



Special Education Handbook

Requirements, Procedures and Forms

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Section I:

Special Education Process

- Overview of Special Education Process
- Review of the Basics – OSPI

Overview of Special Education Process

Activity	Actions	Required Paperwork	Timelines
Signed Referral for Special Education Received <i>(See OSPI Special Education TAP 5, page 22 in this handbook.)</i> The signed referral begins the SAT problem solving process to review existing data and explore RTI interventions/data.	<ul style="list-style-type: none"> Existing school records are reviewed. Information from classroom teacher, observations, RTI data, cumulative file, etc. may be accessed. Results of classroom screenings used for instructional purposes may also be accessed. Parents may have additional testing results or information that may be useful. Decision made whether to test or not. 	<ul style="list-style-type: none"> Create special education referral from the GT tab on IEP Online Prior written notice Notice of meeting to discuss the results of the review If the decision is made to test, send Consent for Testing and Medicaid Consent form along with procedural safeguards.¹ 	<ul style="list-style-type: none"> 25 school days from the initiation of the referral to the decision to evaluate or not. The prior written notice must be sent after the decision is made to evaluate or not and prior to the initiating the decision. Parent signature secured as soon as possible if testing is recommended.
Initial Assessment	<ul style="list-style-type: none"> Parent permission secured for assessment. Testing completed by appropriate persons. Individual assessment reports written before the eligibility meeting and copies made available to the parent Eligibility meeting scheduled and held.² 	<ul style="list-style-type: none"> Parent consent for evaluation Individual Assessment Reports entered in IEP Online Evaluation Summary to be completed during or after the meeting Prior written notice to be written after the decision for eligibility is made but prior to the implementation of the decision 	<ul style="list-style-type: none"> 35 school days, beginning with the receipt of the signed permission. If the receipt date is different than the date the parent signed, document the receipt date on the permission form. This timeline may be extended if mutually agreed upon by the parents and school. Notice of meeting is sent before the meeting.³ The prior written notice is written and sent to parent after the eligibility decision is made, but prior to its implementation.
Re-evaluation	<ul style="list-style-type: none"> Meeting arranged to determine assessment needs Parent consent obtained for reevaluation. Testing completed by appropriate persons. Individual assessment reports written and made available to parents before the eligibility meeting. Eligibility meeting scheduled and held (see footnote 2). 	<ul style="list-style-type: none"> Parent consent for evaluation Notice of Meeting Individual assessment reports Evaluation Summary to be completed during or after the meeting Medicaid consent Prior written notice 	<ul style="list-style-type: none"> 35 school days. This may be extended if mutually agreed upon by the parents and school. The dates on the individual assessment reports must be on or before the date of the evaluation report. Notice of meeting is sent before the before the meeting The prior written notice is written and sent to parent after the eligibility decision is made, but prior to its implementation.

- Procedural safeguards must be given once year and upon initial referral. It is not necessary to give the safeguards at every meeting.
- You may combine this with the IEP meeting. Be sure that the meeting notice and prior written notice reflect both functions.
- There is no specific timeline for scheduling meetings. Just make sure that the parent has input and is at a convenient time.
- The reevaluation may continue without parent consent if the district made and documented reasonable attempts to obtain the consent and the parent failed to respond.

Special Education Procedures

Parental Notification and Participation

It is assumed that **both** parents have the right to participate in meetings involving a student's special education program, unless there is a court order to the contrary. **Both** parents will receive timely meeting invitations and prior written notices to ensure their participation. (See below)

Effective February 2016, demographic information for **both** parents will be available for every registered student on IEP Online (Longview School District's web-based report writing system). This information will populate automatically to meeting invitations and notices.

Definition of a Parent

Parents are:

- The biological or adoptive parent of a child
- Any individual who is legally responsible for the student's welfare
- Both parents who have legal authority to make educational decisions on behalf of the student

PARENT PARTICIPATION IN IEP MEETINGS

Both parents must be given the opportunity to attend and/or participate in meetings when discussing the following. Meeting invitations **MUST** include both parents.

Identification
Evaluation
Determination of additional data that may be needed for the evaluation
Results of the evaluation
Educational placement
Provision of specially designed instructional and related services
Development and review of the IEP

PARENT NOTIFICATIONS

Both parents must be regularly informed of the following:
Progress toward annual IEP goals
Prior Written Notices proposing:
Changes to the IEP
Exiting a student from special ed
Any decisions regarding student's special education and related services
Invitation to meetings

NOT REQUIRED BY BOTH PARENTS

The following is not required by both Parents:

Initial consent for special education and related services
Revocation of continued special education and related service

OSPI Special Education Technical Assistance Paper No. 1 (TAP 1) Revised

The Individuals with Disabilities Education Act: A Review of the Basics

Note: All TAPS are posted on OSPI's Web site at <http://www.k12.wa.us/SpecialEd/publications.aspx>.

Purpose

The purpose of this technical assistance paper (TAP) is to review some of the basic requirements of the Individuals with Disabilities Education Act of 2004 (IDEA), Part B and addressed in OSPI regulations governing special education, Chapter 392-172A WAC. This document references parents. When the term 'parent' is used, this includes one or more parents, surrogate parents and adult students whose rights have transferred to them. The following topics are addressed in this paper:

- I. The Provision of a Free Appropriate Public Education (FAPE)
- II. The Procedural Safeguards Notice
- III. Prior Written Notice
- IV. Individualized Education Program (IEP) Development
- V. Placement Decisions and Least Restrictive Environment (LRE) Requirements
- VI. Services for Transfer Students
- VII. Transfer of Educational Records
- VIII. Revocation
- IX. Conclusion

I. The Provision of a Free Appropriate Public Education (FAPE)

The IDEA is a federal special education law that entitles eligible students with disabilities to FAPE. FAPE is defined as being special education and related services that:

1. Are provided at public expense, under public supervision, and at no charge to the parent;
2. Meet the standards of the state education agency (OSPI), including all of the

requirements in the Code of Federal Regulations (34 C.F.R. Part 300);

3. Include preschool, elementary, and secondary schools in the state; and
4. Are provided in conformity with an individualized education program that meets federal and state special education regulations.

Meeting the standards of the state includes: (1) enrollment in a public school district; (2) eligibility for special education services with a current evaluation; and (3) receiving services provided by qualified personnel in accordance with a properly developed and current IEP.

II. The Procedural Safeguards Notice

Procedural safeguards provide a way for parents and educators to protect the rights of children in the event a decision is made which may deny the child an entitlement to a FAPE. Parents must be given a full explanation of what those rights include, and provided a copy of the Procedural Safeguards: (1) once every school year, and: (2) upon initial referral or request for evaluation; (3) upon receipt of the parent's first special education citizen complaint in a school year; (4) upon receipt of the parent's first due process hearing request in a school year; (5) when a decision is made to take a disciplinary action that constitutes a change of placement; and (6) upon a parent's request.

School districts must provide the *Notice of Procedural Safeguards* to parents in the parent's native language, (or using another mode of communication typically used by parent) unless it is clearly not realistic to do so. It is acceptable to provide an oral translation when the parent's mode of communication is not

a written language. If the native language or other mode of communication is not a written language, school districts must ensure the parent understands the notice and keep written documentation outlining their efforts to ensure parents understand their rights as outlined in the *Notice of Procedural Safeguards* document.

To assist school district personnel in explaining these rights to parents, OSPI has developed a model *Notice of Procedural Safeguards* document. This model document explains the following procedural safeguards (protections):

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to education records;
5. Opportunity to present and resolve complaints through the due process hearing requests and state complaint procedures, including—
 - a. The time period in which to file a complaint;
 - b. The opportunity for the agency to resolve the complaint; and
 - c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decision timelines, and relevant procedures;
6. The availability of mediation;
7. The student's placement during the pendency of any due process hearing;
8. Procedures for students who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of students in private schools at public expense;
10. Hearings on due process hearing requests, including requirements for disclosure of evaluation results and recommendations;
11. State-level appeals (if applicable in the State); and
12. Attorneys' fees.

OSPI's model *Notice of Procedural Safeguards* contains a large amount of information. For this reason, school district personnel should allow time to ask parents whether they understand the safeguards and answer parent questions about the procedural safeguards.

Procedural Safeguards Notice

[English](#) (Word) -- Also available in Braille

[Cambodian](#) (PDF)

[Korean](#) (PDF)

[Russian](#) (PDF)

[Somali](#) (PDF)

[Spanish](#) (PDF)

[Ukrainian](#) (PDF)

[Vietnamese](#) (PDF)

III. Prior Written Notice

Prior written notice is a document outlining important school district decisions about a student's special education program. It is not a meeting invitation. School districts must provide parents with prior written notice **after** a district decision is made, but **before** the decision is carried out.

There is no exhaustive list outlining when prior written notice is required. WAC 392-172A-05010 states that prior written notice must be provided a reasonable time before the school district:

1. Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student; or
2. Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student.

When decisions are made at an IEP meeting about the provision of FAPE, prior written notice is given **after** the meeting to address decisions made at the meeting. Prior written notice is given regardless of whether:

- The parent attends the meeting;
- The change requested was made by the parent or the school district; or
- The school district is proposing, agreeing to, or denying a change.

If the IEP team decides to change a student's placement, the school district gives the parent prior written notice of the proposed placement change. Should a parent disagree with the school district's final placement offer, the parent may formalize their disagreement by requesting mediation, filing a citizen complaint, or requesting a due process hearing. However, the school district may implement the proposed placement change over the parent's objections unless a parent requests a due process hearing. In this case, the student's placement remains the same, until the due process decision is issued. This is called "stay put." Sometimes, when there is a dispute about the most recent placement, the Administrative Law Judge (ALJ) issues an order addressing stay put. This order remains in effect until the ALJ issues a decision.

As noted in the procedural safeguards section, prior written notice must be provided in a parent's native language or other mode of communication. Steps for ensuring that a parent understands prior written notice if the notice must be translated orally or other mode of communication are the same steps addressed in Section II above.

IV. Individualized Education Program (IEP) Development

A student's first individualized education program (IEP) is developed within 30 calendar days of the student being determined eligible to receive special education services. Services identified on the initial IEP should be made available to the student as soon as possible following IEP development. The IEP identifies the special education, related services, and other supports needed to provide the student with a FAPE based on their unique needs. At the beginning of each year, school districts must have a current IEP in place for every student

determined eligible to receive special education from that agency.

Note: For students who participated in an early intervention program (Part C) and are found eligible for special education services (Part B), the team must have an IEP in place by their third birthday, to include the date services will begin if the student's birthday occurs during the summer.

IEP meetings

Each school district is responsible for scheduling and conducting meetings to develop, review, and revise an eligible student's IEP. The school district must hold an IEP meeting to develop an IEP for each student at least once a year. After the annual meeting, school districts or parents may schedule additional IEP meetings. If the school district denies a parent request for a meeting, they must provide the parent with prior written notice explaining their refusal (see Section III).

Parent participation at IEP meetings

The school district must take steps to make sure that one or both of the student's parents are present at each IEP meeting or are afforded the opportunity to attend. This means (1) notifying the parents of the meeting early enough to ensure that they will have the opportunity to attend; and (2) scheduling the meeting at a mutually agreed upon time and place. If neither parent can attend an IEP team meeting, the school district must use other methods to ensure parent participation, including video or telephone conference calls. A meeting may be conducted without a parent in attendance if the school district is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as:

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the

parent's home or place of employment and the results of those visits.

A meeting does not include:

- Informal or unscheduled conversations involving school district personnel about issues such as teaching methodology, lesson plans, or coordination of service provision.
- Preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

IEP meeting participants

School districts must ensure that the IEP team for each student eligible for special education includes:

1. The parent of the student;
2. Not less than one general education teacher of the student if the student is, or may be, participating in the general education environment;
3. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;
4. A representative of the public agency who is: (a) qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students eligible for special education; (b) knowledgeable about the general education curriculum; and (c) knowledgeable about the availability of resources of the school district.
5. An individual who can interpret the instructional implications of evaluation results, who may be one of the school district IEP team members identified above.
6. Other individuals who have knowledge or special expertise regarding the student, as determined by either the parent or the school district, including related services personnel as appropriate; and
7. Students must be invited to IEP meetings when post-secondary goals and transition services will be discussed. If the student

does not attend an IEP team meeting where secondary transition is discussed, the school district must ensure the student's preferences and interests are considered.

8. To the extent appropriate, and with parent consent, the public agency must invite a representative of any agency that is likely to be responsible for providing or paying for any transition services.
9. In the case of a student who was previously served under Part C, at the request of the parent, the school district must invite the Part C service coordinator or other representatives of Part C to the initial IEP team meeting to assist with the smooth transition of services.

Note: A school district may designate one of the district members of the IEP team to also act as the district representative if that member meets the qualifications for a district representative.

IEP team member meeting excusals

A school district member of the IEP team is not required to attend a meeting, in whole or in part, if both the parent and the school district agree in writing that the attendance of the member is not necessary because the member's area of instruction or provision of related services is not changing or being discussed at the meeting.

When the IEP meeting is to include a change to or discussion of the member's area of instruction or related services, the team member may only be excused from attending an IEP team meeting, in whole or in part, if:

1. The parent and the public agency consent in writing to the excusal; and
2. Prior to the meeting, the member provided the parents and other team members with written input to consider when developing the IEP.

Contents of the IEP

The following elements must be included in every student's IEP:

- ☐ A statement of the student's present levels

- of academic achievement and functional performance, including:
- ✓ A description of how the student's disability affects the student's involvement and progress in the general education curriculum (the same curriculum as for nondisabled students); or, for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.
- ☐ Measurable annual goals, including academic and functional goals designed to:
- ✓ Meet the student's needs that result from the student's disability to enable him/her to be involved in and make progress in the general education curriculum;
 - ✓ Meet each of the student's other educational needs that result from the student's disability; and
 - ✓ For students who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.
- ☐ A description of how the school district will measure the student's progress toward meeting his/her annual goals and when the school district will provide periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards).
- ☐ A statement of the special education, related services, and supplementary aids and services, based on peer-reviewed research to the extent practical, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
- ✓ Advance appropriately toward reaching his/her annual goals;
 - ✓ Be involved in and make progress in the general education curriculum, and participate in extracurricular and other nonacademic activities; and
 - ✓ Be educated and participate with other students, including nondisabled students when participating in the general education curriculum, extracurricular and other nonacademic activities.
- ☐ An explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education classroom and extracurricular and nonacademic activities.
- ☐ A statement of any individual approved accommodations the student needs to measure the student's academic achievement and functional performance on state and district-wide assessments.
- ☐ If the IEP team determines that the student must take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement explaining why:
- ✓ The student cannot participate in the regular assessment; and
 - ✓ The particular alternate assessment selected is appropriate for the student.
- ☐ Extended school year services, if determined necessary by the IEP team for the student to receive FAPE.
- ☐ 
- ☐ The projected date for the beginning of the services and modifications described above, as well as the anticipated frequency, location, and duration of those services and modifications.
- ☐ Beginning not later than the first IEP to be in effect when the student turns sixteen (younger if determined appropriate by the IEP team) the IEP must include:
- ✓ Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to:
 - Education/Training (required)
 - Employment (required)
 - Independent living (required if determined necessary by the IEP team)
 - ✓ The transition services, including courses of study needed to assist the student in reaching his/her postsecondary goals.
- ☐ Beginning not later than one year before the student reaches the age of eighteen,

a statement that the student has been informed of the student's rights under the IDEA, if any, that will transfer to the student on reaching the age of majority, which is age 18 in Washington.

Model Forms: *While not required, OSPI's model forms help districts and families better understand special education requirements. These forms are located at <http://www.k12.wa.us/SpecialEd/Data/ModelStateForms.aspx>. From this link, scroll down for Model IEP Form and Model IEP Form with Transition Services.*

Amending the IEP

After the annual IEP meeting, changes to the IEP may be made at a subsequent IEP meeting. In addition, parents and the school district may agree that an IEP team meeting is not needed to amend the IEP. When such an agreement is reached, a written document to amend or modify the student's current IEP is developed. The school district must ensure that the student's IEP team is informed of the changes and that the providers responsible for implementing the changes to the IEP are informed of any responsibilities. A parent may also request that the IEP be revised to incorporate the changes. If so, the district must revise the IEP and provide the parent with a copy of the revised document.

IEP progress and accountability

Each school district must provide eligible students with the special education and related services identified on the student's IEP. If the student is not making the projected growth towards meeting his/her annual goals, it is expected that the IEP team will meet to review and, if necessary, revise the student's IEP. Progress towards annual goals should be sent to parents according to the periodic schedule identified in the IEP. Further, school districts must measure student progress using the methods described in the IEP.

V. Placement Decisions and Least Restrictive Environment (LRE) Requirements

Students must receive their special education services in the least restrictive environment (LRE). Meeting LRE requirements does not

mean every student will be educated full time in the general education classroom. Rather, LRE is determined individually based on the student's unique needs. The intent of this requirement is to maximize the student's opportunities to interact and learn with their typically developing peers, but not at the expense of the student's access to an appropriate education from which they can benefit. LRE is not a particular program. Nor is it "inclusion," "full-inclusion," or "mainstreaming." In other words, LRE is not the same for every student.

In addition, school districts are required to have a continuum of placements available for students. This includes but is not limited to self-contained settings within a school building, services in hospitals, and placements outside of a school district. School districts are not required to have a continuum available in every school building. For example, a school district might have a self-contained setting or preschool services in some but not all of the buildings.

Placement decisions are made by each student's IEP team. Unless the IEP requires something different, the student will receive special education services in the regular education classroom. The IEP team should consider whether the provision of supplementary aids and services can support placement in the general education environment before a more restrictive placement is chosen, such as special classes, separate schooling or other removal from the regular education environment. Early childhood placement settings may be located at Head Start, Early Childhood Education and Assistance Program (ECEAP), or child care facilities; home; or classrooms located in an elementary school.

Making the LRE placement decision

Placement decisions are made at least once a year. The student will be educated in the school that he or she would attend if nondisabled unless the student's IEP services require that the student receive services in another school. Four factors inform IEP team placement decisions:

1. The student's IEP;
2. Least restrictive environment requirements contained in WAC 392-172A-02050 through 392-172A-02070;
3. The likelihood of a reasonably high probability of assisting the student to attain his/her annual IEP goals; and
4. Any potential harmful effects to the quality of services the student needs.

Nonacademic settings

Each school district must ensure that each eligible student participates with nondisabled students in nonacademic and extracurricular activities to the maximum extent appropriate to the needs of the student. The IEP team may determine that access is achieved through supplementary aides and services. Nonacademic and extracurricular activities include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referral to private agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

VI. Services for Transfer Students

There should be no interruption in IEP services when a student moves from one school district to another. Because eligibility for special education services is not the same in all states and territories in which the IDEA applies, these regulations address both intra- and interstate transfers.

Transfer within the state of Washington (intrastate)

When a student transfers from one Washington State school district to another, the receiving school district must provide FAPE to the student, determined with parent consultation, to include services comparable to those described in the student's incoming IEP until the new school district decides to either:

1. Adopt the student's IEP from the previous school district; or

2. Develop, adopt, and implement a new IEP.

Transfer from outside the state of Washington (interstate)

If a student eligible for special education transfers from another state to a school district within the state and has an IEP that is in effect for the current school year, the receiving school district, in consultation with the parents, must provide FAPE to the student including services comparable to those described in the student's IEP, until the new school district:

1. Conducts an evaluation to determine whether the student is eligible for special education services in this state, if the school district believes an evaluation is necessary to determine eligibility under Washington State standards; and
2. Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in WAC 392-172A-03090 through 392-172A-03110.

When an evaluation from another state does not meet this state's eligibility standards, the evaluation of the student is an initial evaluation, and the school district must follow the needed steps for an initial evaluation and eligibility determination.

VII. Transfer of Educational Records

Parental consent is not required when sending educational records to a school district in which the student seeks or intends to enroll. The new school where the student enrolls must take steps to promptly obtain records from the sending district. The Family Education Rights Privacy Act requires school districts to provide an annual notification to parents regarding educational records. You can find a model notice on the U.S. Department of Education's web site at the [Family Policy Compliance Office](#). The annual notice must either tell parents that the school district provides educational records upon request to a school district where the student will enroll, or if this information is not contained in the annual notification, the sending school

district personnel must make an effort to inform the parents at their last known address that they are forwarding the educational records.

In addition, RCW 28A.225.330 requires school districts to promptly comply with requests from other school districts. School districts must provide information about the student to the requesting school district within two school days and provide copies of the records as soon as possible after providing the information. The law at RCW 28A.225.330 requires information to be provided to a requesting school district even when students have unpaid fines. The law also states that it is a violation of professional practices for a school principal or other chief administrator of a school building who fails to make a good faith effort to assure that building personnel comply with requests for educational records.

