if the goal was achieved or not? For example, did the student go to a community college?

The post-secondary goals are required to address education, employment, and if appropriate, independent living. If independent living does not apply to the student, put “N/A” in the box.

“Education/Training” means attendance in one or more of the following:

* Community or technical college (2-year program)
* College/university (4-year program)
* College preparatory program
* A high school completion document or certificate class (e.g., Adult Basic Education)
* Short-term education or employment training program (e.g., Job Corps, Vocational Rehabilitation, military)
* Vocational technical school (less than a two-year program)
* Vocational or career field training such as an apprenticeship or on-the-job training

“Employment/Competitive Employment” means the student will obtain a specific job:

* In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting
* For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled

“Supported Employment” is competitive work in integrated work settings, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals, for individuals with the most significant disabilities for whom competitive employment has not traditionally occurred; and who, because of the nature and severity of their disability, need intensive supported employment services. This may include non-paid employment such as volunteer work.

“Independent Living Skills”are, “those skills or tasks that contribute to the successful independent functioning of an individual in adulthood” (*Cronin, 1996*). Examples of this are health, safety, finance, transportation, social relationships, recreation, self-advocacy and future planning.

Once the student and his or her family determine the postsecondary goals, the post-secondary goals *must* be completed using the following examples:

* Education/Training: Upon completion of high school, \_\_\_\_\_\_ will attend \_\_\_\_\_\_ and study\_\_\_\_\_ in order to become \_\_\_\_\_\_.
* Employment: Upon completion of community college, \_\_\_\_\_\_\_\_\_\_\_ will be employed as a \_\_\_\_\_\_\_\_\_.
* Independent Living (if an area of need): Upon completion of high school, \_\_\_\_\_ will be able to (*identify the skill).*
* Source of definitions (as cited by NSTTAC): Rehabilitation Act, Section 7(35) (a), retrieved from the Office of Special Education and Rehabilitation Services website: [*http://www.ed.gov/policy/speced/reg/narrative.html*](http://www.ed.gov/policy/speced/reg/narrative.html%20) on February 2, 2007.

1. **Transition Services**

Once a student's post-secondary goals are written, transition services need to be identified. Each student is different and will require various transition services. Each IEP annual goal should connect to at least one transition service. Each transition service does not need to be connected to an annual goal.

Transition services must be based on the individual student’s individual needs, taking into account the student’s strengths, preferences and interests, and may include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, the acquisition of daily living skills and provision of a functional vocational evaluation. The following examples are provided by OSPI:

* Instruction related to word processing/keyboarding skills
* Tutoring in reading comprehension strategies
* Self-monitoring instruction related to on-task behavior
* Social skills training
* Self-advocacy training
* Instruction related to on the job safety
* Instruction in accessing public transportation
* Occupational therapy to improve handwriting
* Speech Therapy to improve expressive language
* Making a vocational rehabilitation referral
* Applying for college and disability support services
* Completing a career preference inventory

For more examples you can go OSPI’s Secondary Transition Technical Assistance website: <https://www.k12.wa.us/SpecialEd/programreview/Monitoring/SecondaryTransition.aspx>

The person responsible for these services should be appropriately listed. Options include: student, teacher, parent/guardian, or any combination thereof.

If agencies need to be considered, refer to the agency flow chart for appropriate contact information listed on the Everett Public Schools Special Services Transition website: <http://www.everettsd.org/Page/8487>

1. **Prior Written Notice for Graduation** [WAC 392-172A-05010.](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-05010)

Graduation from high school with a regular high school diploma constitutes a change in placement. A month prior to the student’s expected graduation, the IEP case manager will write a PWN to the adult student and parent/guardian regarding the change in placement and a summary of the student’s academic achievement and functional performance, which must include recommendations on how to assist the student in meeting their post-secondary goals and must be submitted to special services before the last day of school. [WAC 392-172A-3030.](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-01175)

1. **Graduation Certificate Options**

Whenever an IEP team changes any graduation requirement for a student, the graduation then becomes an *IEP determined* graduation, in other words a Certificate of Individual Achievement (CIA). For example, when the IEP has determined the student can pass a state assessment at the basic level, it becomes a CIA graduation. If there are no changes to the graduation requirements, the student receives a Certificate of Academic Achievement (CAA). CIA and CAA designations do not appear on the diploma or transcript.

1. **“Kevin’s Law” (Commencement Participation for Students Eligible for Special Education)**

House bill, 1050 (ESHB), also known as Kevin’s Law, permits students with IEPs to participate in commencement activities even if one or more graduation requirements are pending. Students who will be receiving special education services beyond the fourth (4) year of high school must be allowed to participate in commencement activities with their graduating class.

A student’s participation in commencement activities does not affect the student’s future ability to receive a high school diploma. Students will receive a diploma upon meeting all graduation requirements.

1. **Present Levels of Performance** [WAC 392-172A-03090](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03090); [03110](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03110).

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| The adverse educational impact on academic and functional performance must be included in the present levels for each area of disability. Any need for a 1:1 para educator as well as any other need (e.g. – interpreter, nurse, etc.) identified under the “Consideration of Special Factors” section of the IEP, is required to be included in the Present Levels of Performance section. |

The IEP must identify the present levels of academic, functional or developmental performance (if applicable) of the student. The present levels must include current information. If the evaluation is over a year old, the present levels must contain current educational performance. The present levels are the starting point for goal development. Present levels must be complete enough to “paint a picture of the student” to someone who does not know the student with an explanation of any specific needs.

* The IEP must include a written statement of the student’s present levels of academic achievement, functional performance, including how the student’s disability affects the student’s involvement and progress in the general education curriculum (the same curriculum as for nondisabled students).
* For a preschool student, the IEP must include a written statement of the student’s present levels of developmental and functional performance, including as appropriate, how the disability affects the student’s participation in appropriate activities.

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| The present levels must contain the baseline data that is used in the measurable annual goal. |

The present level of performance statement in each area must:

* Contain current data; for example, formative and summative assessment(s), curriculum-based measures, performance expectations, state assessment scores, and district-based assessments.
* Contain a detailed explanation of need for students who have a 1:1 para educator (e.g. interpreter, nurse, etc.) for each instructional area of services
* State the degree to which a student is behind their grade level peers, “significantly delayed,” is not sufficient.
* Contain an explanation of any other identified special factors.

1. **Measurable Annual Goals** [WAC 392-172A-03090;](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03090)[03110](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03110)**.**

Measurable Annual Goal(s): Using measurable and observable terms, write a statement describing what the student can reasonably be expected to learn by the end of the IEP. The goals should be specific enough for parent/guardians to understand exactly the skill, task, activity or behavior being taught.

Baseline (from): The baseline is written in specific, quantifiable terms, which align with the data presented in the present levels of performance. Specify in quantifiable terms, the level of competency that the student currently performs the goal/objective.

Criteria/target (to): The criteria are written in the same specific, quantifiable terms, which align with the baseline and the data. Specify the level of competency that will be used to evaluate achievement of the goal and/or objective.

Objectives: Write objectives that break the skills described in the annual goal into discrete components. The purpose of objectives is to gauge at intermediate times during the year how well the child is progressing toward achievement of the skill, task activity or behavior described in the annual goal. Objectives are only needed in academic areas for students recommended for alternative state assessments (WA-AIM, formerly WAAS Portfolio).

Goals must:

* Align with the present levels of performance
* Contain the same baseline and method of measurement as identified in the present levels
* Be measurable (e.g. from…to…by…)
* Be instructional in nature describing a skill to be learned
* Be reasonable and attainable
* Be data driven
* Not include names of specific curriculum
* Not be too numerous or too complicated
* Not use words or phrases such as "of the time,” “minimal,” “moderate,” or “full assist.” Use data points instead.

Goal areas are identified from the area in which eligibility has been clearly established in the evaluation.

1. **District and State Assessments** [WAC 392-172A-03090.](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03090)

Students with disabilities are required to take the state assessments, with or without accommodations. However, if the student’s IEP team determines that the student is not able to participate in the state assessment in one or more of the content areas (writing, math, and reading), alternative assessments may be chosen. Assessment decisions must be individualized based on the unique needs of each student.

If the IEP team determines individual accommodations are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments, the accommodations must be stated in the IEP. Refer to the Washington State Accommodations Guidelines for Statewide Assessments published yearly from OSPI for allowable assessment accommodations for special education students. Approved accommodations provide access to statewide assessments leading to reliable scores, without compromising the validity of the testing instrument.

<http://www.smarterbalanced.org/wordpress/wp-content/uploads/2013/09/SmarterBalanced_Guidelines_091113.pdf>

Teachers who administer SBA testing should periodically refer to the assessment accommodations and the state interpretation in order to ensure accurate and updated IEP information for assessment accommodations.

The IEP must indicate the assessment selected and provide a statement of why the student cannot participate in the regular assessment. There must also be an explanation indicating that the particular alternate assessment selected is appropriate for the student. Be specific as to why, such as: the student is "academically performing at four (4) years below his grade level," do not use: “significantly delayed."

Parent/guardians are important members of the IEP teams and must be included in decisions about assessment options. It is important to understand that the decisions about testing and alternatives will have an impact on the student’s choices after high school.

1. **Accommodations and Modifications**

Accommodations and modifications include changes that allow a special education student the same opportunity as general education students to participate in and benefit from the educational program of the district.

Accommodationsare designed to make educational opportunities more accessible (e.g. the setting, seating preferences, books on tape, assistive technology, interpreter services, shortened or altered assignments, alternate forms of demonstrating skills, communication modality, Braille editions of curriculum, large print, pencil grips, audio recordings, and note takers, etc.).

Modifications are changes in the methodology and delivery of the curriculum, which include changes in educational expectations for the special education student. In other words, the curriculum and instruction are actually changed and often includes the use of alternative or supplemental curriculum. Modifications include different assessment questions, different methods of demonstrating mastery, or fewer concepts to be mastered.

The general education teacher, as a member of the IEP team, has input on proposed accommodations or modifications. However, if the IEP team determines particular accommodations and modifications are necessary, they must be provided in all general education classroom settings.

1. **Summary of Services** [WAC 392-172A-01185](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-01185); [02020](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-02020); [03090](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03090); [03110](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03110); [03135](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03135).

The IEP must contain a statement of the special education related services and supplementary aids and services. Please note:

* Each area of SDI needs to be listed separately.
* If the student has a 1:1 (e.g. para educator, interpreter, nurse, etc.), this must be noted under related service as a 1:1 with the total school day minutes and the need for the 1:1 must be included in the present levels of performance for every area.
* Include the projected start and end dates of the services.
* Include the location of services.
* Include the certificated case manager responsible for the services or the SLP, OT/PT, etc.

1. **Related Services**

Related services means transportation, developmental, corrective, and other support services as are required to assist a student eligible for special education to benefit from special education. Related services can include but are not limited to:

* + Physical therapy
  + Occupational therapy
  + 1:1 para educator
  + Shared para educator
  + Orientation and mobility services
  + 1:1 bus rider
  + Nursing services
  + Interpreter services
  + Transportation
  + Counseling
  + Educational signing interpreter
  + Speech therapy
  + Deaf/Hard of Hearing services
  + Vision services (Braillist, Vision Assistant)

When adding speech therapy and fine and gross motor skills as a related service, it is district practice to include measurable, annual goals. Students receiving sensory services must first qualify as a student with a motor delay. Federal law mandates that the primary role of a school-based OT and PT is to assist students in benefitting from their educational program. Students who qualify for services within the medical model may not necessarily qualify within the educational model. Motor therapy in schools differs from the medical model that tends to focus on discipline-specific goals that may not have a direct relationship to educational performance.