VII. Revocation (withdrawing consent to receive special education services.)

A parent may revoke (withdraw) consent for their child to continue receiving special education services. When a parent revokes consent, they are revoking consent for *all* special education services. Parents may not revoke consent for a particular service. A request from a parent to stop providing special education services must be made in writing. The school district must then give the parent prior written notice that includes the date when the school district will stop providing services. After the effective date on the prior written notice, the student will no longer be eligible for special education services and is no longer entitled to procedural protections afforded to students eligible for special education, including discipline related protections.

Any referral of a student after the student is no longer receiving special education services will be an initial referral for evaluation.

Note: A parent of an eligible student who is enrolled in a private school or is receiving home school services has the right to part time enroll their child for public school services. This

option should not be confused with revocation, which is withdrawing consent for *all* special education services. See Chapter 392-134 WAC.

X. Conclusion

This TAP is intended to provide guidance about requirements under IDEA, Part B. The TAP does not address every requirement contained in Chapter 392-172A WAC and it is not legal advice. The intent is to support and not replace careful study of IDEA and our state regulations implementing IDEA.

Randy I. Dorn

State Superintendent of Public Instruction

To request this material in alternative format, or if you have questions about this TAP or other special education services, please contact:

OSPI Special Education

PO Box 47200

Olympia, WA 98504-7200

(360) 725-6075, (360) 586-0126 (TDD)

(360) 586-0247 (fax) or

email: speced@k12.wa.us

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Section II: Referral

- Problem Solving Process Steps
- Problem Solving/Referral Form

Problem Solving Process

Problem Solving/Referral Process Steps

STEP 1: General Education Teacher has had *at least 2 meetings/discussions* with the parent(s) regarding the student's performance and the interventions that teachers will be using to attempt to improve student performance.

STEP 2: Counselor and/or teacher discusses student within building support team (SAT) as a focus of concern and starts a specific data collection process. The purpose is to review attendance, classroom performance, assessment data (state testing, classroom based assessment, formative assessment), previous intervention strategies and their results and collection of any medical diagnosis, if there is one. If data collection indicates other factors are involved in the academic issues, those should be addressed versus continuing with the RTI process.

STEP 3: Specific evidence-based intervention strategies are implemented in the classroom by the teacher and may include interventions from the school counselor. This data is collected and documented in narrative or graph form. This documentation on teacher/counselor implemented interventions should be turned in for review with the Referral Form. Collected and documented data needs to clearly indicate the intervention(s) used and the effect(s) over a 6-12 week period. Interventions should be focused and direct, include individual attention to the student and different modes of teaching (differentiated instruction) according to the needs of the student.

Data needs to demonstrate that prior to, or as part of, the referral process the student was provided appropriate instruction in the general education setting, delivered by qualified personnel; and data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction.

Please see INTERVENTION RESOURCES at the end of this section

STEP 4: Data collection is complete, teacher has included this information in the Referral Form and the data is presented by the teacher or counselor and reviewed with the building support team (team should include: classroom teacher(s) or counselor collecting the data, school psych and administrator and members of building support team, if in place at building) to accept or reject the referral for evaluation.

When considering the data presented for a special education referral, the team must address the following questions:

- **Does the student potentially meet the 3 prongs for eligibility?** (1) a disability, (2) a disability that is adversely affecting the student's performance; (3) the student has an identified need for specially designed instruction
- **Does the team believe the student requires resources that are not available in the general education setting, with or without accommodations, in order to participate or progress in the general education curriculum at a level equal to his or her peers?**
Evidence of this criterion would show that the student requires specially designed instruction or Tier III interventions (intensive) for an extended period of time that is not available in the general education curriculum. Evidence to answer this question should be discernible from the collected data on classroom interventions.
- **Does the team believe the student's delay is *not* primarily resulting from cultural factors; environmental factors or economic disadvantage; absences, or limited English proficiency?** *If the student's delay is primarily a result of these factors, the student **DOES NOT** qualify for referral.*

STEP 5: Referral Decision

- **Building support team review determines that the Referral for Services is accepted**
 - The intervention data, Referral Form and all documentation will be provided to the School Psychologist, who will send consent forms to Parents for Special Education Evaluation and contact parents with results of referral.
- **Building support team review determines that the Referral for Services is rejected**
 - Teacher/counselor maintains data and development of intervention strategies and support are maintained within general education procedures.

Student Assistant Team (SAT) Problem Solving Form

A writable Word template of the SAT Problem Solving Form can be accessed through the district's counselors' and special education share files.

Student Assistance Team (SAT) Problem Solving Form

Student Name: _____

Meeting Date: _____

INTERVENTION/ACTION PLAN

Attendants: _____

Strengths

1. Identify the **primary** concern (specific skill deficit: e.g. reading comprehension, math fluency, time on task, etc):

What is the student's **present** level of performance? (Please use a specific score from a specific assessment)

What is the **expected** level of performance? (Please use expected age/grade based score from assessment used above)

What is the **difference** between the present level of performance and the expected level of performance?

Outline your **goal** for this student:

By _____ (Date), _____ (Name) will _____ (Increase, Decrease, etc.) _____ (Behavior) from _____ (Pres. Lev.) to _____ (Future) as measured by _____ (Instrument).

Intervention/Action Plan:

Intervention/Action Plan	Person Responsible (Name/Title)	How will this be monitored? <small>Data collection sheet, grades, assessments, formal observation, self-reporting, etc.</small>

Review Date: _____

Student Assistance Team (SAT) Problem Solving Form

Student Name: _____

Meeting Date: _____

INTERVENTION PLAN REVIEW #1

Attendees

--

1. Were interventions effective? ☐ Yes ☐ No **Attach data and interventions (progress monitoring)**

--

2. Are adjustments needed to interventions? ☐ Yes ☐ No (If yes, please list adjustments)

--

3. Are adjustments needed to goal(s)? ☐ Yes ☐ No

Explain:

Previous goal(s):

New goal(s):

4. This team **RECOMMENDS:**

☐

Student is responding to interventions. Progress will again be reviewed on:

☐

Interventions need to be adjusted. Team will adjust and review this on: April 22, 2014

5. Intervention/Action Plan adjustments:

Intervention/Action Plan	Person Responsible (Name/Title)	How will/when this be monitored? Include time frame. <small>Data collection sheet, grades, assessments, formal observation, self-reporting, etc.</small>

Review Date: _ _ _____

Student Assistance Team (SAT) Problem Solving Form

Student Name: _____

Meeting Date: _____

INTERVENTION PLAN REVIEW #2

Attendants:

1. Were **adjustment** interventions effective? ☐ Yes ☐ No

Explain:

****Progress monitoring data must be attached.**

2. Are **further** adjustments needed to interventions? ☐ Yes ☐ No

Explain:

3. Was/were **adjustment** goal(s) effective? ☐ Yes ☐ No

Explain:

****Progress monitoring data must be attached.**

4. Are **further** adjustments needed to goal(s)? ☐ Yes ☐ No

Explain:

Previous goal(s):

New goal(s):

5. This team **RECOMMENDS:**

- ☐ Student is responding to interventions. Progress will again be reviewed on: _____
- ☐ Interventions need to be adjusted. Team will adjust and review this on: _____

6. Intervention adjustments:

Interventions	Person Responsible (Name/Title)	How will this be monitored? <small>Data collection sheet, grades, assessments, formal observation, self-reporting, etc.</small>
1.		
2.		
3.		
4.		
5.		

Review Date: _____

Student Assistance Team (SAT) Problem Solving Form

Student Name: _____

Meeting Date: _____

INTERVENTION PLAN REVIEW #3

Attendants:

1. Were **adjustment** interventions effective? ☐ Yes ☐ No

Explain:

****Progress monitoring data must be attached.**

2. Are **further** adjustments needed to interventions? ☐ Yes ☐ No

Explain:

3. Was/were **adjustment** goal(s) effective? ☐ Yes ☐ No

Explain:

****Progress monitoring data must be attached.**

4. Are **further** adjustments needed to goal(s)? ☐ Yes ☐ No

Explain:

Previous goal(s):

New goal(s):

5. This team **RECOMMENDS:**

- ☐ Student is responding to interventions. Progress will again be reviewed on: _____
- ☐ Interventions need to be adjusted. Team will adjust and review this on: _____
- ☐ Move to a special education referral—student is not responding adequately to intervention (complete “Assurances” form and “Referral to Special Education” form). ****School psychologist must be involved at this point.**

6. Intervention adjustments (if not moving to special education evaluation):

Interventions	Person Responsible (Name/Title)	How will this be monitored? <small>Data collection sheet, grades, assessments, formal observation, self-reporting, etc.</small>
1.		
2.		
3.		
4.		
5.		

Review Date: _____

Student Assistance Team (SAT) Problem Solving Form

Student Name: _____

Assurances Form

*****MUST be completed when student is being referred for a special education evaluation.***

Has student been provided appropriate instruction in reading and math?

Reading ☐ Yes ☐ No Explain:

Math ☐ Yes ☐ No Explain:

Has the student received instruction in reading and math from a highly qualified teacher?

Reading ☐ Yes ☐ No Explain:

Math ☐ Yes ☐ No Explain:

Has the student been provided the same amount of instruction from highly qualified staff as other students?

Reading ☐ Yes ☐ No Explain:

Math ☐ Yes ☐ No Explain:

Was instruction provided using the same curriculum that was used with all students?

Reading ☐ Yes ☐ No Explain:

Math ☐ Yes ☐ No Explain:

Was the curriculum used with this student research based and aligned with WA State standards?

Reading ☐ Yes ☐ No Explain:

Math ☐ Yes ☐ No Explain:

Were all assessments administered in the student's native/dominant language?

☐ Yes ☐ No - Explain:

Has the student been in the country/educational system long enough to have benefitted from instruction:

☐ Yes ☐ No Explain:

Has the student received instruction long enough to have benefitted from instruction?

☐ Yes ☐ No Explain:

If the student is an English Language Learner (ELL): N/A ☐

The following information is meant to help enable the district to discriminate second language acquisition factors and potential eligibility for special education.

Do the concerns exist across contexts? ☐ Yes ☐ No - Explain: _____

Does student exhibit same types of behaviors in the native language as in English? ☐ Yes ☐ No - Explain: _____

Is the student's progress in acquiring English significantly **different than peers** who started at about the same level of English proficiency and have had comparable instruction? ☐ Yes ☐ No - Explain: _____

Is the student's progress in acquiring English significantly **different than ELL peers** who started at about the same level of English proficiency and have had comparable instruction? ☐ Yes ☐ No - Explain: _____ Attach data.

INTERVENTION RESOURCES

Center for Effective Collaboration and Practice: <http://cecp.air.org/fba/>
(Behavior Interventions)

Center for Improving Reading Competence Using Intensive Treatments School wide (Project CIRCUITS):
(Investigating reading intervention models for K-3 students) <http://bit.ly/2hvWj6k>

Intervention Central: <http://www.interventioncentral.org/>
(Reading, math and behavior interventions, CBM probes and mastery measures)

OSPI Comprehensive Literacy Plan Instruction and Intervention:
<http://www.k12.wa.us/ELA/CLP/InstructionIntervention/default.aspx>

OSPI Strengthening Student Educational Outcomes: Menus of Best Practices and Strategies (ELA, Math, Behavior: <http://www.k12.wa.us/SSEO/Menus.aspx>

PBIS: Positive Behavioral Intervention & Supports (OSEP Technical Assistance Center):
(Three-tiered model for positive behavior support): <https://www.pbis.org/>

Reading Rockets: <http://www.readingrockets.org/>
(Resources for school psychologists, reading specialists and classroom teachers in reading)

What Works Clearinghouse: <http://www.whatworks.ed.gov/>
(Established by the U.S. Dept. of Education (Institute of Education Sciences) to provide educators, policymakers, researchers and the public with a trusted source of information regarding evidence of what works in education)

PROGRESS MONITORING RESOURCES

National Center on Intensive Intervention (American Institutes for Research):
<http://www.intensiveintervention.org/chart/progress-monitoring>

Research Institute on Progress Monitoring: <http://www.progressmonitoring.org>
Provides technical assistance to states and districts and disseminates information about progress monitoring practices proven to work in different academic content areas

Section III: Evaluation

- Procedures and Timelines
- Frequently Asked Questions (FAQ)
- Forms

OSPI Special Education Technical Assistance Paper No. 5 (TAP 5) REVISED

The Individuals with Disabilities Education Act (IDEA): Evaluation Procedures Under Part B

Note: All TAPS are posted on OSPI's Web site at
<http://www.k12.wa.us/specialed/publications.aspx>

Purpose

The purpose of this technical assistance paper (TAP) is to provide a general review of special education evaluation requirements. The regulations addressing evaluation procedures, including consent requirements and timelines, are contained in WAC 392-172A-03000 – 03080. This TAP also reviews the general requirements for responding to independent educational evaluations (IEE) addressed at WAC 392-172A-05005. Washington's state regulations are based on the federal regulations contained in 34 CFR Part 300. Both the federal and state regulations are in place to implement the Individuals with Disabilities Education Act of 2004 (IDEA), Part B. When the term "evaluation" is used, it includes both initial evaluations and reevaluations.

This TAP is organized as follows:

- I. Overview
- II. Child Find and Referral Procedures
- III. Initial Evaluations
- IV. Additional Requirements for Evaluating Students with Specific Learning Disabilities
- V. Reevaluations
- VI. Independent Educational Evaluations
- VII. Conclusion

Appendix A: Frequently Asked Questions (FAQs)
Appendix B: Resources

I. Overview

School districts evaluate students to determine initial and continued eligibility for special education services, the need for special education and related services,

and to determine other information for an individualized education program (IEP) team to use to develop appropriate IEPs for eligible students. Therefore, the information used to complete an evaluation or reevaluation report needs to be comprehensive and identify all of the student's needs, regardless of the student's eligibility category.

II. Child Find and Referral Procedures

School districts must have child find procedures to locate, identify, and evaluate students between the ages of 3 to 21 who are suspected of having a disability and may be eligible for special education and related services. The child find responsibility includes an obligation to locate students who are residents of the district; enrolled in the district; home schooled; and, located in other settings such as preschools and day care settings. The child find responsibility also includes students who may not be residents of the district but are enrolled in private non-profit elementary or secondary schools (K-12) that are located in the district. Child find procedures can include providing information on district websites, in parent-student handbooks, at private schools located in the district, and through other community providers. The procedures must also address how district staff members identify students in the school setting who might be in need of an evaluation even when a parent has not made a written referral, and how districts respond when parents orally request an evaluation. When a private school is located within a district's boundaries, the district must also consult with the private school regarding its child find procedures. The district must meet the same referral and evaluation timelines required to evaluate any student, even when the student

attends a private school.

Parents, school district staff, other agency staff, or other persons with knowledge about the child may make a referral requesting that a student be evaluated to determine eligibility for special education. A referral for an evaluation must be in writing. If the person making the request is unable to write, district staff should assist the person in making the referral. When a district receives a written request for an evaluation, the district must notify the parent that the student has been referred and provide the parent with a copy of their procedural safeguards. The district will then make a decision, with the parent's input, about whether or not to evaluate the student. The process for reviewing a referral includes reviewing existing data about the student. Existing data includes, but is not limited to, information provided by the parent, medical information, and information about the student's performance at school or in other settings (such as preschool, private school, home and other settings). Based on this information, the district must make a decision within 25 school days¹ as to whether or not it will evaluate the student. Parents must be invited to meetings that are scheduled to discuss the referral.

If a school district decides the information in the referral does not support the need for an evaluation, it must notify the parent through prior written notice of its decision not to evaluate. The prior written notice must include the reasons why the district does not believe the student needs to be evaluated.

III. Initial Evaluations

After gathering existing data through the referral process, the district's evaluation group then decides what additional assessment

¹ While these timelines are in place for students, sometimes evaluations may need to be completed sooner than the identified referral and evaluation timelines. When a student is transitioning from Part C to Part B, and will be evaluated for eligibility, districts must complete an evaluation and make an eligibility determination so that an initial IEP is in place by the child's third birthday. If a district needs to complete an evaluation due to a request after a disciplinary action, that evaluation must be expedited.

data they may need to determine whether a student is eligible for special education and what special education and related services the student needs. The assessments should provide functional, developmental, and academic information about the student. The persons who conduct the assessments must be trained and qualified to administer them. If the district needs assessments from outside sources in order to conduct a comprehensive evaluation, such as medical or neurological information, it must ensure the outside assessments are conducted by qualified providers, through contract or other means. The district selects the members of its evaluation group.

Before conducting an initial evaluation, the district must receive the parent's informed consent. To ensure the parent has enough information to provide informed consent, the district must provide the parent with prior written notice addressing:

- the decision to conduct an initial evaluation;
- the areas of assessment the district proposes to conduct; and,
- any other information required in the prior written notice (found in WAC 392-172A-05010).

The district must document reasonable efforts used to obtain consent if a parent fails to respond. If a parent does not provide consent for the initial evaluation and the student is enrolled in the public school, the district **may**:

- ask the parent to participate in mediation in order to explain the purpose of the evaluation and obtain the parent's consent through agreement; or,
- request a due process hearing and ask an administrative law judge (ALJ) to issue a decision overriding the parent's refusal to provide consent.

A district is not required to use these procedures to obtain consent for an evaluation. If the district

does not receive consent and does not pursue mediation or due process, it is not in violation of its child find obligations or evaluation procedures. The district should document the parent's refusal and provide notice to the parent that the student will not be evaluated to determine eligibility and without the evaluation, the district cannot provide the student with special education and related services. If a student is enrolled in private school or is home schooled, a district may not use mediation or due process procedures to obtain consent or override a parent's refusal to consent.

After obtaining a parent's informed written consent, the district may proceed with conducting the evaluation. The evaluation must be comprehensive and must address all areas of a suspected disability, including those areas which may or may not be directly related to the suspected eligibility category. Assessment instruments must be administered following test instructions and protocols, in the student's native language or other mode of communication unless it is clearly not feasible to do so. The test administrators also need to take into account any sensory, manual, or language impairments that might affect test results. The evaluation process must be completed within 35 school days after the district receives the parent's informed consent, or after a refusal to consent is overridden through a due process hearing.

The evaluation group must complete an evaluation report using the results of the assessments, information gathered through the review of existing data, and information provided by a parent, addressing:

- whether the student has a disability as defined in the regulations;
- a discussion of the assessments and review of data that supports the conclusion regarding eligibility;
- how the disability(ies) affects the student's involvement and progress in the general education curriculum or preschool

activities;

- recommendations regarding the student's need for special education and related services; and,
- any other information that may be needed by an IEP team to develop an IEP.

The purpose of the evaluation report is to provide enough information for an IEP team to develop a student's IEP. Keep in mind however, that it is through the IEP process that the team makes decisions about what services a student needs, how services will be delivered, the amount of services, the location of services, and other supports that might be needed for the student.

The evaluation group and the parent meet to discuss the results of the evaluation report and make a determination about the student's eligibility. Each member of the evaluation group signs and dates the evaluation report certifying that the evaluation report represents their conclusions. If it does not, that individual member must provide a statement addressing their disagreement. Individuals contributing to the report must also document the results of their individual assessment or observations. Parents must be provided a copy of the evaluation report.

If the student is not eligible for special education, the evaluation group should address whether the student may require a 504 plan to address his or her disability and access to general education services. If there is a separate district person designated as a 504 coordinator, this information should be provided to that person. If the student is eligible for special education and related services, the group may ask for the parent's consent for special education services at the same time it makes the eligibility determination, although many districts wait to obtain the parent's consent at the initial IEP meeting.² If a student is eligible for services, an IEP meeting must be held within

² Remember, parents consent for the initial provision of services, not to the IEP.

30 days of the eligibility determination. If the parent refuses to provide consent for the initial provision of services, a district is not required to hold an IEP meeting to develop an IEP.

IV. Additional Requirements for Evaluating Students with Specific Learning Disabilities.

When an evaluation group is considering whether a student has a specific learning disability, the evaluation group must also include a general education teacher of the student as well as the parent. As part of the evaluation, the student must be observed in one of his or her general education classes or if not in the school setting, in an environment appropriate for that student. Additional procedures for evaluating a student with a suspected learning disability are contained in the regulations at WAC 392-172A-03045 – 03080. Information addressing these requirements is also available in the manuals: “Identification of a Student with a Specific Learning Disability” and “Using Response to Intervention for Washington’s Students.”

V. Reevaluations

A reevaluation is used to confirm a student’s continued eligibility for special education and related services. A reevaluation is not required if the student’s eligibility will terminate because he or she will graduate with a regular high school diploma, or will exceed the age requirement. In these instances, districts must provide the adult student and parent with a summary of performance.

Reevaluations are needed when a student’s needs change to the extent that the current evaluation does not provide enough information for the IEP team to revise the IEP. Examples of this situation could include data suggesting the student needs additional kinds of services not addressed in the evaluation report, or the student’s needs change to the extent that some services are no longer needed. Parents or teachers may also request that a student receive

a reevaluation.

Reevaluations, like initial evaluations, provide the data necessary to develop a student’s IEP. Reevaluations also identify all of a student’s special education and related services needs whether or not commonly linked to the student’s eligibility category. To ensure the district obtains data that provides the student’s IEP team with enough information to develop or revise the IEP, it is important that the IEP team and qualified professionals review the data it has available regarding the student, to determine whether the district needs to conduct additional assessments in order to complete a reevaluation report.

Timelines for reevaluations

Reevaluations can occur:

- Not more than once a year, unless the parent and district agree that a reevaluation should occur sooner; or
- At least once every three years unless the parent and the district agree that a reevaluation is unnecessary.

A reevaluation needs to occur within 35 school days after the district receives the parent’s consent for the reevaluation, 35 school days from the date a district has documented that a parent has failed to respond to the request for consent for the reevaluation, or 35 school days from the date a district provides prior written notice to the parent informing them of the date it will begin the reevaluation process using a review of existing data. The timeline for completing the reevaluation will be less than 35 school days if the 3 year timeline ends sooner.

Review of existing data

To determine whether the student needs additional assessments to complete a reevaluation, the IEP team and other qualified professionals, if appropriate, review existing evaluation data including:

- The student’s most recent evaluation;

- information provided by the parents;
- classroom based and other state and local assessments;
- classroom based observations; and,
- observations by teachers or other service providers.

Based on the review of existing data, the IEP team and other qualified professionals determine whether additional assessments will be needed to determine the student's continued eligibility, whether the student needs additional services or modifications to meet annual goals, and to what extent the student can participate, as appropriate, in the general education curriculum. While this review can occur without a meeting, the review needs to include the data described above which requires parent input.

If the team and other qualified professionals determine that no additional assessments are needed to complete the reevaluation, the district must notify the parent using prior written notice of that determination, and inform the parent that he or she has the right to request additional assessments to determine the student's continued eligibility and special education needs. If the reevaluation will be completed by only using existing data, the district does not have to obtain written informed consent from the parent.

Use of additional assessments

If the team determines additional assessments are needed or the parent requests additional assessments, the district must make reasonable efforts to obtain written informed consent from the parent before conducting the additional assessments. If the parent fails to respond and the district can document its reasonable efforts to obtain informed consent, the district may proceed with the evaluation without informed consent. If the parent of a student enrolled in the district refuses to provide consent, the district **may**:

- ask the parent to participate in mediation to explain the purpose of the reevaluation

and obtain the parent's consent through agreement; or,

- request a due process hearing to ask an ALJ to issue a decision overriding the parent's refusal to provide consent.

A district is not required to use mediation or due process and is not in violation of evaluation procedures if a parent refuses to provide consent for the reevaluation. Districts may not use mediation or due process procedures to override a parent's refusal to provide consent if the student is home schooled or is enrolled in a private school.

VI. 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 child. If a parent disagrees with the district's evaluation or reevaluation of their child, the parent may request that the district pay for an IEE. Parents may request one IEE at public expense each time a district conducts an evaluation with which the parent disagrees. The request for an IEE does not have to be in writing, so it is important that staff who work with the student know who to notify in the district when the parent makes such a request. When a parent requests an IEE, the district may:

1. Agree to provide the parent with an IEE at public expense; or
2. Deny the parent's request for an IEE and request a due process hearing within fifteen days to show that its evaluation is appropriate.

When a parent requests an IEE, the district must provide the parent with information about where IEEs may be obtained and the qualifications of independent evaluators. Districts may not impose conditions on IEEs that are inconsistent with the criteria for conducting its own evaluations, including the use of providers outside the district. Districts also cannot impose conditions or timelines that would prevent a

parent's right to an independent evaluation. A district's procedures must address criteria for the location and qualifications of independent evaluation providers. Parents are not limited to the evaluators identified by the district. If the district does not believe the evaluator selected by the parent is qualified to administer the independent evaluation and the parent still wants to use the evaluator, or if the parent has requested reimbursement for an independent evaluation the parent has already obtained, the district must request a due process hearing to address whether the IEE meets agency criteria.

If the district agrees to provide an IEE at public expense, or an ALJ orders a district to pay for an IEE, the district must act without unnecessary delay in providing the IEE. If the ALJ does not require the district to pay for an IEE, a parent may still obtain the IEE at private expense.

Districts must consider the results of any outside evaluation that meets district criteria, even when the parents pay privately for the IEE. This does not mean the district must adopt all the recommendations contained in the IEE. However, it must address any decisions made regarding the recommendations from the evaluation in a prior written notice. Parents may also present the results of an IEE as evidence in a due process hearing.

VII. Conclusion

Evaluations and reevaluations are critical elements in the instructional process. A comprehensive and well-developed evaluation is the foundation of the IEP. A comprehensive and well-developed IEP is the backbone of the provision of services to an eligible student. If an evaluation group properly ensures that the student's evaluation is initially comprehensive, the need for more frequent reevaluations and IEP meetings may be avoided. It is important to note that when making decisions about what information is needed to complete an evaluation, districts and parents should consider all information available about the

student; consider what additional information is needed; and make sure that persons with knowledge about the student are contributing to the instructional decisions based on the assessments. While districts assign a lead person to coordinate an evaluation, decisions about the need for assessment data, and whether to reassess should never be made unilaterally.

Note: This TAP provides general guidance about evaluation requirements under IDEA. This TAP does not address every rule regarding referrals, evaluations and consent. The intent is to supplement and not replace careful study of the regulations.

Randy I. Dorn

State Superintendent of Public Instruction

To request this material in alternative format, or if you have questions about this TAP or other special education services, please contact:

OSPI Special Education

PO Box 47200

Olympia, WA 98504-7200

(360) 725-6075, (360) 586-0126 (TDD)

(360) 586-0247 (fax) or

email: speced@k12.wa.us

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Equity and Civil Rights

P.O. Box 47200

Olympia, WA 98504-7200

(360) 725-6162

Appendix A: Frequently Asked Questions (FAQs)

1. When does a school district conduct a reevaluation?

A school district conducts a reevaluation when the student's educational or related service needs, including improved academic and functional performance, warrant a reevaluation, or if the student's teacher or parent requests a reevaluation. Evaluations are also used to determine whether the student continues to meet eligibility and whether additions or modifications are needed to enable the student to meet annual goals and participate, as appropriate, in the general education curriculum. Reevaluations must occur at least once every three years, unless the parent and the school district agree that a reevaluation is unnecessary.

Examples of when a district should conduct a reevaluation include: 1) a student is not progressing and minor adjustments to the program have not resolved the student's lack of progress; 2) teachers or parents believe the student needs additional services, or no longer needs services in a particular area; and 3) districts or parents believe the student no longer qualifies for special education and related services.

2. Is a reevaluation required before a change in placement?

Yes. However, determining whether a proposed change in services is a change in placement is made on a case-by-case basis. The Office for Civil Rights (OCR) states that a "substantial or material" alteration to a student's educational program, such as a significant change to the amount or type of services provided constitutes a change in placement. As noted in question one, the following are examples of when to consider whether the student needs a reevaluation: (1) substantially increasing or decreasing the amount or type of services provided to the student because the student's needs have changed; or (2) considering whether the student's needs are not being served in the current setting, and the information contained in the current evaluation does not provide the team with enough information to address the student's changed needs. A proposal to change only the location of services, without materially changing the actual services or a student's access to typically developing peers, is not considered a change in placement.

3. Are new tests always required when a reevaluation is conducted?

No. The first step of the reevaluation process is to review existing data about the student. Existing data include, but are not limited to: information provided by the parents; current classroom assessments; previous evaluation results; state and district assessments; and observations made by teachers and service providers. This review is used to determine whether or not additional information, including new testing, is needed to complete the reevaluation. The review process is completed by IEP team members and other qualified professionals.

If no new testing is needed, the district must notify the parents using prior written notice, stating the district can complete the reevaluation without conducting new tests. If the district believes no new testing is needed, it must notify the parents that they have the right to request new assessments/testing as part of the reevaluation. The school district is not required to conduct new assessments unless requested to do so by the student's parents. The school district is also not required to obtain parental consent when using existing data to complete a reevaluation.

Appendix A: Frequently Asked Questions (FAQs)

The reevaluation report is completed using the data gathered through the review, and includes updated present levels and other information needed to assist the IEP team in developing the student's IEP.

4. Is a school district required to obtain parental consent before completing new assessments as part of the reevaluation process?

A district is not required to obtain consent for a reevaluation if the parent fails to respond to the district's request. The district needs to provide the parent with prior written notice addressing the areas of needed assessments, and request a parent's consent to conduct the reevaluation. However, if a parent fails to respond to the district's request and the district takes reasonable measures to obtain consent, the district may proceed with the reevaluation without obtaining parental consent. Reasonable measures include: detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records of visits made to the parents' home or place of employment and the results of those visits.

5. What should a district do if a parent refuses to provide consent for an initial evaluation or reevaluation?

If the student is enrolled in public school, the district may ask the parents to participate in mediation to obtain their agreement to provide consent to the initial evaluation or reevaluation, or may request a due process hearing to ask an administrative law judge to override the parents' refusal to provide consent. The district is not required to request mediation or a due process hearing.

If the parents refuse to provide consent and the district does not ask them to participate in mediation or request a due process hearing, the school district does not violate its child find obligations, or evaluation and reevaluation procedures. This means that, for an initial evaluation, the process stops and the district will not proceed with an eligibility determination. For a reevaluation, this means that the district has not violated procedures relating to timelines for a reevaluation.

Districts may not use mediation or due process procedures to obtain consent when parents have enrolled their student in private school, or are providing homeschool services to their children.

6. May a district insist that a student be diagnosed by a doctor as part of an evaluation or reevaluation?

Depending on a student's suspected areas of disability, the district may need to obtain a medical diagnosis or other medical information from an outside provider. It may not require the parent to obtain the information before proceeding with the evaluation. A district may also need medical information to rule out other health impairments when determining whether a student is eligible for services as a student with a specific learning disability. If medical or other information is needed to complete the evaluation, the district must pay for the outside evaluation as part of its evaluation process. When the information needed is part of the district's evaluation, the district selects the outside evaluator.

Appendix A: Frequently Asked Questions (FAQs)

7. What should a service provider do if they suspect a student no longer needs services, or needs more services than the student is currently receiving?

If a provider believes the services being delivered to a student are no longer appropriate, the provider may not independently remove or alter those services. The IEP team should meet to determine whether it needs to revise the IEP. If the changes materially alter the student's educational program, the IEP team, with other appropriate qualified professionals should review existing data and determine whether additional data is needed to complete a reevaluation, or whether there is enough information from the prior evaluation report and data collected as part of the IEP to revise the IEP.

8. May a district ever supplement an existing evaluation report without conducting a reevaluation?

Supplementing an existing evaluation report should be the exception rather than a common district practice. Districts should not need to supplement an existing evaluation report, if the initial evaluation or reevaluation was comprehensive to begin with. When more information is needed, the district should be reevaluating the student. However, there might be times when despite the district's effort to conduct a comprehensive evaluation, new information is obtained after the evaluation is completed. In these situations, it might be appropriate to supplement the existing evaluation or reevaluation. If this approach is used, the district should verify with all members of the IEP team, and any others who would or should be involved in a reevaluation, that this is the only suspected area of service affected by the student's current needs. Districts also always need to consider any information in an IEE that is obtained that may contain additional information to be considered in revising or amending an IEP.

9. Can a parent request that an IEE take the place of a district evaluation?

Generally, no. An IEE is information that can be considered as part of a district's evaluation, or in any other meeting involving the provision of a free appropriate public education of a student. When a district determines that it needs to conduct an evaluation, it has the right to conduct the evaluation and select the members of the evaluation group, which can include the use of outside providers.

10. Is a reevaluation required before a student receiving special education graduates with a regular diploma or exceeds age eligibility?

No, a reevaluation is not required before a student graduates with a regular high school diploma or becomes ineligible due to age. Under either of these circumstances, the district must provide the parents and adult student with prior written notice and a summary of the student's academic achievement and functional performance, which include recommendations about how to assist the student in meeting the student's postsecondary goals.

11. If a student meets eligibility as a student with a specific learning disability, and the only area of discrepancy is reading, can the evaluation group recommend that the student may need services in writing or math?

Yes. A student is eligible for services under the category of specific learning disability (SLD). Evaluations need to be comprehensive enough to address all of a student's needs. The use of

Appendix A: Frequently Asked Questions (FAQs)

achievement and intellectual assessments are only one part of the evaluation process under the SLD category, when districts use the discrepancy model. In addition to assessments, districts must also consider observations of the student and other information gathered as part of the evaluation process, including a discussion of any patterns of strengths and weaknesses. The evaluation report should provide recommendations that address all of the student's needs.

12. If a student qualifies in the developmental delay category and meets a standard deviation in only one area, may the evaluation recommend services in other areas other than the areas meeting the standard deviation?

Yes. A student is eligible for services under the category of developmental delay (DD). Evaluations need to be comprehensive enough to address all of a student's needs, including related services, and other supports. The evaluation group should address the student's needs arising from the disability, just as it would when a student is determined eligible under any of the other eligibility categories.

13. What is the difference between determining that a reevaluation is unnecessary and determining that a reevaluation can be completed using existing data?

When the district and the parents agree that a reevaluation is unnecessary, the district does not complete a reevaluation report and the timeline for the next evaluation is extended for three years. When this agreement is reached with the parents, the district provides them with prior written notice informing them that either the district or the parents may request a reevaluation sooner than the three years, if the student's needs warrant a reevaluation. Agreements that reevaluations are unnecessary should be made by the parent and the IEP team and other qualified professionals and are not unilateral decisions, made by one district staff.

When the IEP team, and other qualified professionals determine they do not need to conduct additional assessments, they complete the reevaluation report using the existing data to update present levels of academic and functional performance and provide recommendations for the IEP team's consideration.

Section IV: Reevaluation

- When a Reevaluation is Necessary
- Parent Permission
- Adding or Deleting Services
- Change of Placement
- Exiting from Program

Re-Evaluations

When a Re-evaluation is Necessary

A RE-EVALUATION IS REQUIRED UNDER SEVERAL CIRCUMSTANCES:

- At least once every three years
- When the student needs additional kinds of services not addressed in the current evaluation report.
- When the needs of the student have changed to the degree that some services are no longer needed.
- When the student needs more (or less) time in a special education setting.
- When changing the educational setting.
- If the parents or teachers request a reevaluation.
- Other conditions that could lead to a change of placement

In general, the IEP team has two options for a reevaluation:

File Review Option – The reevaluation is based on a review of existing data (including data provided by the classroom teacher) and/or data collected from a test that is given to all students that does not require parental permission. Sometimes the parent will present information from an outside assessment that suggests a need for additional services. This data can be used as part of the file review option. If this option is used, there should be sufficient data to establish the need for services (or lack of need for services if exiting from program is being considered) and to establish baseline data needed for the development of annual goals in the IEP.

If the file review option is used, it is not necessary to have a formal meeting that requires the parent to attend or to have a notice of meeting sent home. Written consent is also not necessary. However, a reevaluation notice is still required to be sent home with the opportunity for the parent to request additional testing.

Assessment Option – This option is used when either the team determines that additional assessment is necessary or if the parent has requested an assessment as part of the reevaluation.

With either option, once the reevaluation is completed, the current IEP must be reviewed and any changes made, whether through amendment or rewrite, within 30 calendar days.

Re-Evaluation Process Overview

Steps	Responsible Person(s)	Forms
1. School personnel meet to review reassessment needs	Case Manager, school team	N/A
2. Team determines if new testing is needed.	IEP Team	• Permission for Re-Evaluation
3. Re-evaluation conducted	IEP Team	• Individual Assessment Reports
4. IEP meeting called to discuss findings	Case Manager	• Notice of IEP Meeting • Procedural Safeguards
5. Decisions made about eligibility or placement	IEP Team	• IEP Meeting Agenda
6. Prior Written Notice sent home	Case Manager	• Prior Written Notice form from IEP Online (IEPOL)
7. IEP Team convened to review results	Case Manager <i>IEP team to meet within 30 calendar days from step 5</i>	• Notice of IEP Meeting • Procedural Safeguards
8. Re-evaluation results reviewed and any needed changes made in the IEP	IEP Team	• Addendum to the IEP • New IEP
9. Prior Written Notice	Case Manager	• Prior written notice form from IEP Online (IEPOL)

Parent Permission for Re-Evaluation

The case manager should try to get written parent permission before any new testing is done for a re-evaluation. However, the re-evaluation may continue without a parent signature if the district has tried and documented several attempts to obtain the signature. There is no specified number of attempts that must be made before going ahead with the reevaluation, but at least three or four should be done. Please note that leaving a message on an answering machine does not count. No parent signature is required if there is no new testing and only existing information and reports are used. However, a notice must still be sent giving the parent the opportunity to request a new assessment.

Adding/Deleting Services

Generally speaking, a reevaluation is required when adding or deleting services.¹ Reevaluations are needed when there is a change of placement, and adding or deleting services are usually considered as a change in placement. Before a special education service or related service can be added or deleted, it must be established that 1) the student is eligible or no longer eligible for the service if it is a special education services, or 2) that the service is necessary or no longer necessary if it is a related service. It should be pointed out that adding or deleting a service is a team decision and cannot be unilaterally made by a specific service provider. For example, if a student is receiving speech service as a related service, the SLP must work through the team process to discontinue the service if it is no longer needed.

Since this is a reevaluation, the three-year time frame is reset upon its completion. For example, if the triennial evaluation is due in 2014 and the reevaluation to add a service is conducted at the end of 2012, then the clock

is reset, and the next reevaluation is not due until 2015. Of course, the district and parents have the option of requesting a new evaluation at any time before the 2015 date.

See the reevaluation section for more details on the re-evaluation process. In short, though, there are two options for doing the reevaluation: 1) File review option, and 2) the assessment option.

STEPS FOR DROPPING SERVICES – FILE REVIEW OPTION ²

Steps	Responsible Person	Paperwork
Schedule review meeting	Case Manager	Schedule review meeting ³
Review the data to determine if the student continues to qualify for a particular special education or related service	IEP Team	Evaluation Summary on IEP Online
Parent notified of determination above	Case Manager	IEP reevaluation notification form ⁴
Rewrite or amend the IEP as needed ⁵	IEP Team	IEP meeting notice ⁶ IEP Amendment form, or IEP form on IEP Online
Written Prior Notice sent ⁷	Case Manager	Prior Written Notice form on IEP Online

Change of Placement

A change of placement generally requires a re-evaluation. Some of the conditions that would indicate a change of placement include:

- The student needs additional kinds of services not addressed in the current evaluation report.
- The needs of the student have changed to the degree that some services are no longer needed.
- The student needs more (or less) time in a special education setting.
- Changing the educational setting.
- The parents or teachers request a reevaluation.

See the section on reevaluations for a more in depth discussion on the reevaluation process.

Exiting From Program

There are four basic situations under which students are exited from special education:

- The student is no longer in need of special education services. This will require a reevaluation that finds the student ineligible for services.
- The student graduates from high school. A reevaluation is not necessary, though a summary of performance needs to be written through the IEP shortly before graduation.
- The student ages out of special education at age 21. A reevaluation is not necessary, though a summary of performance needs to be written through the IEP before graduation.
- The parent or adult student revokes permission for services. A reevaluation is not needed; use the Revoke Consent form on IEP Online.

Section V: Transfer Students

- In/Out Transfer Procedures
- Written Guidance
- IEP Online Forms
- Notification for the Disclosure of Student Information to the Washington State health Care Authority
- Medicaid Consent Form

In/Out of State Transfer Procedures*

WHEN OUT OF DISTRICT INFORMATION IS COLLECTED, IF THE STUDENT IS...