Many of the functions of occupational therapists and physical therapists can overlap and some service delivery can be provided by either an OT, PT, or by others under the supervision of an OT and PT. There are some instances where a student’s educational needs require the services of both an OT and PT. On these occasions, the evaluation documenting this need must be reviewed by a special education administrator a week prior to the evaluation review meeting.

An important clarification for eligible students who do not attend school: they receive related services so they *can attend and participate in school.* Related services are provided if it is necessary for the student to have access to education or pursue the educational program. The related service must be *educationally relevant and educationally necessary.*

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| Any time an IEP or evaluation team is considering the addition of a related service that may require additional funding or resources such as a 1:1 para educator, bus rider, or counseling, a special education administrator must be consulted at least three weeks prior to the scheduled meeting. |

1. **Supplementary Aids and Services**

Supplementary Aids and Services means aids, services, and other supports that are provided in general education classes and/or education-related settings to enable students eligible for special education to be educated with non-disabled students to the maximum extent appropriate in accordance with the LRE requirements in WAC. These services may include supports for staff or consultation that will allow the student to advance appropriately toward attaining the annual goals and make progress in the general education curriculum. [WAC 392-172A-03090(1)(d);](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03090) [WAC 392-172A-01185](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-01185).

1. **Transportation as a Related Service**

Transportation is generally not provided to students who live within walking distance of the school and whose identified needs do not prevent them from walking. In fact, many students with disabilities receive the same transportation provided to non-disabled students, consistent with the least restrictive environment requirements. [WAC 392-172A-02095.](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-02095)

When an IEP team determines special transportation is needed for a student to access their special education services. It may include, but is not limited to:

* Travel to and from school
* Specialized equipment including lifts, ramps or safety restraints, if required for special transportation
* 1:1 rider on the bus
* 1:1 nurse on the bus
* Accommodations

The IEP should describe the transportation services to be provided, including transportation to enable a student with disabilities to participate in nonacademic and extracurricular activities in the manner necessary to afford the student an equal opportunity for participation in those services and activities to the maximum extent appropriate to the needs of that student.

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| The district transportation department requires three (3) days before transportation can be started from the time they have been notified. The case manager must provide a copy of the form to the transportation and special services departments. The district transportation form is located in IEPPLUS. |

1. **Least Restrictive Environment (LRE)** [WAC 392-172A-02050](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-02050); [WAC 392-172A-03090](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03090).

Each student eligible for special education, including preschool students and students in public or private institutions or other care facilities, shall be provided, to the maximum extent appropriate, in the general education environment with students who are nondisabled and special classes, separate schooling or other removal of students eligible for special education from the general educational environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In other words, IEP teams should try to maximize exposure to the general education curriculum and nondisabled peers. The decision for the appropriate placement is made by the IEP team based on the unique needs and abilities, the comprehensive evaluation, present levels of educational performance, health and safety factors, and the impact the placement will have on other students.

The IEP contains a statement of the extent to which a student will not participate in the general education classroom, general education curriculum, any non-academic activities and extra-curricular activities.

IEP teams must consider the LRE providing the highest probability of the student attaining annual goals. Students eligible for special education must be educated in the assigned resident school, unless the IEP requires a specialized program not available. The link to the program models matrix is: <https://docs.google.com/spreadsheets/d/188ftmzD6S7Hx9tN8JDptcVUO7Aurs5hx7S2ozbZ-h6Q/edit#gid=2007211773>

1. **Transfer of Rights**

Beginning not later than one (1) year before the student reaches 18 years of age, the IEP must include a statement that the student has been informed of the student’s rights, if any, that will transfer to the student on reaching the age of majority. **However, all notices must continue to be provided to the parent/guardian and the student after the student reaches the age of majority.** [WAC 392-172A-03090.](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03090)

The student and parent/guardian must initial the transfer of rights statement to document that the student was informed. Also, include a statement on the PWN regarding the student and parent/guardians were informed about the transfer of rights.

1. **Signature Page**

The IEP signature page must be signed by all parties attending the IEP meeting, which will include:

* One or both of the parent/guardians or guardians,
* Student, if age 15 or older,
* The school administrator or an administrator who has the authority to commit school resources,
* The student's general education teacher; for secondary students, one or more of the general education teachers who teach the subject most likely to be impacted by the student's disability, and
* The special education teacher,
* Related services personnel if student receives related services,
* Interpreter, if applicable.
* IF parent/guardian refuses to sign, document on the signature page and in the PWN.
* Initial IEP’s have to be signed and if left unsigned then the parent/guardian is refusing services, document on IEP and PWN.
* Continuing IEP if a parent/guardian refuses to sign, services still continue, document on the IEP and PWN. Revocation of Services would need to be completed, link to Revocation section.

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| **Signature on the IEP indicates attendance at the IEP meeting. If someone did not attend the IEP meeting, do not ask the absent team member to sign the IEP.** |

**Prior Written Notice**[WAC 392-172A-05010](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-05010).

Prior Written Notice (PWN) is a document the district uses to inform the parent/guardian of decisions the team has made that affect the identification, evaluation, educational placement of provision of FAPE to a student. PWN is **written and sent** **after** a decision is made but *prior* to implementing the decision. PWN must be sent *every time* a district proposes or refuses to initiate a change to the identification, evaluation, educational placement or provision of FAPE to a student. Often, *but not always*, these decisions are made during IEP meetings.

The parent/guardian should be provided with a PWN documenting decisions made anytime the IEP team meets within **five (5) days of the meeting**. The PWN must indicate both what the team has agreed to do, where appropriate, and what the team has refused to do. If the meeting was more difficult than anticipated or any team member is unsure how to draft the PWN, please call a special education administrator for assistance.

Other PWN requirements and tips:

* + A PWN is a *required* document*.* It is the method in which the district communicates and documents decisions made by the team.
  + Describe the facts (who said what and when) of the meeting in a neutral tone; avoid making emotional, judgmental or speculative statements.
  + PWN must be in the parent’s/guardian’s native language or other mode of communication used by the parent/guardian; an interpreter can translate for the parent/guardian.
  + Check all of the boxes and fill in all of the blanks – if you don’t, it may appear that you overlooked a section – avoid N/A.

**SECTION 3. Reaching a Consensus**

All members of the IEP team are expected to work toward a consensus regarding the services to be included in the IEP and to ensure the student will receive a free and appropriate public education. A consensus is attained through an informal process of gathering opinions and does not mean "majority rule." If there is a lack of consensus between the parent/guardian or adult student, district personnel, and the other IEP members regarding the IEP decision, the school personnel on the IEP should seek consensus. If the school personnel do not reach consensus, then contact your special education administrator for further direction.

The IEP is essentially the *offer* of FAPE, and constitutes what the IEP team believes to be an appropriate educational program.In the case of an initial IEP, if the parent/guardian does not sign consent to initiate services, the district will not be permitted to provide special education. In these cases, be sure that the PWN indicates we are refusing to provide special education services because the parent/guardian has refused consent for special education services. Parent/guardians are required to provide consent for an **initial** IEP.

Parent’s/guardian’s signature is not required in order for the student to **continue** receiving IEP services after they have provided consent for the initial IEP. The parent/guardian may add a note on the signature page or attach a note indicating their disagreement with parts of the IEP. The most common parent/guardian disagreement with IEPs is about placement. The IEP team is required to offer the placement they believe to be the least restrictive environment in which the student can learn and gain independence and make meaningful benefit in their educational progress. Please make a note on the PWN in the “other factors” section, indicating the parent/guardian disagreed with some aspect of the IEP. The parent/guardian may also choose to revoke all special education services for the student.

All other IEP team members who are in attendance must sign the IEP. In some cases, a parent/guardian may ask to take the signature page home with them to think about the IEP and promise to send it back when they have signed. ***Never send home the original signature page.***Instead, make an additional copy of the signature page; the original will be filed with the IEP document drafted at the table and the copied page with the additional signature can be sent to special services when it is received.

If there is strong disagreement between parent/guardian and school IEP team members, the parent/guardian has the right to due process. The parent/guardian must be provided with a copy of the *Notice of Procedural Safeguards* at each meeting.

1. **Legal Representation at the IEP Meeting**

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| Do NOT conduct IEP meetings with a family’s attorney present unless the school district also has an attorney present. Stop the meeting and contact your regional special services administrator if a family’s attorney is present. |

Most parent/guardians notify the IEP team in advance if they plan to bring an attorney to the IEP meeting. When informed that an attorney is coming, building staff must notify the special education administrator. The special education administrator will inform district legal counsel and schedule the IEP meeting for a time when the district attorney can also be present.

If a parent/guardian brings an attorney the district did not expect, please stop the meeting and call special services. Give the parent/guardians an opportunity to reschedule the meeting at a time when the district attorney can attend or invite them to ask their attorney to leave so that the meeting can go forward. If the parent/guardian has brought an “advocate” you suspect to be an attorney, the district representative should directly ask what the person’s role is in the meeting. If the person is an attorney, stop the meeting and call special services.

1. **Advocates at the IEP Meeting**

Parent/guardians are entitled to bring advocates to the IEP meeting. Advocates should be made welcome at an IEP meeting, but it should be clear that they are not IEP team members. Ask advocates to introduce themselves, tell what agency they are from, describe their qualifications if appropriate, and explain their role at the meeting. If an advocate attempts to dictate IEP goals or insist on particular methodologies, data gathering, reporting systems, or levels of service, remind the team the IEP team members will determine appropriate levels of service.

School staff members must not discuss students with advocates or provide them any documents regarding students (even when given verbal permission by a parent/guardian) unless the district has in possession, a **current** “Authorization for Exchange of Confidential Information” form signed by the parent/guardian.

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| ***Audiotape or Videotape request at IEP meeting: Audio and video recordings of IEP meetings are not allowed except in cases in which parent/guardians can make a reasonable request for accommodations due to difficulty with reading. The legal basis for our refusal to allow taping of meetings is federal civil rights laws that prohibit recording without the permission of all parties.*** |

**SECTION 4. Progress Reporting** [WAC 392-172A-03090](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03090); [03110](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-03110).

The IEP must contain a statement describing how the student's progress will be measured and when the parent/guardian and/or adult student will be informed of the student's progress toward the annual goals. The district provides report cards two (2) times a year to all students in grades K-12. In addition, in middle and high school, general education quarterly progress reports are mailed home to parent/guardians. IEP progress reports are sent to parent/guardians the same time as general education progress and report cards. A minimum of three (3) IEP progress reports plus the progress documented on the IEP must be provided in secondary programs, and two (2) progress reports and updated progress documented on IEP for elementary programs must be provided.

All students in the district receive a general education report card, regardless of which program the IEP is served. Student grades in general education are based on general education classroom expectations *unless* the team selects alternate grading options on the accommodations section of the IEP. Elementary self-contained students do not receive alternative grading, but rather, teachers indicate that the student receives special services and report progress on the present levels and goal pages. Specialist (library, music teacher, etc.) may choose to report progress on the general report card, but student SDI progress is reported on the IEP progress report, and included with the general report card.

Special education progress reports document progress on the measurable annual goals. Progress notes must contain specific data of the student’s progress from the original baseline scores. Special education and service providers must be specific and demonstrate the progress with data in measurable terms.

* Progress reporting must be based on the *data collected* on student performance and progress toward the IEP goals and objectives.
* Data must be collected frequently during the instructional process to inform subsequent instructional decisions and for accurate progress reporting.