In State

Out of State

<p>Is the evaluation current?</p> <p>If yes,</p> <ul style="list-style-type: none">➤ Document determination on the Addendum form➤ Provide parents notice of eligibility <p>If no,</p> <ul style="list-style-type: none">➤ Initiate a <u>reevaluation</u>➤ Provide parents notice/consent <p>Is the IEP current and appropriate?</p> <p>If yes,</p> <ul style="list-style-type: none">➤ Provide parents a notice of action (PWN)➤ Implement IEP ASAP <p>If no,</p> <ul style="list-style-type: none">➤ Initiate an IEP meeting to develop appropriate IEP within 30 calendar days➤ Provide interim services if agreed to by parents and district <p>OR</p> <ul style="list-style-type: none">➤ Implement current IEP to the extent possible <p><i>*It is assumed that procedural safeguards are provided with each notice and consent and that appropriate procedures are followed for completion of any initial evaluation, reevaluation, or IEP required.</i></p>	<p>Is the evaluation current and does it meet Washington State Criteria?</p> <p>If yes,</p> <ul style="list-style-type: none">➤ Document determination on the Addendum form➤ Provide parents notice of eligibility <p>If no,</p> <ul style="list-style-type: none">➤ Initiate an initial evaluation➤ Provide parents notice/consent➤ Complete within 35 school days after consent <p>Is the IEP current and appropriate?</p> <p>If yes,</p> <ul style="list-style-type: none">➤ Provide parents notice of action➤ Implement IEP ASAP <p>If no,</p> <ul style="list-style-type: none">➤ Initiate an IEP meeting to develop appropriate IEP within 30 calendar days➤ Provide interim services if agreed to by the parents and district <p>OR</p> <ul style="list-style-type: none">➤ Implement current IEP to the extent possible
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Written Guidance

Intrastate and Interstate Special Education Transfer Students

Intrastate Transfer Special Education Students

The School District must ensure that the transfer of a special education student does not result in any interruption of special education and related services. The School District is responsible for ensuring that students moving into their district have available special education and related services in conformity with an IEP. An IEP must be in effect before services can be provided. The School District may do this by either adopting the IEP of the previous school district OR by developing a new IEP. Before the IEP is finalized, the School District may provide interim services agreed to by both the parents and the district.

The following are questions and answers to clarify the process:

What happens if the School District is unable to fully implement the provisions of the previous school district's IEP?

The School District must provide services that approximate, as closely as possible, the sending school district's IEP until a new IEP is written.

What happens if the School District is unable to provide the type of placement indicated in the previous school district's IEP?

The School District must implement the previous district's IEP in an interim placement as agreed to by the parents and the School District. This placement is temporary until the School District has developed and implemented a new IEP.

If there is an interim placement is a reevaluation required?

No. Because the student's interim placement is based on the previous IEP, it is not considered an initial placement. However, a reevaluation is required if the School District does not adopt the evaluation from the previous school district.

What happens if the parents do not agree with the interim placement?

The School District must implement the previous school district's IEP to the extent possible until a new IEP is developed and implemented.

What if the parents agree to the interim placement but not to the previous school district's IEP?

The School District should implement a new IEP as quickly as possible, no later than 30 calendar days after beginning the interim placement.

Does the School District need to conduct an IEP meeting for each transfer student?

No. An IEP meeting is not necessary if (1) there is an available copy of the student's current IEP; (2) the parents are satisfied with the current IEP; and (3) the School District determines the current IEP is appropriate and can be implemented as written.

What documentation is needed to verify the actions taken regarding the implementation of special education services for transfer students?

The attached addendum form will guide the School District in documenting the decisions made and actions taken towards implementation of a free appropriate public education (FAPE). The addendum should be kept in the student's special education file. (See attached addendum form)

What if the student's IEP is not available?

The School District must develop a new IEP through appropriate procedures within a short time after the student enrolls in the district (normally, within one week).

What happens if the parent's believe that the IEP from the previous school district is inappropriate?

The School District must develop a new IEP through appropriate procedures within a short time after the student enrolls in the district (normally, within one week).

Transfer Process for Students Identified as Special Education Students

1. If a new student's parent or the student states they are currently receiving Special Education services or have in the past, please have them complete the Special Education Packet. (This applies to students moving into the school district. Secretaries, if this is a current student in the school district, please do the in-district transfer as normal and notify your school's psychologist, principal and Roxy Bohannon of the in-district transfer.)
2. When the new student's Special Education services packet is returned, please send both Special Education Services Packet and a copy of the Student's Registration packet to Roxy Bohannon in the District Special Services Office. If the family doesn't return the packet, please notify Roxy Bohannon as quickly as possible. The Special Services office will go from there to speed the contacts.
3. Skyward System: The new student information should be entered as a general education student. Do not identify the student as a "Student receiving Special Education services" in Skyward. That will come later.
4. After Roxy Bohannon receives Special Education information from the previous school, she will send the student's special education service records to the psychologist of their new school. (The school will now complete the transfer within 15 school days.)
5. Process:
 - The psychologist will create the new Transfer file in IEP Online.
 - Case Managers will complete the process by:
 - Including SLP's, OT, PT's if services are provided in their areas.
 - Contacting parents and stating we will accept the evaluation & IEP per the parent's verbal approval and move ahead without them.
 - The case manager will gather signatures of parents and all staff related to the student's learning plan and return the transfer paperwork to Roxy Bohannon.
 - Case Managers, please check IEP Online and identify yourself as the student's case manager.
 - Also, please check for Transportation. If special transportation is needed, then check the box and notify both Roxy Bohannon (7052) and Rona Pierce at Transportation (7866).
 - If a meeting is requested by the parent, then a Transfer meeting will be set with all participants attending, including the parent.
6. Once the above is completed, the case manager should notify the school psychologist who will assist the case manager by checking the transfer, followed by immediately locking the Transfer. IEP Online will update Skyward that evening at mid-night and the student will finally be identified as a student receiving special services in Skyward.
7. If the Special Services Student doesn't show on the Case Manager's attendance in Skyward, the Case Manager and or School Psychologist must go back into IEP Online and lock the Transfer. Once again, check the following morning.
8. When building the student's schedule, the case manager and psychologist must ensure services areas are part of the student's day with correct LRE.
9. After the student begins school and if issues arise with the plan, then the special services team for the school will need to problem solve the student's educational components and work with the district level special services team for assistance.

Transfer Meeting Notice

PURPOSE: This invitation requests your attendance at a meeting concerning the educational program/needs of your child. You have the opportunity to participate in any meeting regarding the identification, evaluation, educational placement, and the provision of a free appropriate public education for your child.

To: _____ Date Sent to Participants: _____

This meeting has been scheduled for: Date _____ Time _____ Location _____

If you have any questions or would like additional information or assistance to help you prepare for this IEP meeting, please contact at e-mail.

This is to notify you that a/an IEP meeting has been scheduled for this student. Your participation and attendance at this meeting are very important. This meeting must be scheduled at a mutually agreed upon time and place. The purpose of this meeting is to (check all that apply):

_____ Transfer _____ Review _____ Other

The following are invited to attend and participate in the meeting:

The parent/adult student or school may invite individuals who have knowledge or special expertise regarding the student, including related services personnel, to participate. The determination of the knowledge or special expertise shall be made by the person/party extending the invitation. You may also request, by contacting the individual named below, that a birth to three service coordinator be invited to participate in an initial IEP meeting if your child was previously served through an Individualized Family Service Plan (IFSP). If you, the parent or adult student, are bringing other individuals to the meeting, please let us know. This will ensure that the meeting space will accommodate all team members.

Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents.

Transfer Review

Student's Name: _____ DOB: _____ ID#: _____
Disability: _____
School: _____ Eligibility Date: _____
Previous LEA: _____
Previous School: _____
Date of IEP Meeting: _____ IEP must be revised by: _____

I. Discussion/Deliberations of IEP Committee:

II. Recommendations of IEP Committee:

A. Continue Placement in accordance with previous IEP? Yes _____ No _____

B. Refer to Eligibility Committee (Via CSC)? Yes _____ No _____

Signatures of Committee Members (Excused members are marked with an "X")

<input type="checkbox"/>	_____	_____	Date
<input type="checkbox"/>	_____	_____	Date
<input type="checkbox"/>	_____	_____	Date
<input type="checkbox"/>	_____	_____	Date

Transfer Placement

PURPOSE: The purpose of this page is to document the extent to which the student will be involved and progress in the general curriculum, participate in extracurricular and nonacademic activities and be educated and participate with other special education students and non-disabled students. Other education-related factors that may impact the student should also be considered.

Least Restrictive Environment (LRE):

When discussing least restrictive environment and placement options, the following must be considered:

- To the maximum extent appropriate, the student is educated with children without disabilities.
- Special classes, separate schooling, or other removal of the student from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- The student's placement should be as close as possible to the child's home and unless the IEP of the student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if he or she did not have a disability.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he/she needs.
- The student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Placement Options:

Setting 1: _____ - _____

Placement Options for LRE	SELECTION		OR...REASONS REJECTED		
	Considered	Selected (only 1)	Academic benefit cannot be satisfactorily achieved	Non-academic benefit cannot be satisfactorily achieved	Effect student will have on teacher and other students
			Explanation		
80%-100% in Regular Class					
40%-79% in Regular Class					
0-39% in Regular Class					
Public/private separate day school					
Public/Private residential					
Correctional Facility					
Private/Home School Placement by Parents					
Homebound/Hospital					

Placement Decision:

An explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class, and in nonacademic and extracurricular activities, including a description of any adaptations needed for participation in physical education:

Other Considerations:

Transportation:	Regular	Special
General PE:	Yes	No
Emergency Response Protocol:	Yes	No

Transfer Contact Attempt Report

Notification Area: Plan_____

Meeting Date: _____

Time: _____

Location: _____

Transfer Excused Team Members

There is a meeting in reference to your child to be held on (date)_____ at (time) _____ at (place)_____

PURPOSE:A school district member of the IEP team may be excused from attending the IEP meeting if the parent(s) and the district agree in writing that the member's attendance is not necessary because his/her area of curriculum/services is not being modified or discussed in the meeting. A member whose area of the curriculum/services will be modified or discussed may be excused from the IEP meeting if the district and parent(s) consent, and the member provides written input into the development of the IEP prior to the meeting.

Attending School:_____

Grade: _____

Parent/Guardian/Surrogate/Adult Student Name: _____

Address: _____

Home#:_____ Work#: _____

The following team member(s) have requested excusal from the meeting:

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

A required team member may be excused from attending an IEP meeting with the agreement/consent of the parent(s) and the district. Excusing the attendance of a teacher or related service provider at an IEP meeting is optional. Your agreement or consent to excuse the team member(s) above from attending the meeting must be in writing.

☐ We agree to excuse the attendance of the team member(s) above at the IEP meeting specified at the top of this form because this member's area of the curriculum or related services is not being modified or discussed at this IEP meeting.

☐ We consent to excuse the attendance of the team member(s) above at the IEP meeting specified at the top of this form because, although the IEP meeting involves a modification to or discussion of this staff member's area the curriculum or related services, he/she will submit in writing, to the parent and IEP team, input into the development of the IEP prior to the meeting.

Signature of Parent

Date

Signature of Adult Student

Date

Transfer Excused Team Members

Signature of District Representative

Date

☐

I do not agree to excuse the attendance of the team member(s) above from the IEP meeting specified at the top of this form.

Signature of Parent

Date

Signature of Adult Student

Date

Transfer - Prior Written Notice

To: _____

Date: _____

Re: Student's Name: _____

PURPOSE: As a parent/guardian of a special education child or child suspected of needing special education services, the school district is required to provide you with prior written notice whenever it proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to your child. This notice should be given to you after a district makes a decision and before action is taken on the decision. The notice should be given to you in a reasonable amount of time before the district takes action.

The purpose of this prior written notice is to inform you that we are:

1. ☐ proposing ☐ refusing to 2. ☐ initiate ☐ change ☐ continue ☐ discontinue a/an
(mark one of the above) (mark one of the above)

Mark all items below that apply:

3. ☐ Referral ☐ Initial Evaluation ☐ Eligibility Category
☐ Educational Placement ☐ IEP ☐ Reevaluation
☐ Disciplinary action that is change of placement ☐ 504 Plan ☐ Other:

Description of the proposed or refused action:

The reason we are proposing or refusing to take action is:

Description of any other options considered and rejected:

The reasons we rejected those options were:

A description of each procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows:

Any other factors that are relevant to the action:

The action will be initiated on: _____

Your child has procedural protections under IDEA. These protections are explained in the *Notice of Procedural Safeguards for Special Education Students and Their Families*. If this prior written notice is given to you (1) as part of your child's initial referral for evaluation, (2) as part of a request for reevaluation or (3) notice to you regarding disciplinary action that constitutes a change of placement the procedural safeguards accompanies this notice. If a copy of the *Notice of Procedural Safeguards for Special Education Students and Their Families* is not enclosed and you would like a copy or you would like help in understanding the content, please contact:

_____ at _____

Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents.

Notification for the Disclosure of Student Information to the Washington State Health Care Authority

Longview Public Schools (the School District) currently provides necessary school-based health services to your child at no cost to you, the parent/guardian. The School District is participating in Washington State Health Care Authority (HCA) program through which Federal Medicaid funds are made available to school districts in the State to help cover the costs of providing necessary school-based health services to students. By participating in this program, the School District is allowed to seek Federal Medicaid funds to help cover the costs of the health services the School District provides to your child. In order to seek the Federal funds, the School District must disclose information from your child's education records to the HCA regarding the health services the School District provided to your child.

NOTIFICATION OF PARENT/GUARDIAN RIGHTS AND PROTECTIONS

To ensure that your child has access to a free appropriate public education, as required by Federal law, the School District must:

- obtain your written consent prior to disclosing your child's health information to the HCA,
- may not require you to sign up for or enroll in any public benefits or insurance programs,
- may not require you to pay any out-of-pocket expenses such as a deductible or co-payment for the costs of the health services the School District provides to your child, and
- may not use your child's Medicaid or other public benefits if that use would
- decrease available lifetime coverage or any other insured benefit,
- result in you or your family paying for services that would otherwise be covered by Medicaid or other public insurance program and that are required for your child outside of the time that your child is in school,
- increase your insurance premiums or lead to the discontinuation of any public benefits or insurance, or
- risk the loss of your eligibility for home and community-based waivers, based on aggregate health-related costs.

Giving your consent will cost you, the parent guardian, nothing, but will allow the School District to seek Federal financial support needed to better provide services to students. Whether or not you give your consent or if you withdraw your consent, the School District will continue to provide services to your child at no cost to you, the parent/guardian.

If the district is requesting an updated consent from you, or has asked you to provide initial consent to verify Medicaid eligibility and seek reimbursement from Medicaid for necessary school based services, a consent form is attached to this notification.

Medicaid Consent

Date: _____

PURPOSE: This form asks for your consent to share the necessary information to verify Medicaid eligibility and bill for school-based Medicaid reimbursement with the Washington State Health Care Authority, Health and Recovery Services Administration. Billing HCA does not affect individual benefits under Medicaid or require a co-pay or deductible. If you have questions regarding this request, call the school district's Director of Special Education or designee for an explanation as to why the request is being made.

Student's Name: _____
Current School: _____

Student's SSID: _____
Date of Birth: _____

State law requires the school district to submit claims for health-related services provided to special education students or students referred for special education. These services include physical therapy, occupational therapy, speech-language therapy, audiology, nursing, counseling, and psychological evaluation.

With your permission, Longview Public Schools, will submit your student's name and birth date to the Washington State Health Care Authority (HCA) to verify Medicaid eligibility. Such a request will in no way negatively impact services included in your child's individualized education program (IEP).

With your permission, we will share necessary identifying information from your child's education record to access federal Medicaid reimbursement from the Washington State Health Care Authority (HCA). If any additional Medicaid reimbursement services are added to the IEP, the school district will request additional consent. If my child no longer is served by this school district, this consent does not transfer to a new district.

This authorization will begin on_.

By giving consent, you are acknowledging that (1) you have been fully informed of all information relevant to the activity for which consent is sought; (2) you understand that the granting of consent is voluntary on your part and may be revoked at any time; and (3) if you revoke consent, the revocation is not retroactive; which means that it does not negate any activity that has already taken place.

- ☐ I give my consent to verify Medicaid eligibility with HCA and to submit claims for allowable services.
- ☐ I do not give my consent to verify Medicaid eligibility with HCA and to submit claims for allowable services. I understand that my refusal does not affect my child's access to services under the Individualized Education Program.

Signature of Parent Date

Section VI:

IEP TEAM MEETING

- IEP Team Meeting Agenda
- School Administrator Guidelines

IEP Team Meeting Agenda

IEP Meeting for student: _____

Date _____

Case Manager: _____

- _ Parent was invited and is attending the IEP Team Meeting
- _ Parent did not attend the IEP meeting, but had the opportunity to provide input
- _ Introductions
- _ Review of purpose of the meeting and expected outcomes
- _ Parents are reminded that their involvement in the discussions and planning are necessary and expected - -
- _ Presentation/review of procedural safeguards
- _ Review eligibility category
- _ Special Considerations
 - ☐ Yes ☐ N/A Parent input on student strengths and their concerns
 - ☐ Yes ☐ N/A Performance on district or state wide testing (HSPE/EOC)
Communication needs (if applicable)
- _ Behavior that impedes learning of self or others
- _ Language needs for Limited English Proficiency
- _ Blind or Visually Impaired needs
- _ Review present levels of performance (include functional performance)
- _ Development of goals and objectives (including transition goals)
 - Transition Issues/Goals ☐ Yes ☐ N/A
 - If marked "Yes" include the following:
 - Student Interests
 - Work Experience
 - Measurable Post-Secondary Goal
 - Course of Study
 - Post-Secondary Employment (Goal required in IEP if marked "yes")
 - Career and Technical Education (Goal required in IEP if marked "yes")
 - Post-Secondary Education (Goal required in IEP if marked "yes")
 - Independent Living (Goal required in IEP if marked "yes")
 - Community Participation (Goal required in IEP if marked "yes")
 - Post-Secondary Life Statement
- _ Special education services and related services listed
- _ Transportation needs
- _ Physical Education
- _ Extended School Year (ESY)
- _ Modifications and accommodations
- _ Least Restrictive Environment (LRE) including involvement with non-disabled peers
- _ Modifications needed for district or state wide testing
- _ Emergency Response Plan (if needed)
- _ Permission for Placement signed (initial IEP only – form on the IEP)
- _ Prior Written Notice completed and draft is provided at the meeting. Final copy must be provided to parent/guardian before services initiated

Notes:

(See School Administrator Guidelines for IEP Review and specifics for IEP compliance)

School Administrator Guidelines

➤ IEP Review Process

School Administrator Guidelines

Ensure all required IEP team members are in attendance at the re-evaluation or IEP meeting.

Includes: Parent (unless required contacts made and no response or permission to proceed granted), Student, Case Manager, at least one General Education teacher, Administrator/Designee.

Ensure Present Levels of Performance are written for each goal area. Present levels of Performance are:

- Current,
- Based on multiple sources of data
- Documents the academic skills/knowledge needed to close the gap between the student's present level of performance and the grade level expectations, identifies skills needed to access and make progress in general education curriculum/grade level standards and includes specific, direct, and clear--rather than general or vague--statements. For example, instead of: "The student doesn't complete class work," consider: "The student turns in 60% of math assignments and 35% of reading assignments."
- The baseline written in the present level of performance must match the baseline written for the corresponding goal area.
- The Present level of Performance must describe how the student's disability affects his or her participation in general education curriculum. It is important to consider all aspects of the curriculum (i.e., content, methods, materials, grade level expectations) as well as the supports needed by the student for success (e.g., assistive technology, personnel).
- Examples of well written Present Levels and corresponding goals:
 - **Example 1: Math Present Levels of Performance PLOP:** Sue is a 3rd grade student who enjoys school and works hard in class. At this time, she has not yet mastered all addition and subtraction facts through 20. For those facts she has mastered, she is able to add with regrouping (3.1.C). She is beginning to master multiplication facts with factors of 1, 2, 5, and 10 (3.2.E). When using curriculum based measures of these multiplication facts, she achieves an average of 50% accuracy. By the end of 4th grade, students are expected to solve single- and multi- step word problems involving multi-digit multiplication (4.1.I). Currently, when given a teacher created assessment of single- and multi-digit word problems involving multi-digit multiplication, Sue scored no higher than 6 out of 20 correct written response in 4 out of 5 multiplication and division word problems.
 - **Goal developed from Math PLOP:** 3.OA.3: By (date), when given (10) multiplication and (10) division word problems within 100 that include a picture of sets of objects that represent the information given in each problem, (name) will correctly choose the appropriate operation ("x", "÷"), write the mathematical expression (e.g. "4 x 5"), and write the answer increasing from 6/20 correct responses to scoring (16/20) correct written responses in (4 out of 5) multiplication and division word problem activities as measured by teacher created assessment.
 - **Example 2: Reading Present Level of Performance (PLOP):** Jesse is a 6th grade student who receives support for reading. Jesse enjoys reading magazines about cars, although he admits to often only look at pictures and reading some captions. Jesse would like have these skills to read more of the articles in his magazines. Jesse can read fluently at a 4th grade level but often has difficulty when asked comprehension questions about what he has read. After reading a grade level passage, students in the 6th grade

are expected to write a summary of the text's central idea with a minimum of 3 supporting details (6.RI.2). Jesse can currently read a 4th grade informational passage and write partial summary with incomplete central idea and 1 supporting detail in 2 out of 5 summary activities.

- **Goal developed from Reading PLOP:** 6.RI.2. By (date), when given grade-level text and a preview of the assignment, using a graphic organizer, Jesse will write a complete summary of the text's central idea improving writing summary skills from a partially written central idea and 1 supporting detail to a complete central idea and 3 supporting details in 4 out of 5 summary activities as measured by a teacher created rubric.

Goals must include the baseline information from the Present Levels of Performance (PLOP) for each area recommended on a student's evaluation and reflect the specific content that students will work on so that both general and special education teachers can provide the needed instruction as indicated.

Review Goal Areas

Measurable Annual Goals “Look-Fors”

Easily Understood	Measurable annual goals are used to guide instructional decisions for an individual student. Attributes include: <ul style="list-style-type: none"> • Clear • Positive • Specific • Realistic • Quantifiable
Bridge the Gap	Measurable annual goals should reflect the identified needs of the student. They <ul style="list-style-type: none"> • Align with statements from the Present Levels of Academic Achievement and Functional Performance (PLAAFP). • Demonstrate relevance to the student's academic, (social, and vocational) needs. See Note. • Describe what the student can reasonably be expected to do in one year.
Prioritize standards, Skills, and Knowledge	Measurable annual goals prioritize learning based on the following: <ul style="list-style-type: none"> • Close the gap between the student's present level of performance and the grade-level expectation • Determined to be necessary for the student's ability to access general education curriculum • Inclusion of specially designed instruction (SDI) • Facilitate access to the general education curriculum • Expected achievement in one year
Set Attainable Targets	Measurable annual goals set a target for instruction for the year. They: <ul style="list-style-type: none"> • May be informed by grade level standards or extensions when appropriate. • Advance the student more than one year's growth when possible.
Five Components	<ol style="list-style-type: none"> 1. Time Frame 2. Conditions (given) 3. Behavior* (does what) 4. Criterion (to what degree) Consider “from---to” statements may include “consistency” (how often? how many consecutive trials?) 5. Measurement (how measured [e.g., CBM, teacher created probe]?)

Goal examples:

	Sue	Bob	Mark
Time Frame	By April 1, 2011,	By March 15, 2011,	Within the next 36 weeks,
Conditions	given an oral reading fluency assessment (ORF) at grade level,	given who, what, when, where, and how questions from a grade level (perhaps define type) selection,	given Base 10 manipulatives,
Behavior	Sue will read	Bob will read the selection and respond either orally or in writing	Mark will correctly solve_ (#) 3-digit subtraction problems with regrouping
Criterion	115 cwpm with no more than 5 errors(consider statement :”moving from to ” changing # of CWPM or reading level or both)	with 80% accuracy (consider statement: “moving from to ”changing accuracy percentage or gr. level of reading selection or both)	with 75% accuracy (consider statement:” moving from _to_ “changing accuracy percentage or another variable)
(Consistency)	for three consecutive trials,	on 4 out of 5 trials,	in 5 out of 6 attempts,
Measurement	as measured by curriculum-based measures (CBMs).	as measured by teacher-made tests.	as measured by classroom assignments.

Services Matrix - Does the IEP contain a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of program modifications or supports for school personnel that will be provided to enable the student:

- To advance appropriately toward attaining the goals;
- To be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities; and
- To be educated and participate with other students including nondisabled students?

Ensure the Prior Written Notice (PWN) draft is properly completed at the meeting. The PWN is a document the district uses to inform the parent of any decisions the team has made that affect the identification, evaluation, educational placement of or provision of FAPE to a student.

- Drafting Prior Written Notice
- 1. In the “Description of the proposed or refused action” section:
 - a. List *every action* discussed during the meeting. Actions will include issues related to the identification, evaluation, educational placement of or provision of FAPE to a student.

- a. State the action that you are taking/refusing to take.
- b. State *each reason* why you are proposing/refusing to take this action.
- 3. In the “Description of any other options considered and rejected” section, describe *in detail* each of the other options that were considered and rejected.
- 4. In the “Reasons why we Rejected” section:
 - a. State *each reason* why you rejected the other options.
 - b. Do not list options or reasons that are *unavoidable*. For example, if the team is preparing a PWN following an annual IEP meeting, don’t write that the team considered and rejected the option of not holding the meeting – There is not an option of not holding the meeting.
- 5. In the “Description of Each Evaluation Procedure, etc.” section:
 - a. List each evaluation, test, record or report that the team used in making the decision to take or refuse to take the action.
 - b. If PWN is being sent to inform the parent of a reevaluation, list each of the areas in which the student will be reevaluated (eg: cognitive, behavioral, reading, etc.)
- 6. The **IEP initiation date should be set for 5 days after the meeting date.**

The focus of the guidelines is intentionally scaled to address a narrow component of the IEP development process. When developing an actual IEP, please remember that it is important to consider all areas (present levels, measurable annual goals, summary of services, etc.) in the context of the entire IEP and the student’s individual needs, rather than considering each component in isolation.

Section VII: Discipline

- Discipline Requirements
- Manifest Determination
- IEP Online Manifest Determination Forms

OSPI Special Education Technical Assistance Paper No. 2 (TAP 2) Revised

The Individuals with Disabilities Education Act: Discipline Requirements for Students Who Receive Special Education Services

Note: All TAPS are posted on OSPI's Web site at
<http://www.k12.wa.us/specialed/publications.aspx>

Purpose

The purpose of this technical assistance paper (TAP) is to review special education discipline requirements for students who are eligible for special education, and those students who are deemed to be eligible for special education. The regulations that address discipline procedures for eligible students are contained in WAC 392-172A-05140 – 05175. These state regulations are based on the federal regulations contained in 34 CFR Part 300. Both the federal and state rules implement the Individuals with Disabilities Education Act of 2004 (IDEA), Part B. Definitions of relevant terms are provided within the topical sections.

This TAP is organized as follows:

- I. Overview
- II. Providing Educational Services during Removals
- III. Removals under Special Circumstances: Drugs, Weapons, or Serious Bodily Injury
- IV. Manifestation Determinations
- V. Disagreements about a Manifestation Determination, Disciplinary Placement or Services during Removals and Due Process Hearings
- VI. Protections for Students Not Yet Eligible for Special Education Services
- VII. Conclusion

Appendix A: State Special Education
Regulations by Topic

Appendix B: Resources

I. Overview

Suspension and Expulsion Rules for All Students

Washington State's discipline regulations governing conduct for all students are located at chapter 392-400 WAC. School districts must follow these regulations for all students. When school districts impose disciplinary removals of students who are eligible for special education, or are deemed eligible, they must also follow special education discipline protections. This means that there can be two processes involved for students eligible for special education: 1) general education discipline rules and procedures to address whether the student actually engaged in the misconduct, including any decisions about the length and type of removal; and 2) special education discipline rules to make decisions about whether a student will be removed from his or her current placement, and if so, the services that will be provided to the student.

Except for emergencies, schools may not suspend or expel any student unless the school district has first attempted to address the student's behavior using other forms of corrective action. When there is a suspension or expulsion under general education rules, school districts must provide students with the protections offered under those rules, and follow the school district's procedures for appeals if applicable to the type or length of suspension. The regulations place limits on the number of days a student may be suspended during a semester or trimester. For example: for kindergarten through fourth grade, a student may not be removed for more than 10 school days during any single semester or trimester, and his or her grades may not be affected by as a result of the suspension (WAC 392-400-245(4)).

The state regulations define suspensions and expulsions. A **suspension** is a removal from any single subject, class period, or full schedule of classes for a known period of time (WAC 392-400-205(2)). An **expulsion** is a removal from any single subject, class period, or full schedule of classes for an indefinite period of time (WAC 392-400-205(5)).

Student Behavior

School districts should monitor any student's behavior when that behavior interferes with the student's or another's educational process. School districts should also consider having procedures and strategies in place to address a student's behavior before it leads to a suspension or expulsion, including supports for the student or teacher. For students eligible for special education, school districts must consider a student's behavioral needs when developing his or her individualized education program (IEP). In the case of a student whose behavior impedes his or her learning or that of others, the school district must consider the use of positive behavioral interventions and supports to address the behavior (WAC 392-172A-03110). Other ways to address behavior, when appropriate for the student are:

- Developing behavioral IEP goals when the student requires specially designed instruction;
- Providing related services necessary to achieve those behavioral IEP goals;
- Providing modifications;
- Providing support to the student's teachers;
- Conducting a functional behavioral assessment and developing a behavioral intervention plan.

Discipline Related Special Education Protections

Students who receive, or may be eligible to receive, special education services:

- May be disciplined in the same way as students without disabilities if the disciplinary removal does not constitute a change of placement;

- May not be disciplined for misconduct that results in a change of placement if the behavior was caused by, or had a direct and substantial relationship to a student's disabilities or, if the school district failed to implement the student's IEP; and
- Must continue to receive services that allow the student to continue to participate in the general education curriculum and progress toward meeting their annual IEP goals during removals that are considered a change of placement.

II. Providing Educational Services during Removals

Definition of a change of placement

Whether a school district is required to provide services to eligible students, and decisions about where the student receives services, depends on how long a student will be removed from his or her classes due to discipline and whether the removal is considered a change of placement. The regulations define a change of placement as a disciplinary removal meeting one of the following conditions:

1. The removal is for more than 10 consecutive school days; or
2. The school district determines that the removals demonstrate a pattern because:
 - a. The series of removals total more than 10 school days in the same school year;
 - b. The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - c. Of consideration given to other factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

School personnel determine whether a series of removals demonstrate a pattern on a case-by-case basis. They may also consider any unique circumstances on a case-by-case basis when determining whether a change of placement

is appropriate for a student eligible for special education.

When the student has been removed 10 or fewer days

School authorities may remove students from their current educational placement for up to 10 school days in a school year for violations of a code of student conduct. A school does not have to provide educational services to an eligible student for the first 10 school days he or she is removed in a school year if the school would not provide educational services to a student without disabilities.

When the student has been removed more than 10 school days and the removal IS NOT a change of placement

If the school district believes that a series of removals exceeding 10 school days is not a change of placement, school personnel in consultation with one or more of the student's teachers, determine the extent to which services and placement are needed during the removal for the student to continue to participate in the general education curriculum and to continue to progress toward meeting their IEP goals.

When the student has been removed more than 10 school days and the removal IS a change of placement

The school district must:

1. Inform the parents that the student is being removed from school and the reason for the removal (on the same day the decision is made to remove the student from school);
2. Provide the parents with a copy of the Notice of Procedural Safeguards, which includes information about:
 - a. The rights of students who receive special education services;
 - b. The rights of their parents;
 - c. Procedures a school district must follow when a student who receives special education services is disciplined; and
 - d. How a parent can challenge discipline related decisions made by their school

district; and

3. Hold a manifestation determination meeting within 10 school days of a decision that the removal is a change of placement.

III. Removals under Special Circumstances: Drugs, Weapons, or Serious Bodily Injury

School personnel may remove an eligible student to an interim alternative educational setting (IAES) determined by the student's IEP team, regardless of whether the student's behavior was a manifestation of his or her disability for up to 45 school days if he or she:

1. Carries a weapon to school or has a weapon at school, on school premises, or at a school function under the authority of a school district;
2. Knowingly has or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a school district; or,
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a school district.

An **IAES** is a temporary placement used when a student is removed from his or her current placement due to a violation of a code of student conduct. The IEP team must select an IAES that allows the student to continue to progress in the general education curriculum and receive services and modifications that will allow the student to work toward meeting his or her IEP goals.

A **weapon** means as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length (18 U.S.C. 930(g)(2)).

A **controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Serious bodily injury means a bodily injury that involves: a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty (18 U.S.C. 1365(h)(3)).

In addition, if a school believes that maintaining the current placement of an eligible student is substantially likely to result in injury to the student or others, the school may request a due process hearing and ask that an administrative law judge (ALJ) remove a student to an IAES for not more than 45 school days.

IV. Manifestation Determinations

A **manifestation determination** is a decision made by the school district and relevant members of the student's IEP team at a meeting to decide whether or not a student's misconduct was caused by, or had a direct and substantial relationship to, the student's disability, or, the conduct in question was the direct result of the school district's failure to implement the IEP. Parents and school districts select the relevant member of the IEP team. Manifestation determination meetings are required any time the student's removal is a change of placement. Within 10 school days of a removal that is a change of placement, the school district and relevant members of the IEP team must hold a meeting to make a decision about whether the student's behavior is a manifestation of his or her disability. The team reviews the student's behavior and all relevant information in the student's file including the IEP, any teacher observations, and input provided by the parents to make this decision. The student's behavior is a manifestation of the student's disability if the conduct was either:

- Caused by, or had a direct and substantial

relationship to, the student's disability; or

- The direct result of the school district's failure to implement student's IEP.

When the misconduct is a manifestation of the student's disabilities

The IEP team must conduct a functional behavioral assessment (FBA) if it has not already done so, and implement a behavioral intervention plan (BIP). If a BIP is already in place, then the team must review and revise the existing BIP, as needed, to address the student's behavior. If the school district was not implementing the student's IEP (including an existing BIP) the school district must take immediate action to correct those deficiencies. If the student was removed from his previous placement prior to the manifestation determination, the school district must return the student to his or her current placement unless the parent and school district agree to a different placement as part of the modification of the BIP.

An **FBA** is an organized collection of data related to a student's behavior. The assessment often includes information gathered through observation of the student in different settings and information provided by the parent and teachers or other providers. The assessment is conducted and the results are documented to understand the purpose of a student's undesirable behaviors so that appropriate strategies and interventions can be developed and planned to reduce or eliminate these behaviors.

A **BIP** includes observational and behavioral data from the FBA as the basis for a plan of action for managing a student's challenging behavior. A BIP may include ways to change the student's environment to: 1) prevent the behavior from occurring; 2) provide opportunities for positive reinforcement to promote appropriate behavior; 3) employ planned ignoring to avoid reinforcing inappropriate behavior and; 4) provide supports or planned consequences to reduce a student's problem behavior. When implementing a

BIP, all staff working with the student must be aware of its content and their roles in implementation. Furthermore, it is important to monitor the quality of implementation over time to ensure that the BIP is implemented in a manner consistent with the way it was intended by the IEP team. The BIP must be implemented for a sufficient amount of time for the team to determine the plan's effectiveness. By monitoring the quality of implementation in this way, members of the IEP team are able to: 1) determine whether the plan works; 2) identify components in need of revision and; 3) ensure that any necessary changes are identified based on data, and not a failure to adequately implement the BIP.

When the misconduct is NOT a manifestation of the student's disabilities

If the misconduct is not a manifestation of the student's disability, school personnel may use the same discipline procedures, in the same manner and for the same period of time, as it would for a student who does not receive special education services. However, the school must provide educational services to the student in the IAES. The IEP team must determine what services the student needs to continue to participate in the general education curriculum and to progress toward meeting the goals set out in his or her IEP. In addition, if the team determines that it is appropriate, the school district should conduct an FBA and use the results to develop a BIP for the student.

V. Disagreements about a Manifestation Determination, Disciplinary Placement or Services during Removals

Parents may request a due process hearing if they disagree with any decisions made related to the disciplinary action, including the placement and services provided to the student during removals, decisions about whether the removal is a change of placement, and disagreements with the manifestation determination. In addition, schools may request due process hearings when they believe maintaining or

returning a student to his or her current placement is substantially likely to result in injury to the student or others. When a parent or school district requests a due process hearing on disciplinary matters, the hearing is expedited. The hearing may be requested using the hearing request form provided by OSPI. On the form, there is a check box for parties to indicate that the hearing involves discipline. [Follow this link to the Due Process Hearing Request form.](#)

Expedited timelines for discipline related due process hearings

When a parent requests a due process hearing, the school district must hold a resolution meeting within 7 calendar days of its receipt of the parent's request, unless the parent and school district agree in writing to waive the resolution meeting or use mediation. A resolution meeting provides parents and school districts an opportunity to meet and try to resolve the problems identified in the parent's due process hearing request. The hearing may proceed if the matter is not resolved to the parent's and school district's satisfaction within 15 calendar days of the school district's receipt of the due process hearing request. The due process hearing must occur within 20 school days of the date the hearing is requested. An ALJ must issue a hearing decision within 10 school days after the hearing. More information on timelines for due process hearings, including expedited hearing requests can be found here: [Due Process Hearing Procedures and Timelines.](#)

Student placement during discipline related due process hearings

When a student is in an IAES, the student remains in that setting pending the ALJ's decision, or until the expiration of the time period for the disciplinary removal, whichever occurs first, unless the parent and school district agree to a different placement. An ALJ can order that a student be returned to his or her placement if the ALJ finds the school violated discipline procedures, including a determination that the student's behavior was not a manifestation of the student's disability

(which can include a determination that the student's IEP was not implemented). The ALJ may also order a student to an IAES if the ALJ finds that maintaining in or returning a student to his or her placement is substantially likely to result in injury to the student or others.

A school district may request additional hearings and the process may be repeated if it believes returning the student to his or her placement is substantially likely to result in injury to the student or others.

VI. Protections for Students Not Yet Eligible for Special Education Services

Parents may challenge disciplinary actions on behalf of students who are not yet determined eligible for special education if they believe the school district should have known the student would be eligible for special education. A school district must be deemed to have knowledge that a student is eligible for special education if, before the behavior that brought about the disciplinary action occurred:

- The parent expressed concern in writing to supervisory or administrative personnel of the school district, or to one of the student's teachers that the student needed special education and related services;
- The parent requested an evaluation related to eligibility for special education and related services; or
- The student's teacher, or other school district personnel, expressed directly to the school district's director of special education, or to other supervisory personnel of the school district, specific concerns about a student's demonstrated pattern of behavior.

A school district will not be deemed to have knowledge if the parent did not provide consent for an evaluation of the student, or has refused to provide consent or has revoked consent for special education services. The school district will also not be deemed to have knowledge if they already evaluated the student and

determined that he or she was not eligible for special education services and the school district notified the parent of the evaluation results. If a school district is not deemed to have knowledge that the student is eligible and a parent requests an evaluation during the disciplinary removal, the school must evaluate the student in an expedited manner. The student remains in the placement chosen by school authorities, pending completion of the evaluation.

VII. Conclusion

School district personnel should review and follow state rules and their procedures addressing discipline for all students. In addition, staff must be knowledgeable about special education disciplinary rules and protections. Remember that both the rules for general education and special education apply when imposing disciplinary removals. School personnel at the school district level should work closely with special education personnel to track behavior and disciplinary removals, in order to ensure that students are afforded the protections available to them under IDEA. Parents are encouraged to track any disciplinary actions or problem behaviors that are occurring at school, and to communicate with school personnel about possible interventions to address problem behaviors. When a suspension or removal occurs, parents need to carefully read any notices provided to them so they are aware of both: 1) the processes at the school district level for raising disagreements about the appropriateness of the discipline itself, and the proposed length of removal; and, 2) the protections under IDEA addressing placement, decisions about whether the conduct is a manifestation of the student's disability and any decisions about services when a student is placed in an IAES.

This TAP provides guidance about discipline requirements contained in IDEA, Part B and state regulations. It should not be interpreted to provide legal advice and it does not replace careful review of the rules and implementation

of school district disciplinary procedures.