1. **If a Student Is Not Making Progress:**
2. Analyze the problem:
   * Define the issues
   * Change or modify instructional strategies
   * Consult with team for ideas
   * Consider environment, structure, instructional groupings
   * Consider revising IEP goals and objectives
   * Determine whether the minutes on the IEP are reasonable.  If student is making little progress, before consideration of reevaluation, the team needs to adjust minutes of SDI provision in an IEP amendment
3. Collect the data over time (four to six weeks) on the student’s progress with intervention
4. If there is still concern about the student’s lack of progress, assemble the complete IEP teamto consider a change in services or placement. **When considering a change of placement, a reevaluation is required**. A change of placement occurs when the proposed change would substantially or materially alter the child’s educational program.

**SECTION 5. Additional IEP Information**

1. **Retention of Special Education Students**

Research concludes that retention does not benefit most students. The National Association of School Psychologists speaks against the use of retention. The American Federation of Teachers opposes retention. The U.S. Department of Education does not support retention. The district does not support the retention of special education students. Refer to the district Policy and Procedures [2414p](http://docushare.everett.k12.wa.us/docushare/dsweb/Get/Document-444/2414P%20Promotion-Retention.pdf).

1. **Revocation of Consent for Special Education Services**

A parent/guardian or adult student may revoke consent in writing for the continued provision of special education and related services (parent/guardians are not required to use a specific form for their revocation). If a parent/guardian revokes consent in writing, the district must honor the revocation and provide the parent(s)/guardian(s) with prior written notice identifying the date the district will stop providing services. The district may not use due process or mediation procedures to challenge the parent’s/guardian’s revocation. The district is not required to amend the student’s education records to remove references to the student’s receipt of special education and related services. Once the revocation is effective, the student is no longer entitled to receive special education or related services and the district will not be considered in violation of the requirement to make FAPE available to the student. When the parent(s)/guardian(s) sign(s) the revocation, they acknowledge that:

* the district will stop providing special education and related services beginning the date identified in the prior written notice given by the district;
* the district cannot use dispute resolution options to challenge the right to terminate special education services for the student;
* the district will no longer be required to conduct reevaluations, convene an IEP team meeting, or develop an IEP for the student;
* the district will not be considered in violation of the requirement to make FAPE available to the student;
* the district is not required to amend the student’s education records to remove references to receipt of special education and related services;
* the student will be subject to all of the same requirements that apply to general education students, such as academics, statewide and district-wide assessments, extracurricular activities, graduation requirements, discipline, and all other general education requirements;
* adult students may revoke consent initially provided by their parent/guardians; this revocation must also be in writing.

After receiving a written notification of revocation of consent, the IEP team should make every effort to invite the parent/guardian or adult student to discuss the request and inform the parent/guardian and student of the ramifications of revoking special education services. A PWN and procedural safeguards must be provided to parent/guardian or adult student documenting the results of the decision whether to revoke services or not.

Students for whom IEP services have been revoked will be served as general education students. Students will return to their assigned resident school unless a variance request has been submitted by the parent/guardian and granted by the building principal.

If a parent/guardian has revoked services and later (more than five days) wants to receive special education and related services again, the parent/guardian may make a referral for an *initial* special education evaluation. A full evaluation addressing all areas of suspected disability will be conducted within appropriate referral and evaluation timelines. Parent/guardians may not reject evaluation in any area that was previously an area of eligibility or is now an area of concern.

Please refer to OSPI website <http://www/k12.wa.us/SpecialEd/regulations.aspx>, for the addendum explaining revocation of consent in the *Procedural Safeguards.*

1. **Particular Curriculum or Instructional Methodology**

Do not write specific curricula or instructional methodologies into IEPs. Courts have consistently ruled that instructional methodology is entirely at the discretion of school districts. Teaching staff may use appropriate methodology which is research-based and reasonably calculated to provide meaningful educational benefit. The IEP team should develop goals that address particular skills to be learned, which are independent of specific curricula or methodology.

1. **IEP Amendments**

IEP amendments may be made without a full team, however this should be for minor changes. Any change to the IEP that involves significant changes, (e.g. a reevaluation has changed eligibility areas) the IEP team must be in attendance. The IEP amendment will indicate the changes and the case manager must also make the changes on the pages of the IEP that were changed. Please call special services for further clarification if needed.

***If a reevaluation has occurred eligibility areas have changed, an IEP amendment is needed within 30 calendar days.***

**CHAPTER 6**

**SPECIAL EDUCATION CONTINUUM OF SERVICES**

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Section 6. Adult Transition Programs

1. GOAL: Gaining Ownership of Adult Lives
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Section 9. Out of District Placements

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1. Educational Audiologist
2. Vision Programs
3. Assistive Technologies

Section 13. Program Placements and School Assignments

1. Establishing Educational Placement
2. Change of Educational Placement
3. Points to Consider

**CONTINUUM OF SPECIAL EDUCATION SERVICES**

Federal and state law requires each school district to provide a continuum of alternative placements available to meet the special education and related service needs of students, ages 3-21. This is known as the least restrictive environment (LRE).

Everett Public Schools offers a range of services and educational settings to meet the individual LRE needs of each student. The range of services is broad but not static for any individual student. When determining appropriate settings and services for students with a disability, the IEP team considers the individual student’s needs. The student’s IEP is developed prior to the determination of the location of services and settings.

**SECTION 1. Child Find**

Child Find applies to all children residing within the district boundaries, including children who attend private schools, home school, highly mobile children, migrant children, homeless children and children who are wards of the state. Child Find is a component of the IDEA that requires states to *locate, identify, and evaluate* all children with disabilities or suspected of having a disability, ages birth through 21, who are in need of special education services.

**Birth to Three (3):** Special Services contracts with Early Support for Infant and Toddler (ESIT) programs, to provide services for eligible toddlers, birth through two (2) years of age and their family. To be eligible, a child must have a 25% delay or show a 1.5 standard deviation below his or her age in one or more of the developmental areas or have a physical or mental condition that is known to cause a delay in development. At least six (6) to nine (9) months before the child turns three (3), the Family Resource Coordinator (FRC) assists the family of a potentially eligible student in planning a move to the district for needed services. In early childhood, this change is called a *transition.* The eligible student must have an IEP in place before the child turns three (3).

**SECTION 2. Early Childhood Services**

All LRE considerations apply to preschool students, ages three (3) to five (5) years, with disabilities. Settings for implementing IEPs for preschool age students may include a continuum of services that align to the identified needs on the IEP.

**Developmental Preschool:** Special education preschool supports the development of children ages three (3) to five (5) with significant delays in social/emotional, self-help/adaptive, cognitive, communication, and motor skill areas. Special education preschool settings are offered at various elementary school sites within the district.

**Early childhood programs/Itinerant Services:**  Students eligible for Early Childhood Education and Assistance Program (ECEAP), within or outside the district, or who participate in private preschool settings, can receive special education services from the student’s home school or ECEAP district site.

**SECTION 3. SLP, OT/PT Service**

1. **Communication Disorder Services:** All students, ages 3-21, qualifying for Communication Disorder services, can receive services identified on the IEP within the general or special education setting(s) in all schools and programs within the school district.
2. **Physical:** All students, ages 3-21, qualifying for OT/PT services, can receive services identified on the IEP within the general or special education setting(s) in all schools and programs within the school district.

**SECTION 4. Related Services**

Related services refers to transportation, developmental, corrective, and other support services required to assist a student with a disability to benefit from the special education services described in the IEP. Related services are the responsibility of the district if the IEP determines they are required to assist the student to benefit from special education. These services can include but are not limited to:

* + Physical therapy
  + Occupational therapy
  + 1:1 para educator
  + Shared para educator
  + Orientation and mobility services
  + 1:1 bus rider
  + Nursing services
  + Interpreter services
  + Transportation
  + Counseling
  + Educational signing interpreter
  + Speech therapy
  + Deaf/Hard of Hearing services
  + Vision services (Braillist, Vision Assistant)

Related services do not include a medical device that is surgically implanted, the optimization of the device’s functioning, maintenance of that device, or the replacement of the device.

**SECTION 5. K-12 Programs**

1. **Resource Room Services**

Students participating in the general education environment may be eligible for special education and need specially designed instruction in one or more academic areas of reading, writing, math, adaptive and/or behavior. Resource Room services are provided in all school settings with the exception of Port Gardner, and may be provided within a general or special education setting(s). Port Gardner students eligible for special education services, receive their specially designed instruction within their assigned resident school setting, unless the program is at or above capacity.

1. **Extended Resource**

This program is for students who fall two (2) standard deviations below the mean in intellectual functioning and adaptive skill areas. Students may also have communication, social-emotional-behavior, motor skills deficits and other identified health needs. If a team is considering placement in an ExtendedResource Room program and the student does not meet the negative-two standard deviation expectation, Special Services must be contacted prior to making program placement recommendations.

1. **Life Skills**

This program is for students with severe to profound intellectual functioning, existing concurrently with severe to profound deficits in adaptive skill development. Students may also have multiple disabilities that may include communication, physical, personal-social-behavior, and health. Curriculum may be enhanced with a modified general education curriculum where instruction is provided in a variety of settings and paired with naturally occurring positively rewarding consequences. Students practice generalizing skills to a variety of environments. In the secondary settings, instruction supports opportunities for independent participation in work, recreational, and in community and home settings.

1. **Positive Behavior Support (Achieve)**

This program is for students who qualify with an emotional-behavior disability and require a structured setting with instruction in social skill development. These students have an emotional behavior condition that exists over a long period of time, and to a marked degree, that adversely affect his or her educational performance.

Students in this program *do not* include those with social maladjustment or conduct disorders, juvenile delinquents, students who know and understand rules and norms but reject conventions when it serves him/her unless it is determine that they also have an emotional disturbance.

**SECTION 6. Adult Transition Programs: 18-21 Years of Age**

1. **GOAL: Gaining Ownership of Adult Lives *(GOAL)***

Gaining Ownership of Adult Lives (GOAL) is an 18-21 year-old transition program designed to be a link between high school and adult life. The program provides a sequence of school based experiences and training to assist a trainee with special needs to become more self-reliant and independent in a work setting and life outside of the school environment. GOAL is not a place for students who need a full-time academic program. Students who go to GOAL usually have completed their high school state assessment requirements and need more time to meet their functional and academic IEP goals and to complete their *High School and Beyond Plan.*

1. **STRIVE: Students Transitioning Responsibly into Vocational Experiences**

Students Transitioning Responsibly into Vocational Experiences (STRIVE) is an 18-21 year-old transition program designed to be a link between high school and adult life. The program provides a sequence of school based experiences and training to assist the student 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 state assessment requirements, yet need more time to meet their functional and academic IEP goals and *High School and Beyond Plan*. STRIVE students are less independent than those students who would attend the GOAL program.

**SECTION 7. Deaf and Hard of Hearing (DHH)**

DHHsupport services are provided by a Deaf and Hard of Hearing (DHH) teacher and educational audiologist to enhance the habilitation and rehabilitation of students diagnosed with a hearing impairment that adversely affects his or her educational performance. Students are provided individualized instruction in their neighborhood or program setting. The DHH teacher provides collaborative instructional support with the student’s general and/or special education teachers and team, interpreter when appropriate, and with the educational audiologist.