Randy I. Dorn
State Superintendent of Public Instruction

To request this material in alternative format,
or if you have questions about this TAP or other
special education services, please contact:

OSPI Special Education
PO Box 47200
Olympia, WA 98504-7200
(360) 725-6075, (360) 586-0126 (TDD)
(360) 586-0247 (fax) or
email: speced@k12.wa.us

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disability. Questions and complaints of alleged
discrimination should be directed to the Equity
and Civil Rights Director at:

Equity and Civil Rights
P.O. Box 47200
Olympia, WA 98504-7200
(360) 725-6162

Appendix A: State Special Education Regulations by Topic

Discipline		State Regulations by Topic
Removal: Not a change in placement	Removals for 10 or fewer consecutive school days	School personnel may remove a student eligible for special education from his or her current placement for not more than 10 consecutive school days. The school district is not required to provide services unless they do so for students not eligible for special education. <i>See WAC 392-172A-05145(2)(a)</i>
	Additional removals for not more than 10 consecutive school days	School personnel may remove a student eligible for special education from his or her current placement for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement. <i>See WAC 392-172A-05145(2)(a)</i> School personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed, to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. <i>See WAC 392-172A-05145(4)(e)</i>
Removal: Change of placement	Unique circumstances when considering change of placement	School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change of placement is appropriate for a student eligible for special education. <i>See WAC 392-172A-05145(1)</i>
	Definition:	A change of placement occurs if: 1. the removal is for more than 10 consecutive school days; or 2. the student has a series of removals that constitute a pattern because: a. the series of removals totals more than 10 school days; b. the behavior is substantively similar to previous incidents; and c. of factors such as the length of each removal, amount of time and proximity suggest similarity in behavior. <i>See WAC 392-172A-05155</i>

Appendix A: State Special Education Regulations by Topic

Discipline		State Regulations by Topic
Removal: Change of placement	Manifestation determination meeting	<p>Within 10 school days of any decision to change the student's placement, the school district, the parent and relevant members of the student's IEP team must review all relevant information in the student's file including the IEP, any teacher observations and any relevant information provided by the parents to determine if:</p> <ol style="list-style-type: none"> 1. the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or 2. the conduct was the direct result of the school district's failure to implement the IEP. <p><i>See WAC 392-172A-05145(5)</i></p>
	Behavior is a manifestation of disability- Required services	<p>If the student's behavior is a manifestation of the student's disability, the school district must take steps to address deficiencies, and, conduct a functional behavioral assessment (FBA), unless it has already been conducted, and implement a behavioral intervention plan (BIP). Or, if the student already has a BIP, review it and modify it as needed to address the behavior.</p> <p>The student must also be returned to the placement from which he or she was removed unless, the parents and school district agree to a different placement as part of the BIP, or, the student has been removed for weapons, drugs, or serious bodily injury.</p> <p><i>See WAC 392-172-05145(5)(c), (6)</i></p>
	Behavior is not a manifestation of disability- Required Services	<p>If the student's behavior is not a manifestation of the student's disability, the school may apply discipline (such as long term suspensions or expulsions) in the same manner and for the same duration as it would for a student who is not eligible for special education. However, the student must continue to receive educational services that provide FAPE and continue to allow the student to participate in the general education curriculum and progress towards meeting the goals in the IEP, as determined by the IEP team. These services may be provided in an interim alternative educational setting (IAES). In addition, if the relevant IEP team members determine it is appropriate the school district may conduct a FBA and implement a BIP.</p> <p><i>See WAC 392-172A-05145(4)(a), (4)(b), and (4)(f)</i></p>

Appendix A: State Special Education Regulations by Topic

Discipline		State Regulations by Topic
Removal: Change of placement	Removals for special circumstances	<p>School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if while at school, on school premises, or at a school function under the jurisdiction of a school district, the student:</p> <ol style="list-style-type: none"> 1. Carries a weapon to or possesses a weapon; 2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance; or 3. Has inflicted serious bodily injury upon another person. <p>See WAC 392-172A-05145(7)</p>
Appeals related to discipline	By parents	<p>Parents may appeal:</p> <ol style="list-style-type: none"> 1. Any decision regarding the student's placement made under WAC 392-172A-05145 and WAC 392-172A-05155; or 2. The manifestation determination made under WAC 392-172A-05145(5). <p>See WAC 392-172A-05160(1)</p>
	By school districts	<p>School districts may appeal:</p> <ol style="list-style-type: none"> 1. The decision to maintain the student's current placement if they believe that maintaining it is substantially likely to result in injury to the student or others. 2. The decision to return the student to their original placement if they believe it is substantially likely to result in injury to the student or others. 3. The process described above may be repeated. <p>See WAC 392-172A-05160(1), (2)(c)</p>
	ALJ decisions	<p>An ALJ may order:</p> <ol style="list-style-type: none"> 1. The student's return to the placement from which they were removed if it is determined their removal was a violation of WAC 392-172A-05145 through -05155, or if the behavior was a manifestation of their disability; or 2. A change of placement to an IAES for not more than 45 school days if the student's current placement is substantially likely to result in injury to the student or others. <p>See WAC 392-172A-05160(2)(b)</p>
	A student's placement pending the due process decision	<p>The student will remain in the IAES pending the ALJ's decision or until the expiration of the disciplinary removal, whichever occurs first, unless the parent and school district agree otherwise.</p> <p>See WAC 392-172A-05165</p>

Appendix A: State Special Education Regulations by Topic

Discipline		State Regulations by Topic
Appeals related to discipline	School district is deemed to have knowledge	<p>A student not eligible for special education may assert discipline protections if, before the behavior that resulted in a disciplinary removal:</p> <ol style="list-style-type: none"> 1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the school, or a teacher of the student, that the student needed special education and related services; 2. The parent of the student requested an evaluation of the student pursuant to WAC 392-172A-03005; or 3. The teacher of the student, or other personnel of the school district, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other supervisory personnel of the school district. <p><i>See WAC 392-172A-05170(2)</i></p>
Students not eligible for special education	School district does not have knowledge	<p>A student not eligible for special education may not assert discipline protections if:</p> <ol style="list-style-type: none"> 1. The parent has not provided consent for an evaluation of the student; 2. The parent has refused to provide or has revoked consent for special education services; or 3. The student has been evaluated and determined to not be eligible for special education services. <p><i>See WAC 392-172A-05170(3)</i></p> <p>The school district can apply the same disciplinary measures against the student as they would for students without disabilities. <i>See WAC 392-172A-05170(4)(a)</i></p>
	Request for an evaluation after a removal, and a school district is not deemed to have knowledge	<p>If an evaluation request is made, the evaluation must be conducted in an expedited manner and the student will remain in a placement determined by school authorities. <i>See WAC 392-172A-05170(4)(b)</i></p> <p>If the student is determined to be eligible for special education services, taking into consideration information from the evaluation and information provided by the parents, the school district must provide special education and related services and follow the discipline requirements, including the provision of a FAPE for students suspended or expelled from school. <i>See WAC 392-172A-05170(4)(b)</i></p>

Appendix B: Resources

OSPI Special Education Homepage - <http://www.k12.wa.us/SpecialEd/default.aspx>

Dispute Resolution - <http://www.k12.wa.us/SpecialEd/DisputeResolution/default.aspx>

For Families - <http://www.k12.wa.us/SpecialEd/Families/default.aspx>

All TAPs - <http://www.k12.wa.us/SpecialEd/publications.aspx>

Chapter 392-172A WAC - <http://apps.leg.wa.gov/wac/default.aspx?cite=392-172A>

Discipline Rules for All Students - <http://apps.leg.wa.gov/WAC/default.aspx?cite=392-400>

IDEA Part B - <http://idea.ed.gov/explore/home>

Discipline: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C6%2C>

Controlled Substances Definition: http://www.law.cornell.edu/uscode/html/uscode21/usc_sec_21_00000812----000-.html

Dangerous Weapon Definition: http://www.law.cornell.edu/uscode/html/uscode18/usc_sec_18_00000930----000-.html

Serious Bodily Injury Definition:
http://www.law.cornell.edu/uscode/html/uscode18/usc_sec_18_00001365----000-.html

Student ID:
WA SSID:
Date of Birth:

Longview Public Schools
2715 Lilac
Longview, WA 98632
360-575-7052

Manifest Determination Paperwork/Format

Meeting Notice

PURPOSE: This invitation requests your attendance at a meeting concerning the educational program/needs of your child. You have the opportunity to participate in any meeting regarding the identification, evaluation, educational placement, and the provision of a free appropriate public education for your child.

To: _____ Date Sent to Participants: _____

This meeting has been scheduled for: Date _____ Time _____

Location _____

If you have any questions or would like additional information or assistance to help you prepare for this Manifestation meeting, please contact at e-mail .

This is to notify you that a/an Manifestation meeting has been scheduled for this student. Your participation and attendance at this meeting are very important. This meeting must be scheduled at a mutually agreed upon time and place. The purpose of this meeting is to (check all that apply):

____Manifestation Determination

____Other

The following are invited to attend and participate in the meeting:

The parent/adult student or school may invite individuals who have knowledge or special expertise regarding the student, including related services personnel, to participate. The determination of the knowledge or special expertise shall be made by the person/party extending the invitation. You may also request, by contacting the individual named below, that a birth to three service coordinator be invited to participate in an initial IEP meeting if your child was previously served through an Individualized Family Service Plan (IFSP). If you, the parent or adult student, are bringing other individuals to the meeting, please let us know. This will ensure that the meeting space will accommodate all team members.

Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents.

Student ID:
WA SSID:
Date of Birth:

Longview Public Schools
2715 Lilac
Longview, WA 98632
360-575-7052

Manifest Determination Paperwork/Format

Contact Attempt Report

Notification Area: _____

Meeting Date: _____

Time: _____

Location: _____

Student ID:
WA SSID:
Date of Birth:

Longview Public Schools
2715 Lilac
Longview, WA 98632
360-575-7052

Manifest Determination Paperwork/Format

Disciplinary Manifestation Determination

Meeting Date: _____

PURPOSE: Within 10 school days of any decision to change the placement of a student eligible for special education because of a violation of a code of student conduct, the school district, the parent, and relevant members of the student's IEP team (as determined by the parent and the school district) must review all relevant information to determine if the conduct in question was caused by, or had a direct, substantial relationship to, the student's disability; or if the conduct in question was the direct result of the district's failure to implement the IEP.

School: _____ Case Manager: _____

Signatures of IEP Team Members in attendance (*must include a district representative, the parent(s), and relevant members of the IEP team as determined by the district and parent*):

If parent did not attend, what method was used to ensure their participation?

Other: _____

Notice of Procedural Safeguards for Special Education Students and Their Families have been provided to parents.

Student ID:
WA SSID:
Date of Birth:

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Longview, WA 98632
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Manifest Determination Paperwork/Format

Disciplinary Manifestation Determination

This document is used for the purpose of establishing a relationship between disability and behavior. It should be used when considering long-term suspension or expulsion for a special education student. It is NOT to determine discipline.

Please check each item as reviewed and answer all questions:

1. Present Student Status: ☐ IEP ☐ 504 ☐ Referral
2. Does this student have an identified disability? ☐ Yes ☐ In process
Disability: _____
3. What is the nature of the student's disability?
4. Has this student been suspended previously this school year? ☐ No ☐ Yes
If Yes, how many days prior to this offense? _____
5. What is the behavior for which disciplinary action is being proposed?

What is the normal disciplinary action that is applied when this behavior is displayed by non-disabled peers?

6. The team considered and reviewed all relevant student information in this action?

☐
☐
☐

- A. Evaluation and diagnostic results
B. Observations
C. IEP and Placement

1. Has a functional Behavioral Analysis been completed? ☐ Yes ☐ No Date Completed: _____
2. Is there a Behavior Intervention Plan as part of the IEP? ☐ Yes ☐ No
3. If yes, what is being addressed on the Behavior Intervention Plan? *(must align with targeted behaviors)*
4. Has this student been on Home placement per the Behavioral Plan? ☐ No ☐ Yes
If Yes, how many days prior to this offense? _____

- ☐ D. Relevant information provided by parent(s).

7. Did the conduct in question have a direct and substantial relationship to the child's disability? ☐ Yes ☐ No
8. Was the conduct in question a direct result of the school district's failure to implement the IEP? ☐ Yes ☐ No

Note: If either 7 or 8 is "Yes", the behavior must be considered a manifestation of the student's disability. If both 7 and 8 are "No", the normal disciplinary action may be applied.

Check one:

- ☐ The conduct in question **WAS** a manifestation of the student's disability. *The IEP team must conduct a functional behavioral assessment, unless one was conducted prior to the behavior incident, and develop and implement a behavioral intervention plan. If a behavioral intervention plan has already been developed, the IEP team must review the plan and modify if necessary.*

Student ID:
WA SSID:
Date of Birth:

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Longview, WA 98632
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Manifest Determination Paperwork/Format

Disciplinary Manifestation Determination

☐ The conduct in question **WAS NOT** a manifestation of the student's disability. *Disciplinary action(s) that apply to students without disabilities may be taken, but the school district must continue to provide a FAPE to enable the student to continue to participate in the general education curriculum and to progress toward meeting his/her IEP goals. If necessary, the district should also conduct a functional behavioral assessment and develop/implement a behavioral intervention plan that is designed to address the behavior violation so that it does not, or is less likely to, recur.*

Actions and Rationale:

Student ID:
WA SSID:
Date of Birth:

Longview Public Schools
2715 Lilac
Longview, WA 98632
360-575-7052

Manifest Determination Paperwork/Format

Excused Team Members

There is a meeting in reference to your child to be held on (date)_____ at (time)_____ at (place)_____

PURPOSE:A school district member of the IEP team may be excused from attending the IEP meeting if the parent(s) and the district agree in writing that the member's attendance is not necessary because his/her area of curriculum/services is not being modified or discussed in the meeting. A member whose area of the curriculum/services will be modified or discussed may be excused from the IEP meeting if the district and parent(s) consent, and the member provides written input into the development of the IEP prior to the meeting.

Attending School: _____ Grade: _____

Parent/Guardian/Surrogate/Adult Student Name: _____

Address: _____ Home#: _____ Work#: _____

The following team member(s) have requested excusal from the meeting:

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

A required team member may be excused from attending an IEP meeting with the agreement/consent of the parent(s) and the district. Excusing the attendance of a teacher or related service provider at an IEP meeting is optional. Your agreement or consent to excuse the team member(s) above from attending the meeting must be in writing.

☐ We agree to excuse the attendance of the team member(s) above at the IEP meeting specified at the top of this form because this member's area of the curriculum or related services is not being modified or discussed at this IEP meeting.

☐ We consent to excuse the attendance of the team member(s) above at the IEP meeting specified at the top of this form because, although the IEP meeting involves a modification to or discussion of this staff member's area the curriculum or related services, he/she will submit in writing, to the parent and IEP team, input into the development of the IEP prior to the meeting.

Signature of Parent

Date

Signature of Adult Student

Date

Student ID:
WA SSID:
Date of Birth:

Longview Public Schools
2715 Lilac
Longview, WA 98632
360-575-7052

Manifest Determination Paperwork/Format

Excused Team Members

Signature of District Representative

Date

☐ I do not agree to excuse the attendance of the team member(s) above from the IEP meeting specified at the top of this form.

Signature of Parent

Date

Signature of Adult Student

Date

Student ID:
WA SSID:
Date of Birth:

Longview Public Schools
2715 Lilac
Longview, WA 98632
360-575-7052

Manifest Determination Paperwork/Format

Prior Written Notice

To: _____ Date: _____
Re: Student's Name: _____

PURPOSE: As a parent/guardian of a special education child or child suspected of needing special education services, the school district is required to provide you with prior written notice whenever it proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to your child. This notice should be given to you after a district makes a decision and before action is taken on the decision. The notice should be given to you in a reasonable amount of time before the district takes action.

The purpose of this prior written notice is to inform you that we are:

1. ☐ proposing ☐ refusing to 2. ☐ initiate ☐ change ☐ continue ☐ discontinue a/an
(mark one of the above) (mark one of the above)

Mark all items below that apply:

3. ☐ Referral ☐ Initial Evaluation ☐ Eligibility Category
☐ Educational Placement ☐ IEP ☐ Reevaluation
☐ Disciplinary action that is a change of placement ☐ 504 Plan ☐ Other:

Description of the proposed or refused action:

Student ID:
WA SSID:
Date of Birth:

Longview Public Schools
2715 Lilac
Longview, WA 98632
360-575-7052

Manifest Determination Paperwork/Format

The reason we are proposing or refusing to take action is:

Description of any other options considered and rejected:

The reasons we rejected those options were:

A description of each procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows:

Any other factors that are relevant to the action:

The action will be initiated on: _____

Your child has procedural protections under IDEA. These protections are explained in the *Notice of Procedural Safeguards for Special Education Students and Their Families*. If this prior written notice is given to you (1) as part of your child's initial referral for evaluation,

(2) as part of a request for reevaluation or (3) notice to you regarding disciplinary action that constitutes a change of placement the procedural safeguards accompanies this notice. If a copy of the *Notice of Procedural Safeguards for Special Education Students and Their Families* is not enclosed and you would like a copy or you would like help in understanding the content, please contact:

_____ at _____

Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents/guardians.

Section VIII:

Behavior Intervention

- Isolation and Restraint
- Physical Restraint Incident Report
- Behavior Problem Solving, FBA and BIP
- Emergency Response Protocol
- Parent/School Communication and Debriefing Process

Use of Isolation and Restraint

Spontaneous Behavior

The use of reasonable force, restraint, or other treatment to control unpredicted spontaneous behavior which poses the following dangers is permitted.

- a) A clear and present danger of serious harm to the student or another person.
- b) A clear and present danger of serious harm to property.
- c) A Clear and present danger of seriously disrupting the educational process

Predictable Behavior

When the student's behavior becomes predictable even after one occurrence, the following steps will be taken:

- 1) Conduct a Functional Behavioral Analysis (FBA).
- 2) Complete and implement a Behavior Intervention Plan (BIP) with positive behavioral supports prior to determining the need for an Emergency Response Protocol plan.
- 3) Determine the need for an Emergency Response Protocol plan. Emergency Response Protocol interventions will only be used as a last resort.
- 4) Develop an Emergency Response Protocol plan that is consistent with the recommendations of the IEP team and includes a school psychologist.

Emergency Response Protocol

The following information is provided to Guide the understanding of Emergency Response Protocols, the development of a plan and the performance of the plan. All information is from WAC 392-172A-02105; 392-172A-02110.

Overview

If the parent and the school district determine that a student requires advanced educational planning, the parent and the district may develop emergency response protocols to be used in the case of emergencies that pose an imminent likelihood of serious harm, as defined in this section.

Emergency response protocols, if developed, must be incorporated into a student's IEP. Emergency response protocols shall not be used as a substitute for the systematic use of a behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior.

Conditions and Limitations

- (a) The student's parent must provide consent, as defined in WAC 392-172A-01040, in advance, to the emergency response protocols being adopted.

(b) The emergency response protocols specify:

1. The emergency conditions under which isolation, restraint, or restraint devices, if any, may be used;
2. The type of isolation, restraint, and/or restraint device, if any, that may be used;
3. The staff members or contracted positions permitted to use isolation, restraint, or restraint devices with the student, updated annually, and identify any required training associated with the use of isolation, restraint, or restraint device for each staff member or contracted position;
4. Any other special precautions that must be taken.

(c) Any use of isolation, restraint, and/or restraint device must be discontinued as soon as the likelihood of serious harm has dissipated.

(d) Any staff member or other adults using isolation, restraint, or a restraint device must be trained and certified by a qualified provider in the use of isolation, restraint, or a restraint device.

Documentation and Reporting

School districts must follow the documentation and reporting requirements for any use of isolation, restraint, or restraint device consistent with RCW 28A.600.485, regardless of whether the use of isolation, restraint, or restraint device is included in the student's emergency response protocols.

Isolation and Restraint Conditions – WAC 392-172A-02110

Any use of isolation, restraint, and/or restraint device shall be used only when a student's behavior poses an imminent likelihood of serious harm. The limited use of isolation, restraint, or restraint device not prohibited in WAC 392-172A-02076 is conditioned upon compliance with the following procedural and substantive safeguards:

(1) Isolation

The use of isolation as defined by RCW 28A.600.485 is subject to each of the following conditions:

- a. The isolation must be discontinued as soon as the likelihood of serious harm has dissipated.
- b. The isolation enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy.
- c. The isolation enclosure shall permit continuous visual monitoring of the student from outside the enclosure.
- d. An adult responsible for supervising the student shall remain in visual or auditory range of the student at all times.
- e. Either the student shall be capable of releasing himself or herself from the enclosure, or the student shall continuously remain within view of an adult responsible for supervising the student.
- f. Any staff member or other adults using isolation must be trained and certified by a qualified provider in the use of isolation or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

(2) Restraint

The use of restraint as defined by RCW 28A.600.485 is subject to each of the following conditions:

- a. The restraint must be discontinued as soon as the likelihood of serious harm has dissipated.
- b. The restraint shall not interfere with the student's breathing.
- c. Any staff member or other adults using a restraint must be trained and certified by a qualified provider in the use of such restraints, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of an emergency.

(3) Restraint Device

The use of a restraint device as defined by RCW 28A.600.485 is subject to each of the following conditions:

- a. The restraint device must be discontinued as soon as the likelihood of serious harm has dissipated.
- b. The restraint device shall not interfere with the student's breathing.
- c. Either the student shall be capable of releasing himself or herself from the restraint device or the student shall continuously remain within view of an adult responsible for supervising the student.
- d. Any staff member or other adults using a restraint device must be trained and certified by a qualified provider in the use of such restraint devices, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

(4) Documentation and Reporting

School districts must follow the documentation and reporting requirements for any use of isolation, restraint or restraint device consistent with RCW 28A.600.485.

Isolation and Physical Restraint Incident Report

* This form must be completed within the same school day as the incident.
Use When Documenting and Reporting Use of Bodily Contact of Restraint

Student SSID: Birthdate:
Name:
School: Grade: General Ed. ☐ IEP ☐ 504 Plan ☐ BIP ☐ ERP ☐
Date of Incident: Time of Incident: Location:
Written By: Date Written:
Administrator Notified: Date/Time: Phone:
Parent Notified: Date/Time: Phone:
Notification: (To be done immediately-verbal notification the same day of incident)

Names of Staff/Position Title that administered isolation or restraint:

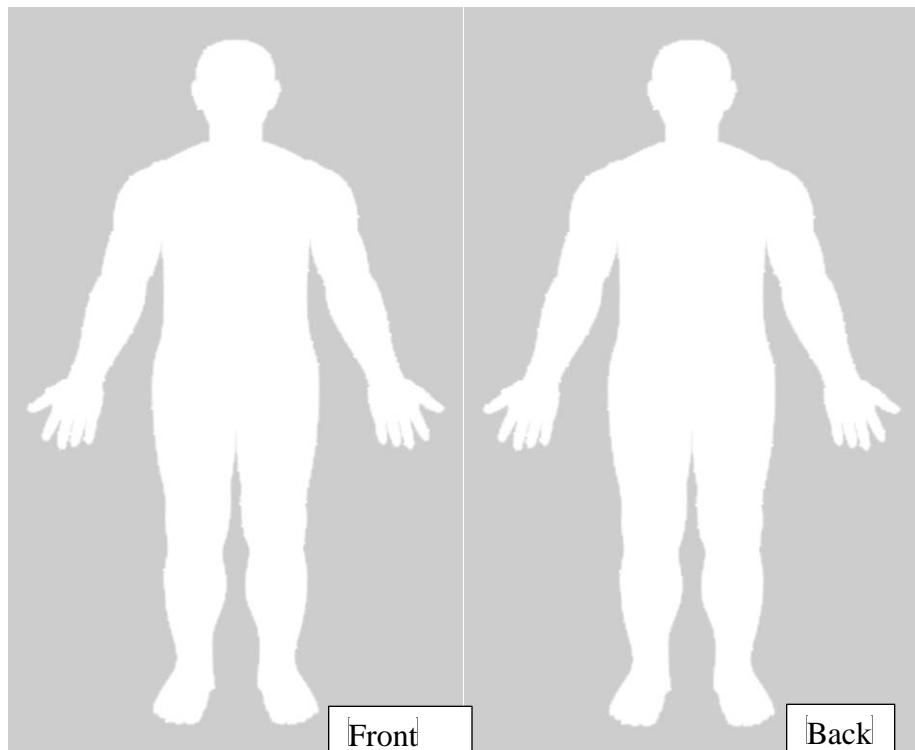
Description of the activity that led to isolation or restraint:

Describe efforts to deescalate and alternatives attempted prior to Isolation or Restraint:

Type of Isolation and/or Restraint used on student (holds), including duration:

Why was physical restraint necessary?:

During Isolation and/or Restraint, was the student or a staff member injured? Please state the injury and if medical care was provided. :



If physical injury occurred to the student, please mark the appropriate area(s) above:

Circulation/Breathing Checks (during holds):

How restraint ended (check all that apply):

- ☐ Determination by staff member that student was no longer a risk to himself or others
- ☐ Intervention by administrator(s) to facilitate de-escalation

Describe what action was taken after the incident:

Change of Status Notification: Staff must reach the building administrator immediately upon any change of status such as: a significant change in mental health status, supervision or safety needs; the involvement of the Juvenile Justice System; a change in medical conditions; emergency room treatment; hospitalization; allegations of abuse or neglect; any unusual incidences that seriously impact the youth's health, safety, or well-being.

FURTHER ACTION TO BE TAKEN:

The school will take the following action and/or disciplinary sanctions (check all that apply):

- ☐ Review incident with student to address behavior that precipitated the restraint
- ☐ Review incident with staff to discuss whether proper restraint procedures were followed
- ☐ Develop recommendations/strategies/resources that may be used by the student or staff to avoid similar incidents.
- ☐ Consider whether follow-up is necessary for students who witnessed the incident
- ☐ Conduct a local investigation of any complaint regarding this restraint (describe investigation procedures):
- ☐ Disciplinary action/sanctions taken by program (describe)

Staff Requirement:

- ☐ Building Administrator verbally notified immediately.
- ☐ Parents verbally notified prior to student going home.
- ☐ Program administrator notified same day (verbally).
- ☐ Incident Report completed within 48 hours with copies going to:
 - o Mailed home
 - o Faxed to Executive Director of L&L and Special Education Director
 - o Copy to Building Administrator
 - o Copy in student file
- ☐ Debrief (use Debriefing Notes form) within 2 days of the incident

Signed_____

Date_____

Critical Incident Debriefing Notes

Within two (2) school days of a critical incident (staff or student injury, restraint used or a potentially harmful near-miss), a documented debriefing meeting (using the Physical Restraint Incident Debriefing Notes form) must be held within two school days after the use of bodily contact, physical restraint or isolation. Staff members involved in the bodily contact, restraint or isolation must be included in the debriefing meeting and the debriefing team shall include a building administrator.

A. Student Information				
Name:	SSID#:	Date of Birth:	Gen Ed. <input type="checkbox"/> IEP <input type="checkbox"/> 504 <input type="checkbox"/>	Grade:
B. School Information				
School:	Address:		Date of Debriefing:	
Time of Debriefing:	Location of Meeting:		Building/District Administrator at Meeting:	
C. Debriefing Notes				

D. Further actions to be taken

Signatures (of those attending the debriefing meeting)	Position
	Teacher
	Principal or Administrator
	Case Manager

This report has been prepared by:

Name: _____ Position: _____

Building: _____ Address: _____

Phone: _____ Date: _____ Time: _____

FBA and BIP

Special Education Procedures

In recognition of the behavioral expertise unique to school psychologists they will act as case managers for all FBAs and BIPs. School psychologists will conduct the FBA and lead the development of the BIP that is based on the results of the FBA. Although these include team processes, the school psychologist will be responsible for the completion of the FBAs and ensure that the BIP is reviewed for fidelity of implementation, effectiveness and the needed revisions.

This includes the following:

- All BIPs must be based on an FBA. This means that there must be an FBA on file for every BIP.
- The desired target behavior(s) listed on the BIP must be translated as a measurable goal(s) on the IEP.
- Every student with a diagnosis or disabling condition of EBD must have an FBA and BIP. FBAs and BIPs must also be developed for students with ADHD and Autism who have aggressive or extreme behaviors.
- For drugs and weapons violations, there does not need to be an IEP goal. Regular discipline procedures will be followed. There will still need to be an FBA and BIP.
- If the IEP team determines that there are student behaviors that interfere with either the student's learning or the learning of others (behavioral considerations of the IEP team) a reevaluation must be initiated and conducted.
- Regardless of the outcome of manifestation determinations an FBA and BIP must have been completed. If they have not been completed, then they will need to be finished within the required time frame. If they have been completed, it must be documented by the school psychologist that they have been reviewed for effectiveness and revised as needed.
- All FBAs must be recorded on the IEPOL form; all BIPs must use the Positive Behavior Intervention Plan form and then be uploaded to IEPOL.
- The BIP must be written in operational terms – that is, someone not familiar with the student should be able to pick up the BIP and know how to implement it.

Safety Response Plan Tool

Name _____ Case Manager _____ Date _____

	Behavior Signals (Looks like, sounds like, feels like.)	-Skills we are teaching the student -Accommodations we are helping students access	Staff Response How to respond at each level What am I teaching?	Avoid What response will likely escalate the student?
1 Calm State: Able to follow typical routine. Proactive setting and event strategies are in place. The level where most anxiety strategies are taught.		IEP Goals:		
2 Low level of anxiety: Anxiety is visible. Staff support required. Focus on communication strategies and providing student with needed information (passing of time, expectations), and regaining motivation to complete task. Can be supported within the activity. Strategies have been pre-taught.				
3 Medium/high level anxiety: Staff needs to keep themselves and others safe. Student is still capable of making or following through with minimal pre-taught choices.				

	Behavior Signals (Looks like, sounds like, feels like.)	-Skills we are teaching the student -Accommodations we are helping students access	Staff Response How to respond at each level What am I teaching?	Avoid What response will likely escalate the student?
4 Crisis: Not able to control themselves. Not a teaching time. Not a thinking state. Adults need to help keep the student and others safe. Minimal to no verbal directives.				
5 De-escalation: Not a teaching time. Time to reconnect socially.				

Notes:

Evaluation of Interventions

Describe Intervention to be evaluated: _____

Review Date: _____

Is the Intervention Being Successful (is the desired behavior increasing and the problematic behavior decreasing)?

Yes____ Partially____ No____

Review Questions for Lack of Progress or Crisis Event:

Will give additional time for progress to show; no changes. Y N

Have the environmental supports or modifications been provided? Y N

Are additional environmental supports or modification needed? Y N

Have the skills been taught with fidelity? Y N

Are there prerequisite skills that need to be taught? Y N

Are the skills to be taught appropriate to the desired behavior? Y N

Are changes needed in the presentation of instruction? Y N

Is the presentation too slow? Y N

Is the presentation too fast? Y N

Are there sufficient visuals? Y N

Is the presentation level too difficult for the student's level? Y N

Are the incentives appropriate? Y N

If there has been some success, what made it successful in those situations? Y N Is an FBA needed to gather additional information? Y N

Changes to the Intervention Based on Review:

Next Review Date: _____

Additional Comments/Information:

Functional Behavioral Assessment Consent

School: _____

Grade: _____ Sex: _____ Date: _____

PURPOSE: A school district must inform parents/guardians of all information relevant to the district making a decision regarding the initial evaluation, initial placement, or reevaluation of a student. This form asks for your consent to the action indicated. It would be helpful to school personnel if you would share your reason(s) for not giving your consent for the proposed action. If you have questions regarding this request, you may call the school district director of special education for an explanation as to why the request is being made.

Longview Public Schools recommends a Functional Behavior Assessment for your child. In order to proceed with this referral and recommend the most appropriate education program for your child, we will need your permission to conduct a Functional Behavior Assessment.

I understand that I have the opportunity to participate in the Functional Behavior Assessment. I would suggest the following areas of need be considered in assessing my child:

1. _____
2. _____
3. _____

It should also be understood that all information collected during this assessment will be kept confidential and will be used only by authorized school personnel pursuant of the *Family Educational Rights and Privacy Act*.

I have also been given the *Notice of Procedural Safeguards Special Education Students and Their Families* that summarizes protections for students who may require a Functional Behavior Assessment.

This assessment has been explained and I have been informed of my due process rights in a language understandable to me.

- ☐ I give consent for a Functional Behavior Assessment for my child.
☐ I refuse consent for a Functional Behavior Assessment for my child.

Comments:

Parent/Guardian/Surrogate/Adult Student _____

Date _____

Please return this form to _____
at _____.

Consent Disclaimer

By giving consent, you are acknowledging that (1) you have been fully informed of all information relevant to the activity for which consent is sought; (2) you understand that the granting of consent is voluntary on your part and may be revoked at any time; (3) if you revoke consent, the revocation is not retroactive; which means that it does not negate any activity that has already taken place; and (4) if you refuse to give consent, the district may request mediation or a due process hearing to override your failure to give consent for a Functional Behavior Assessment.

Notice of Meeting - Functional Behavioral Assessment

PURPOSE: This invitation requests your attendance at a meeting concerning the educational program/needs of your child. You have the opportunity to participate in any meeting regarding the identification, evaluation, educational placement, and the provision of a free appropriate public education for your child.

To: _____

Date Sent to Participants: _____

This meeting has been scheduled for: Date _____

Time _____

Location _____

If you have any questions or would like additional information or assistance to help you prepare for this Eligibility meeting, please contact at e-mail .

This is to notify you that a/an Eligibility meeting has been scheduled for this student. Your participation and attendance at this meeting are very important. This FBA meeting must be scheduled at a mutually agreed upon time and place. The purpose of this meeting is to (check all that apply):

_____ Functional Behavioral Assessment _____ Other:

The following are invited to attend and participate in the FBA meeting:

The parent/adult student or school may invite individuals who have knowledge or special expertise regarding the student, including related services personnel, to participate. The determination of the knowledge or special expertise shall be made by the person/party extending the invitation. You may also request, by contacting the individual named below, that a birth to three service coordinator be invited to participate in an initial IEP meeting if your child was previously served through an Individualized Family Service Plan (IFSP). If you, the parent or adult student, are bringing other individuals to the meeting, please let us know. This will ensure that the meeting space will accommodate all team members.

Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents.

Contact Attempt Report - Functional Behavioral Assessment

Notification Area: Eligibility Area - _____

Meeting Date: _____

Time: _____

Location: _____

Functional Behavioral Assessment

Meeting Date: _____

Disability: _____

PURPOSE: A Functional Behavioral Assessment (FBA) is used to gather information about a student's behavior to determine the need for, and provide the foundation for, a Behavioral Intervention Plan (BIP). An FBA is required to be conducted if the student's violation of a code of conduct (resulting in a change of placement) is determined to be a manifestation of the student's disability.

School: _____ **Case Manager:** _____

Participants in the Functional Behavioral Assessment:

Student Strengths *(description of the student's strengths and interests, such as positive interactions with staff, ignoring the inappropriate behavior of peers, accepts responsibility, attendance, family support, What student does well and/or enjoys doing, etc.)*

Summary of Data Collection *(results from direct observations such as ABC narratives, frequency counts, and/or descriptive anecdotal information etc.)*

Contributing Factors *(description of any other factors/variables that may affect the behavior, such as medication, weather, diet, sleep, substance abuse, attendance, social factors, academic skill deficit(s), ELL language deficit, schedule, etc.)*

(1) Target Behavior

Description of target behavior *(observable, objective and measurable definition of the behavior, including frequency, intensity and duration)*

Prior Interventions implemented *(description, date(s) of implementation, length of intervention, the impact on the student's behavior, etc.)*

SETTING DESCRIPTION

Who is present when the behavior tends to occur?

What is happening in the environment when the behavior occurs?

When does the behavior tend to occur?

Where does the behavior tend to occur?

Functional Behavioral Assessment

Antecedent Events (relevant events that immediately preceded the Target Behavior)

Describe the conditions when the Target Behavior does not occur or occurs less frequently.

Maintaining Consequences (*what happens after the target behavior that may encourage the behavior*)

HYPOTHESIS

Considering these contributing factors

And in these settings (location, type of activity, time of day, day of week, etc.)

When these triggers occur (antecedents)

The student does (target behavior)

In order to (function/purpose of behavior such as getting attention, avoiding/escaping attention, obtaining something)

Recommendations to the IEP Team

I. Should a Behavior Intervention Plan (BIP) be considered for this behavior? Yes ☐ No ☐

II. Describe the replacement behavior that will be taught to meet the hypothesized function in a more socially appropriate manner.
Instead of engaging the target behavior the student will...

III. Setting Event Strategies (*setup of the environment to decrease the likelihood of the target behavior and increase the replacement behavior*)

IV. Antecedent Strategies (*how to address the preceding events to the target behavior to minimize or prevent the behavior and the strategies to be taught to the student to cope with the trigger*)

Functional Behavioral Assessment

V. Teaching Strategies (*skills to be taught to the student, and how staff will teach those positive behaviors*)

VI. Consequence Strategies (*what consequences will take place after the replacement behavior occurs AND what consequences will take place after the target behavior occurs*)

Functional Behavioral Assessment - Prior Written Notice

To: _____

Date: _____

Re: Student's Name: _____

PURPOSE: As a parent/guardian of a special education child or child suspected of needing special education services, the school district is required to provide you with prior written notice whenever it proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to your child. This notice should be given to you after a district makes a decision and before action is taken on the decision. The notice should be given to you in a reasonable amount of time before the district takes action.

The purpose of this prior written notice is to inform you that we are:

1. ☐ proposing ☐ refusing to 2. ☐ initiate ☐ change ☐ continue ☐ discontinue a/an
(mark one of the above) (mark one of the above)

Mark all items below that apply:

3. ☐ Referral ☐ Initial Evaluation ☐ Eligibility Category
☐ Educational Placement ☐ IEP ☐ Reevaluation
☐ Disciplinary action that is change of placement ☐ 504 Plan ☐ Other:

Description of the proposed or refused action:

The reason we are proposing or refusing to take action is:

Description of any other options considered and rejected:

The reasons we rejected those options were:

A description of each procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows:

Any other factors that are relevant to the action:

The action will be initiated on: _____

Your child has procedural protections under IDEA. These protections are explained in the *Notice of Procedural Safeguards for Special Education Students and Their Families*. If this prior written notice is given to you (1) as part of your child's initial referral for evaluation, (2) as part of a request for reevaluation or (3) notice to you regarding disciplinary action that constitutes a change of placement the procedural safeguards accompanies this notice. If a copy of the *Notice of Procedural Safeguards for Special Education Students and Their Families* is not enclosed and you would like a copy or you would like help in understanding the content, please contact:

_____ at _____

Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents.

Behavior Intervention Plan (BIP) - Meeting Notice

PURPOSE: This invitation requests your attendance at a meeting concerning the educational program/needs of your child. You have the opportunity to participate in any meeting regarding the identification, evaluation, educational placement, and the provision of a free appropriate public education for your child.

To: _____ Date Sent to Participants: _____

This meeting has been scheduled for: Date _____ Time _____

Location _____

If you have any questions or would like additional information or assistance to help you prepare for this Behavioral Intervention meeting, please contact _____ or e-mail _____.

This is to notify you that a/an Behavioral Intervention meeting has been scheduled for this student. Your participation and attendance at this meeting are very important. This meeting must be scheduled at a mutually agreed upon time and place. The purpose of this meeting is to (check all that apply):

☐ Behavioral Intervention Plan ☐ Other

The following are invited to attend and participate in the meeting:

The parent/adult student or school may invite individuals who have knowledge or special expertise regarding the student, including related services personnel, to participate. The determination of the knowledge or special expertise shall be made by the person/party extending the invitation. You may also request, by contacting the individual named below, that a birth to three service coordinator be invited to participate in an initial IEP meeting if your child was previously served through an Individualized Family Service Plan (IFSP). If you, the parent or adult student, are bringing other individuals to the meeting, please let us know. This will ensure that the meeting space will accommodate all team members.

Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents.

Behavior Intervention Plan (BIP) - Contact Attempt Report

Notification Area: _____
Meeting Date: _____
Time: _____
Location: _____
Meeting Date: _____

Behavioral Intervention Plan

Meeting Date: _____

PURPOSE: The purpose of a Behavioral Intervention Plan (BIP) is to address behaviors that are interfering with the student's education. The goal of a BIP is to teach the student positive behavioral strategies to replace the problem behavior(s). A BIP is required to be developed and implemented if the student's violation of a code of conduct (resulting in a change of placement) is determined to be a manifestation of the student's disability, or if the IEP team determines it is appropriate.

School: _____ Case Manager: _____

Participants in developing the Behavior Intervention Plan:

Student Strengths (include a description of the student's strengths and interests, such as positive interactions with staff, ignoring the inappropriate behavior of peers, accepts responsibility, attendance, family support, What student does well and/or enjoys doing, etc.)

Summary of Data Collection (include results from direct observations such as scatter plots, ABC narratives, frequency counts, and/or descriptive anecdotal information etc.)

Contributing Factors (include a description of any other factors/variables that may affect the behavior, such as medication, weather, diet, sleep, substance abuse, attendance, social factors, academic skill deficit(s), ELL language deficit, schedule, etc.)

(1) Target Behavior:

Description of target behavior (provide an observable, objective and measurable definition of the behavior, including frequency, intensity and duration)

HYPOTHESIS

Considering these contributing factors:

And in these settings (location, type of activity, time of day, day of week, etc.):

When these triggers occur (antecedents):

The student does (target behavior):

In order to (function/purpose of behavior such as getting attention, avoiding/escaping attention, obtaining something)

Behavioral Intervention Plan

INTERVENTION STRATEGIES

Describe the replacement behavior that will be taught to meet the hypothesized function in a more socially appropriate manner
(instead of engaging the target behavior the student will...)

Setting Event Strategies *(how will the environment be set up to decrease the likelihood of the target behavior and increase the replacement behavior?)*

Antecedent Strategies *(how will the events that immediately precede the target behavior be addressed to minimize or prevent the behavior?)*

Teaching Strategies *(what skills will be taught to the student, and how will staff teach those positive behaviors?)*

Consequence Strategies *(what will happen after the replacement behavior occurs? AND what will happen after the target behavior occurs?)*

Reinforcement Plan *(what will staff use to increase the positive alternative/replacement behavior?)*

Response Plan *(what will staff do if the target behavior occurs?)*

De-escalation Plan *(identify the signs staff will observe which indicate escalation and steps to follow should the student's behavior escalate?)*

Crisis and Recovery Plan *(steps to follow in the event of a crisis and steps to help the student return to baseline)*

Data Collection Procedures

Person(s) Responsible

Excused Team Members - Behavioral Intervention Plan

There is a meeting in reference to your child to be held on (date)_____ at (time) _____ at (place) _____

PURPOSE: A school district member of the IEP team may be excused from attending the IEP meeting if the parent(s) and the district agree in writing that the member's attendance is not necessary because his/her area of curriculum/services is not being modified or discussed in the meeting. A member whose area of the curriculum/services will be modified or discussed may be excused from the IEP meeting if the district and parent(s) consent, and the member provides written input into the development of the IEP prior to the meeting.