**SECTION 8. Home/Hospital Instruction**

Home or hospital instruction is provided to students eligible for special education and other students who are unable to attend school for an estimated period of four (4) weeks or more because of disability or illness. As a condition to these services, the parent/guardian of a student requests the services and provides a written statement to the school district from a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four (4) weeks. The school district cannot pay for the cost of statement by the medical practitioner qualifying a student for home/hospital instruction. Home/hospital instructional services funded in accordance with the provision of this section are not used for the initial or ongoing delivery of services to students eligible for special education. Services are limited to those necessary to provide temporary intervention as a result of a physical disability or illness.

Upon the written recommendation of a licensed physician, some students are too medically fragile to attend school in the school district setting. For special education eligible students, the student’s specially designed instruction is provided within the home setting.

**Section 9. Out of District Placements**

Students whose educational needs, as specified in the IEPs, exceed the districts’ capacity may be recommended for an out of district placement. These requests must involve a special education administrator.

**SECTION 10: Parent Partnership Students**

Everett Public Schools offers a parent partnership program for students, grades K- 12, located at Port Gardner on the Sequoia High School campus. Port Gardner students receive both on campus instruction provided by district staff and home-based instruction provided by a parent or other instructor in cooperation with district staff. Students eligible for special education services receive specially designed instruction at their assigned resident school. Port Gardner staff, district school staff, and parent collaborate to develop a schedule for instruction.

Students attending Port Gardner may also be referred for initial special education evaluation. A referral and/or evaluation team is available at Port Gardner and the Sequoia/Port Gardner School Psychologist serves as the referral and/or evaluation team leader. A student eligible for special education services will receive specially designed instruction at their assigned resident school. If the neighborhood school is at or above capacity, the student may be assigned to a school IEP team closest to the assigned resident school. The receiving school will be responsible for developing the student’s IEP and any subsequent reevaluations. The receiving school should also include the Port Gardner instructional staff in any IEP or reevaluation meetings.

Port Gardner students are district students and are provided all of the rights and responsibilities of district students. Once an IEP team recommends a special education program with specific areas of service, the student and parent/guardian must accept the recommendation as a whole. Students and parent are not permitted to select some areas of service and decline other areas of service after the evaluation team has made the recommendation.

**SECTION 11. Private and Home School Students**

When either the student’s parent(s)/guardian(s) or private school requests an evaluation, the school district where the private school is located is responsible for conducting the evaluation and for determining if the student is eligible for special education services. If a student is eligible for special education services, the IEP is developed and implemented by the student’s assigned resident school.

Parent/guardians, who have enrolled their child in private school or who are homeschooling the child, are entitled to enroll to take any courses, receive any ancillary service, or take or receive any combination of courses and ancillary services which is made available by a public school to full-time students who are residents of the district. When the student is enrolled in a private school, they are able to part-time enroll in the school district for any course, ancillary service or activity not offered in the private school setting.

When an eligible student is part-time enrolled in the school district, the IEP and PWN should have a description of the services the student would receive if they were full-time enrolled. The IEP and PWN should then address the special education services that the student will receive, including supplementary supports and accommodations, during his or her part-time attendance.

Unilaterally enrolled private school students may not be required to part-time enroll to receive special education services. Part-time enrollment is at the election of the parent/guardian. When a student will be receiving equitable services under IDEA’s unilateral enrollment proportional share process, the services or other supports are described in a services plan.

Upon determination of special education eligibility, private school parent/guardians can *choose* from 3 options:

1. Parent/guardians may decline to receive services
2. Parent/guardians may choose to receive SDI through an Individual Education Plan (IEP) in which case the student would dually enroll in their neighborhood public school and private school
3. Parent/guardians may choose to receive services through an Individual Service Plan (ISP) which is determined annually by the district following a consultative process conducted with private school representatives.

Private school students eligible for special education receive services in the following locations, depending on residence:

|  |  |
| --- | --- |
| Student’s residence | Service location |
| Student resides within Everett Public Schools | IEP services through assigned resident school  ISP through Everett Public Schools |
| Student resides outside Everett Public Schools | IEP through home school district  ISP through Everett Public Schools |

**SECTION 12. Additional Services**

1. **Educational Audiologist:**

The Educational Audiologist supports general and special education students in the district with any degree or type of hearing impairment or loss. Educational audiologist collaborate with the students educational team to promote the best hearing technology and support services needed by students with hearing impairment, guide the provision and management of accommodations and essential hearing assistance technology to improve the student’s access to auditory information and ensure that amplification is working properly and effectively. The Educational Audiologist organizes and conducts the annual auditory screening of students in grades K,1,2,3,5,7 and for children showing symptoms of possible loss in auditory acuity as referred to the district by parent/guardians/guardians, or educational staff.

1. **Vision Program**:

Everett Public Schools provides services for the students with visual impairments within general and special education settings. Services include braille instruction, technologies for the blind, orientation and mobility, consultation and support services. The Teacher for the Visually Impaired (TVI) collaborates with educational staff, and implements instructional skill development and learning strategies, activities, materials, and equipment that reflect the learning needs of students assigned.

1. **Assistive Technology:**

Assistive technology services are available to all special education students in the district. During the IEP meeting, consideration for assistive technology need is discussed. The Assistive Technology (AT) team provides information services, support materials, technical assistance, and training to IEP teams to ensure access to assistive technology devices.

**Section 13. Program Placements and School Assignment**

1. **Establishing Educational Placement**

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| --- |
| **Evaluations should not determine the program placement in the recommendation section. The evaluation can recommend a description of a beneficial program. The IEP drives placement into specific programs.** |

Selection of educational placement is made annually at the IEP meeting and must be based on:

* The student’s IEP;

1. Where the student can receive the minutes of service in the IEP.
2. Academic curricula are at an appropriate instructional level for the student.
3. The level of adult support is adequate to the student’s needs.
4. The program is appropriate for the student’s adaptive and social needs

* The least restrictive environment requirements of the [WAC 392-172A-02050 through 02070;](http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A-02050)
* The placement option that provides a reasonably high probability of enabling the student to attain his or her annual goals.
* Consideration of any harmful effect on the student or on the quality of services which he or she needs.
* Unless the IEP requires some other arrangement, the student must be educated in the school that s/he would attend if non-disabled; if other arrangements are necessary, placement must be as close as possible to the student’s home.

|  |
| --- |
| When a team is considering making a change of placement to a more restrictive setting, contact special services administrator assigned to the building for consultation. |

Points to consider when considering whether a student’s placement represents the least restrictive environment:

* The academic benefit of placement, including any supplemental aides and services which may be available;
* The non-academic benefits of placement, such as the linguistic and behavioral models provided by non – disabled students; or the level of behavioral support provided by a Positive Behavioral Supports Program;
* The potential impact the student’s presence may have on the teacher and other students.

1. **Change of Educational Placement**

If a student is not making satisfactory progress in their current program, the IEP team should convene, review the current evaluation and IEP, and consider revising the IEP to make changes that will enable the student to be more successful in the program.

If, after revising the IEP, the student does not make satisfactory progress, the IEP team should again convene to review and revise the IEP or consider a reevaluation to evaluate the student’s current educational needs.

Prior to recommending a change of placement, a reevaluation must be conducted if there will be a substantial or material alteration to a student’s educational program. The team must consider:

* If there will be a substantial increase or decrease in the amount or type of services provided; or
* Whether the student’s needs are not being served in the current setting

When considering a change to a more restrictive setting, the special services administrator must be consulted one week before meeting to discuss reevaluation results and reconvening the IEP team.

Placement decisions in district programs (i.e. Extended Resource Room, Positive Behavior Support) will be communicated to both sending and receiving schools’ principals, school psychologists, receiving teacher, and appropriate related services providers.

The school psychologist of the sending school will contact the school psychologist of the receiving program to exchange information and arrange a placement meeting. The placement meeting should take place in the receiving school, when possible.

The sending school psychologist is responsible for completing and submitting the required paperwork, which includes:

* + - * Reevaluation
      * Revised IEP
      * Prior Written Notice
      * Invitation to attend the meeting
      * Transportation (if needed)

1. **Points to consider:**

* IEP teams recommend program models, but do not make school assignments. For students in general education with resource room services, the assigned resident school is the placement. The district, through the special services department, may assign students to any school that has the program described in the student’s IEP.
* When considering a self-contained placement for students five (5) through eight (8) years of age with developmental delay eligibility, a special services administrator must review the evaluation.
* Program placement location is not an IEP or parent/guardian decision.
* Special services must be consulted if teams are looking at a program change (e.g. a more restrictive program) **regardless if the current serving school has the recommended program.**

**Chapter 7**

**VERIFICATION AND ELIGIBILITY**

**Chapter Contents**

Section 1. Out of District

1. Process

Section 2. Transfer of student within Washington State

1. Process
2. Transfer IEPs with OT & PT
3. Transfers of Students Eligible for McKinney-Vento Services

**VERIFICATION OF ELIGIBILITY**

**SECTION 1. Out of District**

***All transfer paperwork must be submitted to special services within five (5) days of enrollment.***

1. **Process**

The assigned resident school registers the student and requests records from the previous school. The school psychologist secures and reviews special education records. The student is entitled to begin attending in a comparable program without delay. When a student transfers into the district, the school psychologist must send in the original paper work within five (5) days to special services. This will allow special services to add the new student to the caseload.

The assigned resident school team (including the school psychologist, special education teacher, related service staff, and parent/guardian) meet to determine:

* Whether the current evaluation is “current, complete, and appropriate.”

The school district must conduct an initial evaluation if determined that the evaluation from the other state did not meet the current Washington State eligibility guidelines.

* Whether the IEP aligns to the evaluation eligibility areas, the summary of service page and least restrictive environment (LRE) page reflect the school minutes per week (MPW), the present levels and goals align, and the IEP is compliant.

If the team determines the evaluation and IEP are current, complete, and appropriate, the team completes the Verification of Eligibility forms accepting the records, accompanied by a PWN.

If the team determines the evaluation and/or IEP is not current, complete, or does not meet the state eligibility criteria, the team should initiate a reevaluation and/or IEP amendment, accompanied by a PWN. All evaluation and IEP documents must be current to receive funding.

If the team determines that the services recommended in the student’s IEP cannot be provided at the assigned resident school, contact a special services administrator for an appropriate program location.

Placement decisions in district programs will be communicated to both sending and receiving school principals, school psychologist, and receiving IEP team by a special services administrator.

After the placement decision is made, the sending school psychologist is responsible for completing and submitting the required paper work, which includes:

* Copies of current evaluation and IEP
* Verification of Eligibility
* PWN
* IEP Amendment and amended pages of IEP (if needed)
* Initiation of reevaluation paper work (if needed)
* Invitation to attend the meeting
* Transportation paperwork

The school psychologist of the sending school will contact the school psychologist of the receiving program to exchange information and arrange a placement meeting. The placement meeting should take place in the receiving school when possible. No placement meeting is needed if the student moves in during the summer.

**SECTION 2. Transfer of Student within Washington State**

1. **Process**

* When a student transfers to Everett Public Schools from another Washington district, the evaluation team must accept the evaluation as the student has already met eligibility requirements within the state of Washington. The team can, however, determine that a reevaluation is needed based on the information within the evaluation report. In this case, the evaluation team accepts the evaluation, but recommends a reevaluation. When reviewing the IEP, the IEP team must verify whether the IEP aligns to the evaluation eligibility areas, the summary of service page and least restrictive environment (LRE) page reflect the school minutes per week (MPW), the present levels and goals align, and the IEP is compliant.

If the IEP needs to be amended, the IEP team must follow the steps identified above.

The school psychologist is responsible for completing the verification process and must send in all transfer paperwork to the special services office within five (5) days of enrollment. Although the IEP may need to be amended, the student is entitled to begin attending a comparable program without delay.

1. **TRANSFER IEPs with OT & PT**

If a student has transferred in from another district and has been evaluated by both OT and PT, qualified for both disciplines (either SDI or RS) and is recommended to receive both services in the evaluation and/or IEP the following process should be followed:

* + - 1. Accept the transfer IEP and Evaluation upon enrollment. Indicate on a PWN that an OT, PT, or both will start preliminary services.
      2. As soon as the transfer evaluation and IEP are available after enrollment, both OT and PT disciplines review the evaluation and IEP and determine if the unique expertise of both OT and PT services are needed according to these documents.
      3. Within the first two (2) weeks after enrollment, both OT and PT observe the student’s physical motor skills and compare the skills to the evaluation and IEP to determine if the unique expertise of both OT and PT services are needed according to these observations.
      4. If it is clearly determined that either an OT or PT can appropriately provide the therapy services and that the expertise of both an OT and PT is not required, then the steps taken to reach this conclusion are summarized on a PWN that justifies a change to the IEP.
      5. If the evaluation, IEP, and observations conclude that the student’s needs require the expertise of both an OT and PT, the evaluation and IEP have already been accepted and the student receives both services.

1. **Transfers of Students Eligible for McKinney-Vento Services**

**Office Managers and Registrars:**

When a student enrolls from another district, if that student has an IEP and is potentially eligible for McKinney-Vento services based upon the Housing Form, please make a copy of the Housing Form and include it with the student’s IEP and special education paperwork sent to the psychologist for review. A copy of the Housing Form will still go to Amy Perusse for her to determine the student’s eligibility. Please write SpEd on the Housing Form so that Amy will know this is a student receiving special education services.

**Psychologists:**

When a student enrolls from another district, if that student is potentially eligible for McKinney-Vento services, you will now receive a copy of the student’s Housing Form in your packet of paperwork from the registrar. When you call the IEP records secretary, notify her that the student is pending McKinney-Vento status.

When you communicate to the parent/guardians please make sure you are sharing a consistent message, “Your child may be eligible for McKinney-Vento services. If your child is eligible you may have the choice of staying in Everett or returning to last year’s school to receive services. At this time we are working on an appropriate assignment based on the current evaluation and IEP.”

Please see the attached sample Housing Form.

Thank you for your attention to these new processes. They will help ensure that we are making the best decisions for student placement and that students are receiving both the special education and McKinney-Vento services for which they are eligible.

**Chapter 8**

**DISCIPLINE OF A STUDENT**

**WHO QUALIFIES FOR SPECIAL EDUCATION**

**Chapter Contents**

Section 1. Building Based Behavioral Interventions

Section 2. The Role of the Building Administrator

Section 3. Suspension and Expulsions

1. Suspension from the bus

Section 4. Manifestation Determination

1. Conducting the Manifestation Determination
2. Behavior of Students Diagnosed with AD/HD
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5. Placement during Appeals

Section 5. Interim Alternative Educational Setting (IAES)

Section 6. Physical Restraint and Isolation

1. Procedures for Restraint and Isolation
2. Safe Room Use

**SPECIAL EDUCATION DISCIPLINE**

Students eligible for special education are subject to the disciplinary actions of the district and afforded the same rights as students without disabilities. In addition, IDEA 2004 provides special education rights to students eligible for special education. Students suspected of having a disability or who have been referred to special education are also afforded the same rights under IDEA.

**SECTION 1. Building Based Behavioral Interventions**

Universal interventions, applied at the primary prevention level to all students in the same matter and degree, are used to keep problem behaviors from emerging. Examples of such interventions include:

* + - * 1. developing a school-wide discipline plan;
        2. teaching conflict resolution and violence prevention skills to everyone;
        3. establishing high and consistent academic expectations for all students; and
        4. using the most effective, researched-based methods for teaching and supporting reading performance throughout their school careers. (Sprague, Cook, Browning-Wright, Sadler, 2008).

Individualized interventions, applied to one student at a time or to small groups of at-risk individuals, are used to achieve secondary and tertiary prevention goals. Chronically at-risk students “select” themselves out by not responding well to primary prevention and need more intensive intervention services and supports to change their problem behavior and achieve success within and beyond school. Examples of secondary interventions include

* + - * 1. self-monitoring;
        2. behavior contracting;
        3. systemic school-home note system;
        4. check in/check out systems. (Sprague, Cook, Browning-Wright, Sadler, 2008).

Students who do not respond to primary and secondary interventions require more intensive interventions which may include special education. Referral teams will have sufficient data, collected through the implementation of primary and secondary interventions, to make a decision about proceeding with an evaluation.

**SECTION 2. The Role of the Building Administrator**

The building administrator should be familiar with the Individualized Education Plan (IEP), Functional Behavioral Analysis (FBA), and Behavior Intervention Plan (BIP) of a student being considered for discipline. The building administrator should communicate discipline of any student eligible for special education with the student’s case manager and/or school psychologist.

Before a student with a disability can be suspended for more than ten (10) cumulative days, the building administrator must follow specific procedures. For students approaching ten (10) cumulative days of suspension, IEP teams must hold a manifest determination meeting to determine if the behavior for which the student was suspended is a manifestation of the student’s disability. Every suspension beyond ten (10) cumulative days requires an immediate manifestation determination (please see below for more information on manifestation determination). Building administrators should notify a special services administrator when manifest determination meetings are scheduled and special services administrators may attend if the team feels it is appropriate.

A building administrator, or designee, must request tutoring instruction if a student is suspended beyond ten (10) cumulative days. The building administrator must ensure a *Request for Tutor* form is signed and submitted to the special services tutoring coordinator.

A suspension of more than ten (10) cumulative days is considered an interim alternative educational setting (IAES). Building administrators should work with a special services administrator to arrange an IAES. Teachers coordinate with tutors to provide curriculum and materials necessary to ensure the student in an IAES is receiving instruction to make progress in the general education curriculum and on the IEP goals.

Special services administrators are available to consult with building teams when students eligible for special education are subject to discipline and require additional consultation.

**SECTION 3. Suspension and Expulsions**

Discipline is defined as all forms corrective action or punishment, excluding suspension and expulsion. If the student’s exclusion from class **exceeds the immediate class period,** it is considered a suspension and must be counted towards the ten (10) cumulative days. [WAC 392-400-205.](http://apps.leg.wa.gov/WAC/default.aspx?cite=392-400-205)

“Suspension” means a denial of attendance (other than for the balance of the immediate class period) for “discipline” purposes, in any single subject or class, or in any full schedule of subjects or classes for a stated period of time. For example, if a student is kept from attending a class or class activity, with his or her general education classmates, it would be considered a suspension and count towards the ten (10) cumulative days as defined by [WAC 392-400-205.](http://apps.leg.wa.gov/WAC/default.aspx?cite=392-400-205)

Emergency expulsions may be used as they are for general educational students for immediate removal from school. Under IDEA 2004, every day of emergency expulsion counts as a day of suspension and must be converted to a short or long term suspension. Expulsions cannot remain on the student record if the student is eligible for special education and cannot be suspended for more than 45 days.

1. **Suspension from the bus:**

School personnel have the authority to remove a student with a disability from transportation to the same extent that removal would be applied to students without disabilities. However, the student may not be removed for more than ten (10) consecutive days as it would constitute a change in placement and a manifest determination must be scheduled by the school team.

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| If bus transportation is part of a student’s IEP, a bus suspension would be treated as a suspension because that transportation is necessary for the student to obtain access to the location where all other services will be delivered. |

**SECTION 4. Manifestation Determination**

For students approaching ten (10) cumulative days of suspension, IEP teams must hold a manifest determination meeting to determine if the behavior for which the student was suspended is a manifestation of the student’s disability. A manifestation determination is required by IDEA 2004 to determine if there is a relationship between the disability and the behavior that results in suspensions beyond ten (10) cumulative days. Student behavior plans must be implemented with fidelity throughout the school setting. A student may not be removed to a more restrictive environment if the FBA and/or BIP have not been properly implemented.

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| If a student’s behavior is determined to be a manifestation of their disability, the student must be returned to school and the Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) must be revised to anticipate and resolve the behavior through instruction and/or interventions. |

1. **Conducting the Manifestation Determination**

The manifest determination is conducted by the district, parent/guardian, and relevant members of the IEP team as determined by the parent/guardian and the district.

Before the tenth school day of suspension or removal, the IEP team will meet and consider the following:

* The student’s IEP, including any existing FBA or BIP, and evaluations
* The student’s placement and teacher observations
* Any relevant information provided by the parent/guardian

After reviewing all of the relevant information, the team will determine

1. if the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or
2. if the conduct in question was the direct result of the district’s failure to implement the IEP (if this is the case, the district must take immediate steps to remedy those deficiencies).

The IEP team must reach a consensus to determine causality between behavior and disability. If there is no consensus between the district and the parent(s)/guardian(s), the district prevails and the parent/guardian can write a letter of dissent or initiate due process.

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| On the day of the suspension or removal from school of a special education student, the IEP team must notify the parent/guardians and provide them a copy of the special education procedural safeguards. |

1. **Behavior of Students Diagnosed with ADHD**

Impulsivity is one of the diagnostic criteria for students diagnosed with ADHD. Teams may determine that impulsive behavior of students resulting in disciplinary action may be a manifestation of the disability, ADHD. Poor judgment is not a diagnostic criteria for students diagnosed with ADHD; therefore, if the behavior resulting in disciplinary action is determined by the team to be a result of poor judgment alone, the team may not find the behavior is a manifestation of the student’s disability.

1. **When the Behavior IS a Manifestation of the Disability**

If the behavior is determined to be a manifestation of the student’s disability, the team must return the student to the placement from which the student was removed, unless the parent/guardian and the district agree to a change of placement. The team must modify the IEP and/or behavior intervention plan to address the behavior which resulted in the disciplinary action. The BIP needs to address positive behavioral supports through specially designed instruction.

1. **When the Behavior IS NOT a Manifestation of the Disability**

If the behavior is not determined to be a manifestation of the student’s disability, the student must continue to receive services and may be placed in an Interim Alternative Educational Setting for no longer than 45 days. An IAES is defined as the removal of a student from their educational placement for more than 10 cumulative days in the current school year (see IAES below).

1. **Placement during Appeals**

If a parent/guardian requests a hearing regarding a disciplinary actionto challenge the interim alternative educational setting or the manifestation determination, the student must remain suspended or in the IAES pending the decision of the hearing officer or until the expiration of the forty-five (5) day time period provided for, whichever occurs first, unless the parent/guardian and the school agree otherwise. [WAC 72-120-304](http://apps.leg.wa.gov/WAC/default.aspx?cite=72-120-304); [WAC 72-120-306](http://apps.leg.wa.gov/WAC/default.aspx?cite=72-120-306).

If at the end of the suspension (IAES), it is proposed that the student’s placement be changed to another setting and all parties do not agree, the student must “stay put;” a legal term which means the student will be returned to their original placement, until a resolution is reached. For example, a student has received tutoring services for 45 days and is prepared to return to their original school. The parent/guardians have requested the student be placed in an out-of-district school. The district does not agree. While this matter is being resolved, the student will be returned to their original school.