Attending School: _____ Grade: _____

Parent/Guardian/Surrogate/Adult Student Name: _____

Address: _____

Home#: _____ Work#: _____

The following team member(s) have requested excusal from the meeting:

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

A required team member may be excused from attending an IEP meeting with the agreement/consent of the parent(s) and the district. Excusing the attendance of a teacher or related service provider at an IEP meeting is optional. Your agreement or consent to excuse the team member(s) above from attending the meeting must be in writing.

☐ We agree to excuse the attendance of the team member(s) above at the IEP meeting specified at the top of this form because this member's area of the curriculum or related services is not being modified or discussed at this IEP meeting.

☐ We consent to excuse the attendance of the team member(s) above at the IEP meeting specified at the top of this form because, although the IEP meeting involves a modification to or discussion of this staff member's area the curriculum or related services, he/she will submit in writing, to the parent and IEP team, input into the development of the IEP prior to the meeting.

Signature of Parent

Date

Signature of Adult Student

Date

Excused Team Members - Behavioral Intervention Plan

Signature of District Representative

Date

☐

I do not agree to excuse the attendance of the team member(s) above from the IEP meeting specified at the top of this form.

Signature of Parent

Date

Signature of Adult Student

Date

Prior Written Notice - Behavioral Intervention Plan

To: _____

Date: _____

Re: Student's Name: _____

PURPOSE: As a parent/guardian of a special education child or child suspected of needing special education services, the school district is required to provide you with prior written notice whenever it proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to your child. This notice should be given to you after a district makes a decision and before action is taken on the decision. The notice should be given to you in a reasonable amount of time before the district takes action.

The purpose of this prior written notice is to inform you that we are:

1. ☐ proposing ☐ refusing to 2. ☐ initiate ☐ change ☐ continue ☐ discontinue a/an

(mark one of the above)

(mark one of the above)

Mark all items below that apply:

3. ☐ Referral
☐ Educational Placement
☐ Disciplinary action that is a change of placement

☐ Initial Evaluation
☐ IEP
☐ 504 Plan

☐ Eligibility Category
☐ Reevaluation
☐ Other:

Description of the proposed or refused action:

The reason we are proposing or refusing to take action is:

Description of any other options considered and rejected:

The reasons we rejected those options were:

A description of each procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows:

Any other factors that are relevant to the action:

The action will be initiated on: _____

Your child has procedural protections under IDEA. These protections are explained in the *Notice of Procedural Safeguards for Special Education Students and Their Families*. If this prior written notice is given to you (1) as part of your child's initial referral for evaluation, (2) as part of a request for reevaluation or (3) notice to you regarding disciplinary action that constitutes a change of placement the procedural safeguards accompanies this notice. If a copy of the *Notice of Procedural Safeguards for Special Education Students and Their Families* is not enclosed and you would like a copy or you would like help in understanding the content, please contact:

_____ at _____
Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents/guardians.

Emergency Response Protocol - Meeting Notice

PURPOSE: This invitation requests your attendance at a meeting concerning the educational program/needs of your child. You have the opportunity to participate in any meeting regarding the identification, evaluation, educational placement, and the provision of a free appropriate public education for your child.

To:____Date Sent to Participants: ____

This meeting has been scheduled for: Date ____ Time ____
Location _____

If you have any questions or would like additional information or assistance to help you prepare for this IEP meeting, please contact at e-mail .

This is to notify you that a/an IEP meeting has been scheduled for this student. Your participation and attendance at this meeting are very important. This meeting must be scheduled at a mutually agreed upon time and place. The purpose of this meeting is to (check all that apply):

_____Emergency Response _____Other
Protocol

The following are invited to attend and participate in the meeting:

The parent/adult student or school may invite individuals who have knowledge or special expertise regarding the student, including related services personnel, to participate. The determination of the knowledge or special expertise shall be made by the person/party extending the invitation. You may also request, by contacting the individual named below, that a birth to three service coordinator be invited to participate in an initial IEP meeting if your child was previously served through an Individualized Family Service Plan (IFSP). If you, the parent or adult student, are bringing other individuals to the meeting, please let us know. This will ensure that the meeting space will accommodate all team members.

Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents.

Emergency Response Protocol - Contact Attempt Report

Notification Area: Plan
Meeting Date: _____
Time: _____
Location: _____

Emergency Response Protocol - Excused Team Members

There is a meeting in reference to your child to be held on (date)_____ at (time)_____ at (place)_____

PURPOSE: A school district member of the IEP team may be excused from attending the IEP meeting if the parent(s) and the district agree in writing that the member's attendance is not necessary because his/her area of curriculum/services is not being modified or discussed in the meeting. A member whose area of the curriculum/services will be modified or discussed may be excused from the IEP meeting if the district and parent(s) consent, and the member provides written input into the development of the IEP prior to the meeting.

Attending School:_____ Grade: _____

Parent/Guardian/Surrogate/Adult Student Name: _____

Address: _____ Home#: _____ Work#: _____

The following team member(s) have requested excusal from the meeting:

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

Excused Participant	Title	Reason
Date of Agreement	Time of Agreement	Method of Prearranged Agreement

A required team member may be excused from attending an IEP meeting with the agreement/consent of the parent(s) and the district. Excusing the attendance of a teacher or related service provider at an IEP meeting is optional. Your agreement or consent to excuse the team member(s) above from attending the meeting must be in writing.

- ☐ We agree to excuse the attendance of the team member(s) above at the IEP meeting specified at the top of this form because this member's area of the curriculum or related services is not being modified or discussed at this IEP meeting.
- ☐ We consent to excuse the attendance of the team member(s) above at the IEP meeting specified at the top of this form because, although the IEP meeting involves a modification to or discussion of this staff member's area the curriculum or related services, he/she will submit in writing, to the parent and IEP team, input into the development of the IEP prior to the meeting.

Signature of Parent Date

Signature of Adult Student Date

Emergency Response Protocol - Excused Team Members

Signature of District Representative

Date

☐ I do not agree to excuse the attendance of the team member(s) above from the IEP meeting specified at the top of this form.

Signature of Parent Date

Signature of Adult Student Date

Emergency Response Protocol

PURPOSE: The purpose of the Emergency Response Protocol addendum (WAC 392-172A-02105) is to document the advanced educational planning required in order to provide a free, appropriate public education (FAPE), and the consent of the parent, as defined in WAC 392-172A-01040, in advance of the adoption of the emergency response protocols.

Describe the emergency conditions under which isolation, restraint, or a restraint device may be used:

Specify the type of isolation, restraint, or restraint device(s) that may be used:

Specify the staff or contracted positions permitted to use isolation, restraint, and/or restraint device with the student and the required training, updated annually, for the staff or contracted positions permitted to use the isolation, restraint, or restraint device:

Specify any special precautions that must be taken in connection with the use of the isolation, restraint, or restraint device:

The use of isolation, restraint, and/or a restraint device must be discontinued as soon as the likelihood of serious harm has dissipated.

- ☐ **I consent** to the use of isolation, restraint, or a restraint device as described above.
☐ **I do not consent** to the use of isolation, restraint, or a restraint device as described above.

I understand that my refusal to provide consent does not relieve the district of its obligation to provide a free and appropriate public education to my child and does not prohibit the district from using isolation, restraint, or a restraint device in an emergency situation as defined in RCW 28A.600.485.

Parent/guardian/adult student signature

Date

The parent and school district have agreed that this student requires advanced educational planning. This emergency response protocol will not be used as a substitute for the systematic behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior.

School district representative signature

Date

Emergency Response Protocol - Prior Written Notice

To: _____ Date: _____

Re: Student's Name: _____

PURPOSE: As a parent/guardian of a special education child or child suspected of needing special education services, the school district is required to provide you with prior written notice whenever it proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to your child. This notice should be given to you after a district makes a decision and before action is taken on the decision. The notice should be given to you in a reasonable amount of time before the district takes action.

The purpose of this prior written notice is to inform you that we are:

1. ☐ proposing ☐ refusing to 2. ☐ initiate ☐ change ☐ continue ☐ discontinue a/an
(mark one of the above) (mark one of the above)

Mark all items below that apply:

3. ☐ Referral ☐ Initial Evaluation ☐ Eligibility Category
☐ Educational Placement ☐ IEP ☐ Reevaluation
☐ Disciplinary action that is a change of placement ☐ 504 Plan ☐ Other:

Description of the proposed or refused action:

The reason we are proposing or refusing to take action is:

Description of any other options considered and rejected:

The reasons we rejected those options were:

A description of each procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows:

Any other factors that are relevant to the action:

The action will be initiated on: _____

Your child has procedural protections under IDEA. These protections are explained in the *Notice of Procedural Safeguards for Special Education Students and Their Families*. If this prior written notice is given to you (1) as part of your child's initial referral for evaluation, (2) as part of a request for reevaluation or (3) notice to you regarding disciplinary action that constitutes a change of placement the procedural safeguards accompanies this notice. If a copy of the *Notice of Procedural Safeguards for Special Education Students and Their Families* is not enclosed and you would like a copy or you would like help in understanding the content, please contact:

_____ at _____

Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents/guardians.

Section IX: Graduation

- Evaluation of High School Graduation Requirements
- Kevin's Law

Evaluation for High School Graduation Requirements

Student: _____ School: _____

Date: _____ Evaluated by: _____

If the IEP team decides to modify the graduation requirements, describe the modifications:

Subject Area or Electives	School District Credits Required	Credits Earned	Credits Needed
English			
Math			
Science			
Social Studies			
Health and Fitness			
Visual or Performing Arts			
Occupational Ed			
Electives			
Other			
Other			
Other			
			TOTAL

Culminating Project:

Topic: _____

Date Completed: _____

Student: _____

High School and Beyond Plan: _____ **Date Completed:** _____

Is the student on time line for graduation? Yes _____ No _____ If no, describe plan:

PROJECTED GRADUATION DATE: _____

STATEWIDE TESTING RESULTS:

Are there retakes or other plans for improving Statewide Testing Scores? If so, describe:

	Test Type
<u>Subject</u>	
Reading	
Writing	
Math	
Science	

CERTIFICATE OF ACHIEVEMENT: The student will earn:

_____ CAA (Certificate of Academic Achievement).
NEED TO PASS GRADE LEVEL HSPE IN ALL SUBJECTS

_____ CIA (Certificate of Individual Achievement).

Kevin's Law RCW 28A.155.170

Graduation Ceremony – Certificate of attendance – Students with individualized education programs.

(1) Beginning July 1, 2007, each school district that operates a high school shall establish a policy and procedures that permit any student who is receiving special education or related services under an individualized education program pursuant to state and federal law and who will continue to receive such service's between the ages of eighteen and twenty-one to participate in the graduation ceremony and activities after four years of high school attendance with his or her age-appropriate peers and receive a certificate of attendance.

(2) Participation in a graduation ceremony and receipt of a certificate of attendance under this section does not preclude a student from continuing to receive special education and related services under an individualized education program beyond the graduation ceremony.

(3) A student's participation in a graduation ceremony and receipt of a certificate of attendance under this section shall not be construed as the student's receipt of either:

(a) A high school diploma pursuant to RCW 28A.230.120; or

(b) A certificate of individual achievement pursuant to RCW 28A.155.045.

Section IX: Records and Confidentiality

- FERPA and HIPPA
- Medical Report to be Completed by Medical Practitioner
- Authorization to Release Records
- Records and Confidentiality

OSPI Special Education

Technical Assistance Paper (TAP) No. 4

Information Regarding How the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Affects School Districts When Requesting Medical Records

Please give us your feedback at speced@ospi.wednet.edu. All TAPs will be posted to our Web site at <http://www.k12.wa.us/SpecialEd/tap/tap.asp>

Compliance Office in the US Department of Education.

What is HIPAA?

The Health Insurance Portability and Accountability Act (HIPAA) addresses individuals' privacy rights with respect to information contained in **medical records**. Its purpose is to ensure that individual health information is protected and addresses the conditions under which health information may be exchanged. The regulations implementing HIPAA require that a release of information for **medical records**:

- 1) be written in plain language;
- 2) describe which records are to be disclosed;
- 3) describe who is to disclose the information and who is to receive the information;
- 4) include notification that the consent to disclose information is effective for 90 days; and
- 5) include information on the individual's right to revoke consent.

The US Department of Health and Human Services (HHS) issued rules implementing HIPAA at 45 CFR Parts 160 and 164. These rules became effective April, 2003. The Office for Civil Rights (OCR) within HHS is responsible for the implementation and enforcement of HIPAA.

Overview

The Family Education Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) are federal laws intended to protect an individual's right to privacy with respect to records maintained regarding that individual. District staff often need to access medical records from health care providers in order to evaluate student eligibility for special education and to determine appropriate special education services for eligible students. The purpose of this technical assistance paper is to briefly address the purposes of FERPA and HIPAA, when they apply, and how districts should treat records received from health care providers.

What is FERPA?

The Family Educational Rights and Privacy Act (FERPA) 20 USC § 1232g, addresses parents' and students' privacy rights and protections with respect to **education records**. The regulations implementing FERPA are contained at 34 CFR Part 99. The regulations generally require that **education records** maintained on behalf of a student be kept confidential and only released to third parties with parental or adult student consent. FERPA also contains exceptions that address when parent consent is not required. FERPA is administered by the Family Policy

Do districts have to comply with HIPAA when they request medical records from a health care provider? Do districts have to continue to treat these records as medical records?

Districts must comply with HIPAA rules when requesting medical information from a health care provider. However, *once a district receives a student's medical records, those records become part of the student's educational record and are covered under FERPA*. Portions of the *HIPAA Final Privacy Rule Preamble* state:

"FERPA, as amended, 20 U.S.C. 1232g, provides parents of students and eligible students (students who are 18 or older) with privacy protections and rights for the records of students maintained by federally funded educational agencies or institutions or persons acting for these agencies or institutions. We have excluded education records covered by FERPA, including those education records designated as education records under Parts B, C, and D of the Individuals with Disabilities Education Act Amendments of 1997, from the definition of protected health information. For example, individually identifiable health information of students under the age of 18 created by a nurse in a primary or secondary school that receives federal funds and that is subject to FERPA is an education record, but not protected health information. Therefore, the [HIPAA] privacy regulation does not apply. We followed this course because Congress specifically addressed how information in education records should be protected in FERPA..."

"...While we strongly believe every individual should have the same level of privacy protection for his/her individually identifiable health information, Congress did not provide us with authority to disturb the scheme it had devised for records maintained by educational institutions and agencies under FERPA. We do not believe Congress intended to amend or preempt FERPA when it enacted HIPAA..."

In addition, Section 34 CFR §164.501(2) of the HIPAA Privacy Regulations specifically excludes health information covered under FERPA from the definition of individually identifiable health information:

(2) Protected health information excludes individually identifiable health information in: (i) Education records covered by the Family Education Rights and Privacy Act, as amended, 20 U.S.C. 1232g; (ii) Records described at 20 U.S.C. 1232g(a)(4)(B)(iv); and (iii) Employment records held by a covered entity in its role as employer. [Emphasis Added]

Conclusion

Districts must comply with HIPAA requirements when requesting **medical records** on behalf of a student from a health provider. However, once the district receives those records, those records are considered **educational records** and should be handled consistent with the confidentiality requirements outlined under FERPA.

2. The medical condition may affect educational planning in which areas?

___Phys. Education Academics Social Skills Self Care Other:

If other, describe:

3. List medications, diet, allergies and medical treatments that would affect academic work:_____

4. Restrictions on physical activities (P.E., recess, transportation, etc.):

Physician's

Signature

Date

III. AFTER COMPLETION, PLEASE RETURN TO:

Name: _____ School: _____

Street Address: _____ City: _____ State: _____

Zip: _____ Phone Number: _____

Authorization for Release of Records

PURPOSE: As a parent, guardian or student, you have the right to give permission or not give permission for the release of your child's records with other persons or agencies. This request provides you with the opportunity to approve or not approve such a request unless release of records is allowed under one of the exceptions under the rules implementing the Family Education Rights and Privacy Act, FERPA, (for example, transfer of records from one school district to another).

Student: _____ Date: _____

DOB: _____ School District: _____

School: _____ I hereby authorize the release of records:

From: _____ To: _____
(Name of agency/person) (Name of agency/person)

Address: _____

Address: _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

Describe the records to be disclosed:

The reason for disclosing the record(s) is:

I understand that this information obtained will be treated in a confidential manner by the school district under the provisions of the Family Education Rights and Privacy Act (FERPA). FERPA prohibits disclosure of personally identifiable information without consent except in limited circumstances. Please note that if the request is for health or medical information, the medical information received by the district is protected under FERPA privacy standards and not the Health Insurance Portability and Accountability Act (HIPAA).

This authorization is valid from: _____ to _____.
Date Date

Note: For release of medical records, the authorization can be no longer than 90 days after this authorization is signed.

I understand that my consent for the release of records is voluntary and I can withdraw my consent at any time in writing. Should I withdraw my consent, it does not apply to information that has already been provided under the prior consent for release.

Parent/guardian/adult student Signature

Date

E-mail Guidelines

E-mail communication regarding students is considered part of the student's education records and can be used in due process proceedings. They can also be requested under the state's public records law. Please make sure to use these guidelines when using e-mail.

Kinds of information to be communicated in emails:

- Reinforcement of a job well done
- Scheduling and confirmation of meetings
- Transmission of factual and relevant information

Information should be factual, non-judgmental and unemotional. Professional writing is expected. Avoid using student identifiable information in the subject line.

Some helpful hints:

- Reread the email before sending
- Review who you are sending the email to
- Leave out any information that is not relevant
- Don't write anything that you would not want parents to see – remember they have access to emails
- Don't write anything that may embarrass you or the ESA if it became public
- Observe all rules of confidentiality

Schedule for Retaining Special Education Records

Description	Minimum Retention Period	Remarks
Student found Ineligible (referrals, evaluations, evaluation reports and notices)	From date determined ineligible plus 5 years	No notification required. Destroy files according to regulations for destruction of confidential information
Student exited from SPED prior to age 21 (psychological and IQ test results, eligibility decision documentation, evaluation and other report, IEPs, correspondence and other information regarding the student.	From date of separation from SPED plus 6 years	Notice <u>MUST</u> be sent to last known address of parent/guardian/adult student before destruction. Maintain a record/log of notices sent. Notice should advise them of the opportunity to take possession of the file or any of its contents pending disposition by the district.
Student received services through age 21 (special education student history file)	From date of separation from Sped plus 6 years	Notice <u>MUST</u> be sent to last known address of parent/guardian/adult student before destruction. Maintain a record/log of notices sent. Notice should advise them of the opportunity to take possession of the file or any of its contents pending disposition by the district.

Glossary

504 Plan

A 504 plan is a plan for needed accommodations to assist a student with an identified disability, though not necessarily a special education disability. For students who are not in special education, the 504 plan is developed and implemented through regular education personnel, though special education personnel may assist.

Students who are evaluated for special education and found not to be eligible for services may be eligible for a 504 plan. For example, a student with ADHD may not need the specially designed instruction needed for special education, but would need accommodations in the classroom.

Accommodations

An accommodation is any variation in the assessment or instruction environment or process. The primary aspect of an accommodation is that it does not alter the expectations of the assignment or course.

Accommodations include variations in scheduling, setting, aids and equipment, and presentation format. Examples may include seating arrangements, special pencil grips, using books-on-tape, additional time to complete an assignment, a behavior plan, etc.

Adverse Educational Impact

This simply means that the disability is having a significant adverse effect on the student's educational program. Furthermore, the nature of this impact is such that it requires specially designed instruction.

If there are minimal or no adverse effects on the educational program, there is no need for special education, even if the student has a disability. For example, a student may have a congenital heart problem, which may indicate a health impaired classification. However, if the student is not having any academic delays, has developed appropriate social skills and has no adjustment problems in school, there may be no need for special education, and consequently, a labeling of health impaired.

It should be noted that even if special education services are not necessary, the student might be eligible for 504 services. The district's 504-team should review any student who was found to be ineligible for special education.

Assistive Technology

Assistive technology 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 child with a disability.

Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes--

- The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- 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 child with a disability or, if appropriate, that child'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 child.

Autism

Autism is defined as a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a student's educational performance and requires specially designed instruction. If a student manifests characteristics of autism after the age three, that student still could be diagnosed as having autism if the criteria in this section are satisfied. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines and unusual responses to sensory experiences. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional/behavioral disability. The term does include students with pervasive developmental disorders if they meet eligibility criteria.

Behavior Manifestation Review

This is a process that determines if a behavior is related to the student's disability. If the behavior is related, then suspension may not be an appropriate discipline. In order for the behavior not to be related to the disability, all of the following standards must be met: If the review determines that any one of the following conditions is true, then it must be concluded that the behavior is related to the disability.