**SECTION 5. Interim Alternative Educational Setting (IAES)**

A change of placement is defined as the removal of a student from their educational placement for more than ten (10) cumulative days in the current school year.An IAES is determined by the IEP team, and will not exceed more than 45 school days. The IAES enables the student to continue to receive special education services and participate in the general education curriculum and progress toward meeting their IEP goals and high school graduation. An IEP team, in cooperation with the parent/guardian, may change a student’s placement to an IAES. If the parent/guardian is not in agreement with the proposed changes of placement, only an impartial hearing officer may order the change of placement. Exceptions occur if the student:

* possesses a weapon, or carries a weapon to school or to a school function under the jurisdiction of a state school;
* knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of the state; or
* has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

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| Following the removal from the student’s current educational placement, special education rights apply under IDEA 2004. The student must continue to receive special education services in order to enable the student to make progress in the general education curriculum and with their IEP goals. |

**SECTION 6. Physical Restraint and Isolation**

Positive behavioral supports should be used consistently by all school staff and across all school environments to support appropriate behavior and reduce negative behaviors. Physical restraint and isolation should be used only as a last resort to maintain the safety of students and staff at immediate risk as a result of aggressive behaviors.

Physical Restraint means intervention or force used to control a student. Isolation is defined as excluding a student from the regular instructional area and restricting the student alone within a room or other form of enclosure, from which the student may not leave.

A Functional Behavioral Analysis (FBA), Behavior Intervention Plan (BIP), and Aversive Intervention Plan (AIP) should be developed by the IEP team of any student the team reasonably suspects may require physical restraint or seclusion. A copy of the district policy and procedure on the use of isolation and restraint (District Procedure 3319P) must be presented to the parent/guardian at the time the IEP or plan is created. The IEP must include a means for evaluating the effects of the use of the aversive interventions and a schedule for periodically conducting the evaluation at least every three (3) months when school is in session.

1. **Procedures for Physical Restraint and Isolation**

The following procedures must be used for all students participating in school-sponsored instruction or activities when physical restraint or isolation is used:

* The principal or principal’s designee must:

1. make a reasonable effort to verbally inform the student’s parent/guardian within 24 hours of the incident; and
2. send written notification of the incident no later than five (5) business days after the restraint or isolation occurred (see Special Services Physical Restraint and Isolation Incident Report).

* The principal or principal’s designee must review the incident with the student and parent/guardian and the staff member who administered the restraint or isolation to discuss whether proper procedures were followed.
* A written report must be provided to special services within two (2) business days (see Special Services Physical Restraint and Isolation Incident Report).

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| The district does not have approved safe rooms for isolation of students who present behaviors that are an imminent harm to others. |

For more information on Isolation Procedures, please refer to District Procedure 3319P.

**Chapter 9**

**ENGLISH LEARNERS and SPECIAL EDUCATION**

**Chapter Contents**

Section 1. Stages of Second Language Acquisition

1. Development of Reading and Writing

Section 2. Basic Interpersonal Communication Skills (BICS) and Cognitive Academic Language

Proficiency (CALPS)

Section 3. Stages of Cultural Accommodation

Section 4. English Language Development Standards

Section 5. Intervention Process Overview

Section 6. Critical Data Matrix for EL Students of Concern

Section 7. Special Education Evaluation and Individualized Education Plan

1. Eligibility (FAPE)
2. Individualized Education Program

Everett Public Schools is committed to ensuring free and appropriate public education for all students. This includes providing equal access to English Learners (EL) who may also qualify for special education and related services and giving these students equal access to appropriate educational services.

**SECTION 1. Stages of Second Language Acquisition**

All new learners of English progress through the same stages to acquire language. The timelines for each stage are only for reference as no two students will be at the same stage or progress at the same rate within the classroom setting. The five (5) different levels of language acquisition include the *Preproduction* stage (0-8 months), *early Production* stage (6 months- 1 year), S*peech Emergence* stage (1-3 years), *Intermediate Fluency* stage (3-5 years), and *Advanced Fluency* stage (5-7 years).

During the Preproduction stage, students are silent observers. With minimal comprehension, a student in this stage has little understanding of the new language and communicates non-verbally by pointing or nodding. In the early Production stage, a student has a limited level of comprehension but may begin using one or two word responses to a direct question reverting to non-verbal forms of communication if unsure of themselves. Speech emergence may not begin until the student has been consistently exposed to English for 1-3 years. These students often rely on sight-vocabulary but are able to speak in phrases and simple sentences. Students who have been in the process of acquiring English for 3-5 years are typically solid in the Intermediate Fluency stage and easily engage in classroom dialogue, but may still need to expand their vocabulary. Beyond five (5) years, the student has usually acquired the Advanced Fluency stage at or near the level of a native of the English language. Easy reference of stages is referenced on the following page.

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| Stage | Characteristics | Approximate Time Frame | Teacher Prompts |
| Preproduction | Minimal comprehension.  Does not verbalize. | 0–8 months | Show me …  Circle the …  Where is …?  Who has …? |
| Early Production | Limited comprehension  Produces one- or two-word responses.  Uses key words and familiar phrases.  Uses present-tense verbs. | 6 months–1 year | Yes/no questions  Either/or questions  Who …?  What …?  How many …? |
| Speech Emergence | Good comprehension.  Can produce simple sentences.  Makes grammar and pronunciation errors.  Frequently misunderstands jokes. | 1–3 years | Why …?  How …?  Explain …  Questions requiring phrase or short-sentence answers |
| Intermediate Fluency | Excellent  comprehension.  Makes few grammatical errors. | 3–5 years | What would happen if…?  Why do you think …?  Questions requiring more than a sentence response |
| Advanced Fluency | Student has a near-native level of speech. | 5–7 years | Decide if …  Retell … |

1. **Development of Reading and Writing**

While there are five (5) language acquisition stages, the development of reading and writing skills may not align with the level of language acquisition demonstrated by the student. It can take up to 5-7 years for a student to become a fluent speaker, it can take 1-3 years after beginning to speak in a speech emergence phase, for the student to become fluent in reading and writing. Writing is one of the most difficult subjects for a student to learn, given vocabulary, syntax and grammatical differences in the student’s primary and secondary language structures.

**SECTION 2. Basic Interpersonal Communication Skills (BICS) and Cognitive Academic Language Proficiency (CALPS)**

Many EL students have not achieved the level of English proficiency necessary for academic success. It is easy for an educator to be misled by EL students’ ability to converse in English, leading them to believe the student is proficient in English and has the ability to understand academic concepts in the classroom setting.

Jim Cummins is one of the world’s leading authorities on bilingual education and second language acquisition. Cummins makes the distinction between two differing kinds of language proficiency:

* Basic interpersonal communication skills (BICS): the “surface” skills of listening and speaking which are typically acquired quickly by many students. BICS is typically utilized in social and informal settings to carry on a conversation with another person.
* Cognitive academic language proficiency (CALP): the basis for a student’s ability to cope with the academic demands placed upon them in various subjects. Attaining CALP proficiency is critical in order for the EL student to make academic progress.

Cummins states that while many students develop BICS within two (2) years of immersion in the target language, it takes between 5-7 years for a child to develop CALP.

**SECTION 3. Stages of Cultural Accommodation**

In the same way the EL students go through stages of English language learning, they also pass through stages of acculturation. Collier (2004) describes acculturation as the process of acquiring English while maintaining the dominant language. ELs are considered acculturated when a child is fluent in their native language and has adapted to the new culture.

Language acquisition is a key component of how much an EL becomes acculturated. This component is often misunderstood by instructional teams and may contribute to referring too quickly for a special education evaluation. Lack of training in second language acquisition makes it difficult to tell the difference between ELs who are struggling academically in the classroom because of acculturation and ELs who have a true learning disability. These stages are often more difficult to notice but may impact the student’s ability to adjust to new cultural expectations.

**SECTION 4. English Language Development Standards**

In 2014 OSPI developed new English Language Proficiency (ELP) standards, developed for grades K-12. The ten ELP standards highlight a strategic set of language functions (what students *do* with language to accomplish content-specific tasks) and language forms (vocabulary, grammar, and discourse specific to a particular content area or discipline) which are needed byELs as they develop competence in the practices associated with English language arts (ELA) & literacy, mathematics, and science.

For reference to the English Language Development Standards, see: <http://www.k12.wa.us/MigrantBilingual/ELD.aspx>

**SECTION 5: Intervention Process Overview**

General education intervention team members support the general education teacher in the development, implementation and monitoring of interventions for students experiencing difficulties.

The following *Four Step Intervention Process* (page 1-6) has been developed by the EL and Special Services school district departments as a pre-referral intervention to support the identification, development and implementation of alternative instructional strategies for students who have recognized problems in the classroom before a student is referred to special education.

The levels of intervention for students experiencing difficulty focus on utilizing high-quality targeted instruction to improve performance. If performance does not improve following the recommendations provided at each step, students are moved to the next level which intensifies the level of data and instruction needed. The intent is to provide interventions that will help the student achieve success without entering special education. However, if these interventions do not improve the student’s performance, the student will be referred for a special education evaluation to determine possible eligibility for special education services.

If the student continues to experience difficulty after step 1-3 have been implemented, school personnel may refer the child for a special education evaluation. Referrals for determination of eligibility for special education services may be initiated by:

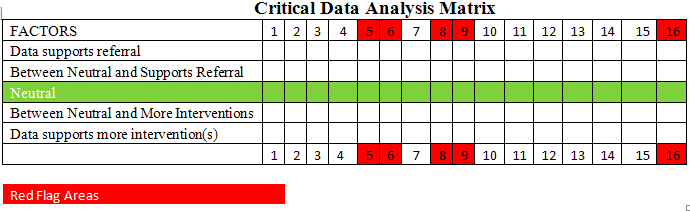
* School personnel (including general education teachers, special education teachers, counselors, administrators, etc.);
* Child’s parent(s)/guardian(s) or legal guardian(s);
* Any other person involved in the education or care of the child.

The official referral begins the formal process of determining eligibility for special education services.

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| Step 1:  Formative | Step 2:  Implement Interventions | Step 3:  Referral to General Education Intervention Team | Step 4:  Referral to Special Education Team |
| 1. Complete a Parent/guardian Interview to determine:   * Developmental history * Student’s native language * Other languages spoken by the student and/or in the home * Formal education in the native language * Native language literacy * Parent/al education level   2. Review student file to determine:   * Years learning English * Attendance history   3. Determine the EL support provided:   * What EL support services have been provided? * Does the teacher use strategies to support ELs (i.e., GLAD, visuals, etc.)? * Does the student use Imagine Learning English consistently? (Provided for L1 and L2 students.)   4. Consider the student’s level of English Language Acquisition:   * Review the stages of language acquisition   EL Coach/ Facilitator administers ADEPT   * Complete the SOLOM | **1. Identify the area of concern:**   * Determine the specific area of need to target   **2. Implement research-based interventions**   * Consult EL Coach/Facilitator to identify targeted interventions * Target the area of need for 4-6 weeks   **3. Monitor and document progress for 4-6 weeks**    *After 6-weeks of intervention*    1. If progress is made, continue the intervention, no further referral necessary at this time    *Or*    2. If no progress is made more interventions are necessary, continue to step 3, refer to General Education Intervention Team. | **1. The team reviews:**   * Information from the parent/guardian interview * Student’s current level of language acquisition (SOLOM, ADEPT) * Previously implemented interventions * Initial work samples compared to current work samples   **2. Complete Critical Data Matrix for EL Student of Concern**   * Consult a district EL Coach for support with items 14, 16   **3. The team analyzes the Matrix, and either:**   * The data supports more interventions, refer to step 2     *Or*     * The data supports a referral to the Special Education team for further review, refer to step 4 | **Before determining an EL student will be evaluated for special education, the following questions must be addressed:**  1. Has the EL coach/ facilitator been involved in the stepped intervention process?  2. Has the student had sufficient time to adjust to a new physical and cultural setting?  3. Has the student had appropriate instruction in reading and math, aligned to the state expectations?  4. Do the concerns exist in the student’s native language?  5. Is the student’s progress significantly different from that of peers who started at about the same level of English proficiency and have had comparable instruction?  6. Can problematic behaviors be explained by cultural differences or bias?  7. Have modifications or accommodations to student instruction been made and tracked in the regular education setting?  **If any of the above answers are “No”, go back to prior steps with the general education team.** |

**SECTION 6: Critical Data Matrix for EL Students of Concern**

The Critical Data Matrix for EL students of concern (refer to step 3 of the *Four-Step Intervention Process*: Referral of student to the general education intervention team*)* provides a structure for organizing information about the student that should be considered prior to referral to special education. The matrix provides a visual organizational tool for the team to use and support for more general education intervention or for referral to special education. The matrix is designed to be used by the team for data gathering and decision making and focuses the team to consider information on “red flag” issues.



The team completes the matrix by placing the marks in the appropriate squares as the discussion occurs. All 16 points of data are discussed. The team analyzes the matrix as a whole and determines whether a majority of the marks appear to be above or below the neutral line. If a majority falls above the line the data supports a referral and if it falls below the line it supports more intervention at the general education level.

Matrix Content:

* Decision Factor #1. Developmental History: Does the information provided by parent/guardians support a history of developmental issues?

1. If there is no history of developmental delay(s), place a mark toward more interventions.
2. If there is a history of developmental delay(s), place a mark toward referral.

* Decision Factor #2. Student’s Native Language: Take into consideration the transparent/guardian or non-transparent/guardian nature of the native language.
  1. If the native language is transparent/guardian in nature, place a mark toward more interventions.
* Decision Factor #3. Other Languages Spoken by the Student: If student has multiple languages that he/she speaks, it is reasonable to expect average to above average learning of English.

1. If student has multiple languages that he/she speaks, it is reasonable to expect average to above average learning of English.

* Decision Factor #4. Multiple Languages Spoken in the Home: If multiple languages are spoken in the home of the student and the student is 6 years old or younger, it can have an impact on the usage of language.
  1. If the student is 6 years old or younger, place a mark toward more interventions.
  2. If the student is older than 6 and still struggles between languages, place a mark toward referral.
* Decision Factor #5. Formal Education in Native Language: If student has not received expected years of education in the native language the student will not (in all likelihood) have the structures of language relative to academic learning and the experience of how to function in a school setting.
  1. If a student has had formal education in their native language and shows mild to moderate issues learning English, place a mark toward more interventions.
  2. If the student has had formal education and shows extreme issues learning English, place a mark toward referral.
* Decision Factor #6. Student Literacy in Native Language: If student has not received expected years of education in the native language the student will not (in all likelihood) have the structures of language relative to academic learning and the experience of how to function in a school setting.
  1. If a student has had formal education in their native language and shows mild to moderate issues learning English, place a mark toward more interventions.
  2. If the student has had formal education and shows extreme issues learning English, place a mark toward referral.
* Decision Factor #7. Parent/guardian Education in the Native Language: If student has not received expected years of education in the native language the student will not (in all likelihood) have the structures of language relative to academic learning and the experience of how to function in a school setting.
  1. If a student has had formal education in their native language and shows mild to moderate issues learning English, place a mark toward more interventions.
  2. If the student has had formal education and shows extreme issues learning English, place a mark toward referral.
* Decision Factor #8. Parent/guardian Interview: The parent/guardian interview provides information regarding where they were born, when the student began school, years of education, the student’s performance in school (if applicable), retentions, previous areas of difficulty, the family history of learning, and behavioral norms for students/children.

1. If the information shows the student is a capable learner historically, place a mark toward more interventions.
2. If the student has a history of learning issues, place a mark toward referral.

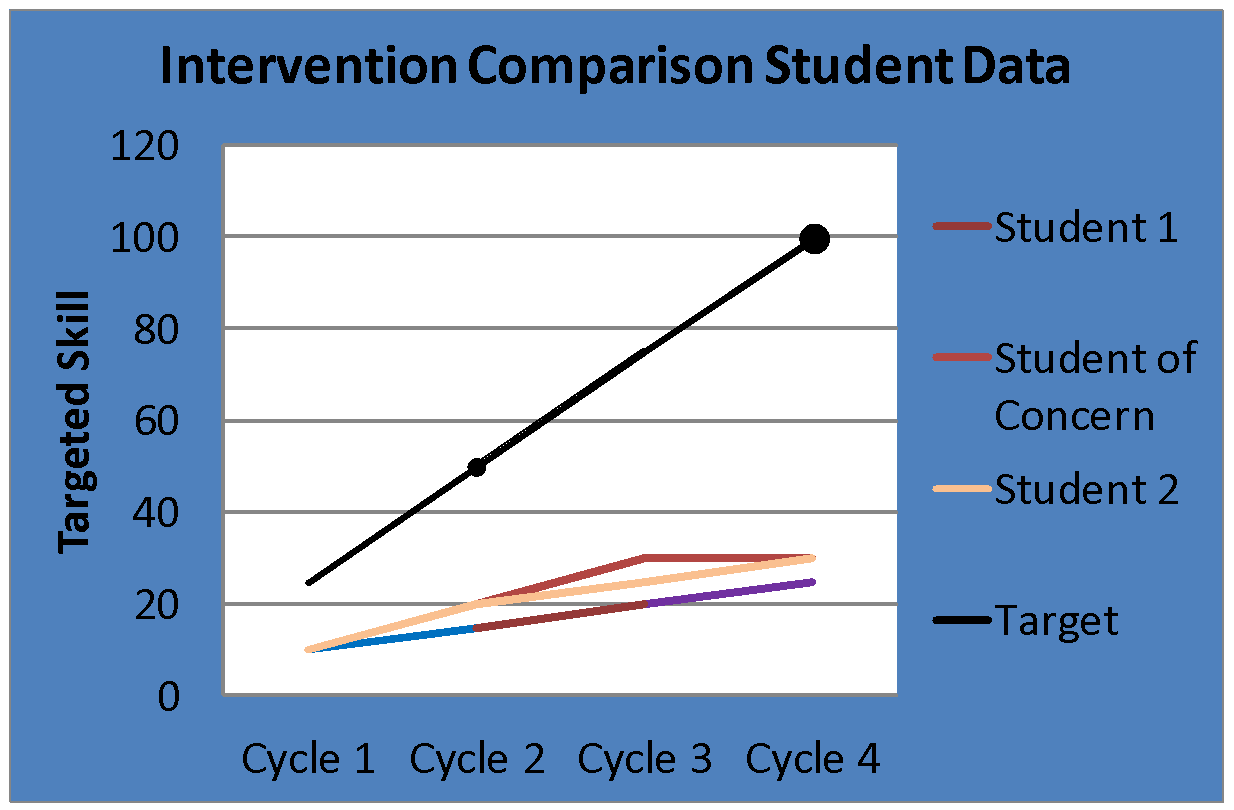
* Decision Factor #9. Years Learning English: The research is clear that a student who is receiving a strong EL program takes an average of 5-7 years to have academic language needed to compete / learn in the education setting at a rate similar to non-EL students.

1. If the student has less than 5-7 years learning English, place a mark toward more interventions.
2. If the student has more than 5-7 years learning English, place a mark toward referral.

* Decision Factor #10. Attendance History: Any student who has three (3) or more unexcused absences per year or a total of 15 excused or unexcused absences per year is outside the norm and this negatively impacts their learning.
  1. If the student has poor attendance, place a mark toward more interventions.
  2. If the student has good attendance, place a mark toward referral.
* Decision Factor #11. Approach to EL Services: Any student who has three (3) or more unexcused absences per year or a total of 15 excused or unexcused absences per year is outside the norm and this negatively impacts their learning.
  1. If the student has poor attendance, place a mark toward more interventions.
  2. If the student has good attendance, place a mark toward referral.
  + Decision Factor #12. Intervention Description: Have there been targeted interventions with pre-assessment, progress monitoring, and post-assessment data?

1. If the interventions have not been targeted to a specific need, place a mark toward more interventions.
2. If the interventions have been targeted, place a mark toward referral.

* Decision Factor#13. Intervention Based Comparison Student Data:



* Decision Factor 14. Classroom Observation: If the student has a history of being engaged in the learning process yet is not appearing to learn at the rate of their peers, then that provides data to support a learning difficulty. However, a lack of engagement does not provide any specific data.
  1. If the student is disengaged and lacks in effort, place a mark toward neutral or more interventions.
  2. If the student is engaged and making efforts, place a mark toward referral.
* Decision Factor #15. Expectations in General Education Classroom: If the student has a history of being engaged in the learning process yet is not appearing to learn at the rate of their peers, then that provides data to support a learning difficulty. However, a lack of engagement does not provide any specific data.
  1. If the student is disengaged and lacks in effort, place a mark toward neutral or more interventions.
  2. If the student is engaged and making efforts, place a mark toward referral.
* Decision Factor #16. Like Peer Analysis: The student should be compared to other students of a similar age, language background, and length of time learning English and receiving EL services, with regard to rate of growth on the WELPA and performance on the state assessments. Is this growth rate significantly different than that of peers?

1. If data indicates performance that is above or same as peers, place a mark toward more interventions.
2. If data indicates performance that is significantly below peers or is inconsistent, place a mark toward referral.

**SECTION 7: Special Education Evaluation and Individualized Education Plan**

IDEA requires that students referred for special education services receive a nondiscriminatory multi-factored evaluation. The school district is required to complete the evaluation within 35 days of parent/guardian consent to evaluate. The evaluation is to be conducted by a multidisciplinary team (MDT) that will consist of individuals who can bring different perspectives and expertise to the evaluation. The MDT team should include an EL facilitator who can help the team differentiate differences from a disability.

The evaluation must be comprehensive and include informal observations and documentation of the student’s past work. Assessments may not be biased in regard to race, culture, language, or disability. The materials and procedures must be administered in the language and form most likely to provide accurate information on what the child knows and can do. For additional information see the *Evaluation* chapter of the manual.

1. **Eligibility (FAPE)**

Upon completion of the evaluation, the evaluationteam meets to discuss the evaluation results. Parent/guardians will have written advance notice (in their primary language) of the time, place, purpose of the meeting, and assessment team members. If the parent/guardian is not proficient in English, a trained interpreter will assist in order to assure effective communication during themeeting.

IDEA states that each child is entitled to free appropriate public education (FAPE.) Special education services are one way to accomplish that requirement for students with disabilities. A student is considered eligible for special education services if:

* + - 1. the child has a disability as defined by IDEA which
      2. negatively impacts his/her educational performance, and
      3. the child needs special designed instruction in order to benefit from education.

Theeligibility of ELfor special education services is based upon the same criteria as for other students. Additionally, the team must find evidence that:

* Thestudent's learning problem is not primarily related to second language acquisition
* A speech or language impairment such as "stuttering, impaired articulation, language impairment, or a voice impairment that adversely affects the educational performance" is evident in the primary language.
  1. **Individualized Education Plan**

If the team determines that the student is eligible for special education services, then a formal individualized education plan (IEP) will be formed to develop a plan of special education services for the student. For additional information see the IEP chapter of the manual.

**Chapter 10**

**DEAF AND HARD OF HEARING STUDENTS (Ages 3-21)**

**Chapter Contents**

Section 1. Roles of Educational Audiologist, Teacher of the Deaf (TOD), and Educational Sign Interpreters

1. Educational Audiologist
2. Deaf/Hard of Hearing Teacher
3. Educational Sign Interpreter

Section 2. Accommodations for Students with Hearing Loss

**DEAF AND HARD OF HEARING STUDENTS (ages 3-21)**

**SECTION 1. Roles of Educational Audiologist, Teacher of the Deaf (TOD), and Educational Sign Interpreters**

Everett Public Schools employs a Teacher of the Deaf and Hard of Hearing (TOD or DHH Teacher) to provide the following services for students who qualify and an Educational Audiologist to perform the following duties:

* 1. **Educational Audiologist:**

The educational audiologist allocates their time in the Everett Public Schools to students within the special education department, and implementing the district hearing screening program in general education settings.

Job responsibilities may include, but are not limited to:

Assessment, Instruction and Collaboration:

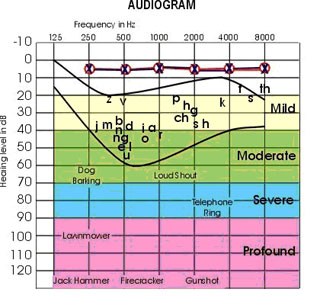
* Annual hearing school district hearing screening:

School-age hearing screening of children occurs:

* In grades: K,1,2,3,5,7 and, for:
* Any student showing symptoms of possible loss in auditory acuity referred to the district by parent/guardians, or school staff
* Auditory training (listening skill development)
* Hearing aid, FM system, cochlear implant use and care abilities
* Assesses, designs, implements intervention programs and monitors progress to inform instruction.
* Participates on assessment and IEP teams in determination of equipment and/or accommodation needs for students identified with hearing loss (includes special education, 504 accommodation plan development, and general education).

Consultation:

* Interprets audiology assessment results for staff
* Communicates strategies and accommodation needs unique to the student
* Provides training on the care and use of assistive hearing technology
* Troubleshoots technical assistance related to amplification or assistive listening equipment
* Consults with private agency and medical professionals as needed
* Provides parent/guardian, teacher, and student consultation



b) **Deaf and Hard of Hearing Teacher (DHH)**

The Deaf and Hard of Hearing teacher provides itinerant services for deaf/hard of hearing students in school district school settings. The teacher is an important link between the school and family of the deaf or hard of hearing student. Job responsibilities may include, but are not limited to:

* Providing in-service training for general education staff and students regarding the specific communication and educational needs of deaf and hard-of-hearing students and ways to include deaf and hard-of-hearing students in various situations and group settings.
* Obtaining specialized services, materials, or equipment for deaf and hard-of-hearing students to use in the general education classroom and providing specialized resources and visual aids.
* Ensuring the inclusion of deaf and hard-of-hearing students in activities.
* Providing instruction to deaf and hard-of-hearing students regarding their hearing loss, Deaf culture, assistive devices, and various communication methods used by deaf and hard-of –hearing individuals.
* As appropriate, facilitating opportunities for deaf and hard-of-hearing students to interact socially with other deaf and hard-of-hearing students and with deaf and hard-of-hearing role models.
* Adapting curriculum to make subject matter accessible to deaf and hard-of-hearing students.
* Keeping parent/guardians informed of the school curriculum and methods and techniques to reinforce language and academic development.
* Evaluating and recommending appropriate environmental conditions, such as lighting and acoustics, to meet the unique communication needs of deaf and hard-of-hearing students.
* Assessing students in the areas of academic achievement, language, and communication.
* Making recommendations for IEP goals and objectives for academic achievement, language, and communication and providing direct, specialized instruction in specific areas of need.
* Assisting in the appropriate placement of students
* Coordinating required services for students
* In concert with the educational audiologist, monitoring individual hearing aids, cochlear implants, and assistive listening devices
* Meeting regularly with general education teachers and educational interpreters to discuss areas of concern and to ensure communication is effective
* Working directly with students who communicate using oral, sign, and/or total communication
* Coordinating sign language interpreter schedules to student needs
* Consulting with sign language interpreter
* Providing training for staff and parent/guardians on learning characteristics per type and degree of hearing loss
* Providing specially designed instruction in areas of teacher qualification, if determined this is the appropriate LRE for the individual students.

**c) Educational Sign Interpreters**

Educational Interpreters work with students in the capacity of a Shared Interpreter or 1:1 Interpreter for students who have Deaf and Hard of Hearing language and communication needs. Primarily, the Educational Interpreter performs the following duties in a special education or general educational setting:

* Interprets communication and dynamics between deaf or hard of hearing (DHH) persons and hearing persons, including what staff, students, or the DHH person may say and other sounds that may occur, to facilitate accurate communication;
* Provides interpretation in classrooms and for various other situations, such as assemblies, field trips, meetings, test administration, phone calls, music, extra-curricular activities, and sports events as aligns with contract hours;
* Familiarizes self with subject matter being taught, previewing instructional materials as necessary to ensure ability to utilize appropriate signing of vocabulary and expressions applicable to the subject;
* Serves as a resource person for District staff providing information regarding the interpretation process and needs and concerns of DHH people;
* Provide informal instruction in basic sign language skills.

**SECTION 2. Accommodations for Students with Hearing Loss**

The following accommodations should be provided to students with hearing loss:

* Seat the student with hearing loss about 3-6 feet from the speaker, usually near the front and side of the classroom so that the student has a clear view of the teacher and is able to visually access peers. If the student has a better hearing ear, seat the student so the better ear is toward the side of the speaker.
* Seat away from high noise areas such as pencil sharpeners, fans or heaters, hallways, and pieces of technology. Keep the door closed to reduce background noise.
* Do not seat student facing bright lights or windows where a glare will make it difficult to see the faces of others.
* Avoid walking around when speaking, but if you do need to move while speaking, allow the student to move about the room in order to see you speak.
* Talk clearly and at a “normal” volume level. Do not over-exaggerate your speaking.
* State key points and new information in at least two (2) different ways.
* Write down key vocabulary, assignments, and other important information. If possible, provide the student with a copy of the teacher notes and assignment expectations.
* Encourage the student to keep a running list of unfamiliar words. Encourage dictionary use.
* Ask the student for periodic feedback to ensure comprehension.
* When possible, accompany verbal instruction with visual references and demonstration.
* Preview new concepts and vocabulary at the beginning of the lesson; highlight and summarize the information at the end of the lesson.
* Repeat comments or questions from articulated by students during class discussion or question/answer time. Remind students to speak one at a time during discussion.
* Taking notes can be challenging for a student with hearing loss. Consider providing written notes or asking a responsible student in class to take notes. NCR paper can support note taking.
* Provide extensive review of material prior to moving on to new areas.
* If possible, use closed captioned audio-visual materials. If student uses a FM system, hang the microphone in front of the sound source to aid listening.
* Always face the student when speaking and do not cover mouth or face.
* Do not chew gum when talking to students as the extra mouth movements cause confusion.
* Provide students with access to new material before it is presented to the class. Provide lists of vocabulary for an upcoming lesson or a list of books to be read in the future.
* If you do not understand the student’s speech, calmly ask him/ her to repeat.

**Chapter 11**

**MCKINNEY-VENTO HOMELESS ASSISTANCE ACT**

**Chapter Contents**

Section 1.Definition

Section 2. Process for Transfers

**MCKINNEY-VENTO HOMELESS ASSISTANCE ACT**

**SECTION 1. Definition**

The McKinney-Vento Homeless Education Assistance Act is a federal law that ensures immediate enrollment and educational stability for homeless children and youth. McKinney-Vento provides federal funding to states for the purpose of supporting district programs that serve homeless students.

**Defining Homeless**   
The McKinney-Vento Act defines homeless children as "individuals who lack a fixed, regular, and adequate nighttime residence." The act provides examples of children who would fall under this definition:

1. Children and youth sharing housing due to loss of housing, economic hardship or a similar reason
2. Children and youth living in motels, hotels, trailer parks, or camp grounds due to lack of alternative accommodations
3. Children and youth living in emergency or transitional shelters
4. Children and youth abandoned in hospitals
5. Children and youth awaiting foster care placement
6. Children and youth whose primary nighttime residence is not ordinarily used as a regular sleeping accommodation (e.g. park benches, etc.)
7. Children and youth living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations
8. Migratory children and youth living in any of the above situations

The McKinney-Vento Act ensures homeless children transportation to and from school free of charge, allowing children to attend their school of origin (last school enrolled or the school they attended when they first become homeless), regardless of the district in which the family resides. It requires schools to register homeless children even if they lack normally required documents, such as immunization records or proof of residence.

**Section 2. Process for Transfers**

**Office Managers and Registrars:**

When student enrolls from another district, if that student has an IEP and is potentially eligible for McKinney-Vento services based upon the Housing Form, please make a copy of the Housing Form and include it with the student’s IEP and special education paperwork sent to the psychologist for review. A copy of the Housing Form will still go to Amy Perusse for her to determine the student’s eligibility. Please write SpEd on the Housing Form so that Amy will know this is a student receiving special education services.

**Psychologists:**

When a student enrolls from another district, if that student is potentially eligible for McKinney-Vento services, you will now receive a copy of the student’s Housing Form in your packet of paperwork from the registrar. When you call the IEP records secretary, notify her that the student is pending McKinney-Vento status.

When you communicate to the parent/guardians please make sure you are sharing a consistent message, “Your child may be eligible for McKinney-Vento services. If your child is eligible you may have the choice of staying in Everett or returning to last year’s school to receive services. At this time we are working on an appropriate assignment based on the current evaluation and IEP.”

Thank you for your attention to these new processes. They will help ensure that we are making the best decisions for student placement and that students are receiving both the special education and McKinney-Vento services for which they are eligible.

|  |
| --- |
| If you have questions about McKinney Vento eligibility or processes or for questions regarding special education students designated homeless contact the homeless liaison in Categorical Programs  (425)385- 4032. |

**Appendix A: Forms**

[Child Specific Equipment Request Form](http://docushare.everett.k12.wa.us/docushare/dsweb/View/Collection-13556)

[IEP Release (section 9.14) Form](http://docushare.everett.k12.wa.us/docushare/dsweb/View/Collection-13556)

[Mileage Form](http://docushare.everett.k12.wa.us/docushare/dsweb/Get/Document-85220/1.05d-Mileage%20form%20--Calculates%20Totals%20&%20Mileage%20201708.xlsm)

<http://docushare.everett.k12.wa.us/docushare/dsweb/Get/Document-85220/1.05d-Mileage%20form%20--Calculates%20Totals%20&%20Mileage%20201708.xlsm>

Reimbursement Voucher

<http://docushare.everett.k12.wa.us/docushare/dsweb/Get/Document-14228/2.06a-Reimbursement%20Voucher.pdf>

Time Sheet

<http://docushare.everett.k12.wa.us/docushare/dsweb/Get/Document-14238/5.01a%20Time%20Sheet%20and%20Payroll%20Adjustment%20Record%20(Fillable)%2020170822.pdf>

Travel Request

<http://docushare.everett.k12.wa.us/docushare/dsweb/Get/Document-81717/1.05a-Travel%20Request%20Form%20Fill%20in%20Form%20201707.pdf>

**Appendix B: 18-21 Transition Services Eligibility Criteria**

