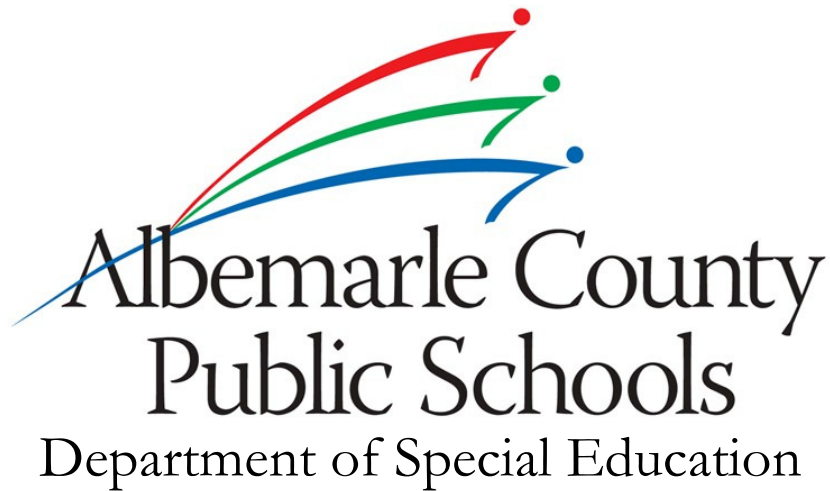




SPECIAL EDUCATION PROCEDURES MANUAL

SCREENINGS, SCHOOL BASED INTERVENTION TEAMS, AND SPECIAL EDUCATION EVALUATIONS

March, 2010

TABLE OF CONTENTS

SUMMARY OF SCREENING PROCEDURES - INITIAL AND PERIODIC.....	3
I. PURPOSE.....	3
II. PROCEDURE	3
III. STAFF RESPONSIBILITIES.....	4
SCHOOL BASED INTERVENTION TEAM (SBIT).....	18
REFERRAL FOR CONSIDERATION OF SPECIAL EDUCATION ELIGIBILITY	25
GUIDELINES FOR PREPARING SOCIAL/CULTURAL ASSESSMENTS	32
GUIDELINES FOR PREPARING PSYCHOLOGICAL ASSESSMENTS.....	34
GUIDELINES FOR PREPARING EDUCATIONAL ASSESSMENTS.....	36
ELIGIBILITY COMMITTEE	37
I. PURPOSE.....	37
II. COMPOSITION	37
III. SCHEDULE OF MEETINGS.....	37
IV. ELIGIBILITY MEETING	38
RE-EVALUATION OF ELIGIBILITY.....	40
OPTION 1: REVIEW OF EXISTING DATA.....	40
OPTION 2 : RE-EVALUATION REQUIRING TESTING	41
TERMINATION OF / DISMISSAL FROM SPECIAL EDUCATION.....	43
PRIOR WRITTEN NOTICE	44
SPECIAL EDUCATION RECORDS: STORAGE AND DISPOSAL.....	45
SURROGATE PARENTS	46

SUMMARY OF SCREENING PROCEDURES - INITIAL AND PERIODIC

I. PURPOSE

- A. The purpose of screening is to identify those children and youth, in and out of school, who are experiencing learning and/or adjustment problems. It is not intended to be the prerequisite to special education. It may, for example, indicate the need for ameliorating the home environment or for extensive medical evaluation, in addition to identifying those children and youth in need of **interventions or**, special education/related services, **if appropriate**.
- B. Primarily, the process should assist in providing alternatives and/or interventions within the regular education setting.

II. PROCEDURE

The screening process for all students enrolled in Albemarle County Public Schools shall be derived as follows:

- A. The screening process for all children enrolled in Albemarle County Public Schools, including transfers from out of state, is as follows:
 - a. The sight and hearing of pupils in grades K, 3, 7, and 10 be screened within 60 administrative working days of the opening of school. Whenever a pupil is found to have any defect of vision or hearing or a disease of the eyes or ears, the principal shall notify the parent or guardian in writing, of such defect or disease. This screening of pupils will be monitored through the administrative review process.
 - b. Albemarle County Schools shall implement a scoliosis program that shall consist of the provision of parent educational information on scoliosis for students in grades 5 through 10 or the implementation of a program of regular screening for scoliosis for students in grades 5 through 10. Albemarle County Schools shall not impose a fee for any scoliosis program implemented.
 - i. Albemarle County Schools is not required to screen students in grades 5 through 10 who have been admitted for the first time to a public school and who have been tested for scoliosis as part of the comprehensive physical examination required by § 22.1-270 of the Code of Virginia or those students whose parents have indicated their preference that their children not participate in scoliosis screening.
 - ii. Albemarle County Schools will adhere to the federal Family Educational Rights and Privacy Act (20 USC § 1232g; 34 CFR Part 99) and the Protection of Pupil Rights Act (20 USC § 1232h; 34 CFR Part 98) in the development and implementation of a regular scoliosis screening program.

- c. All children (through grade three), within 60 business days of initial enrollment in a public school, shall be screened in speech, voice, and language to determine if a referral for an evaluation for special education and related services is indicated.
- d. Children who fail any of the above screenings may be rescreened if the original results are not considered valid.
- e. The local educational agency may recognize screenings reported as part of the child's pre-school physical examination required under the Code of Virginia. (§ 22.1-270 of the Code of Virginia)
- f. Children shall be referred to the special education administrator or designee if results suggest that a referral for evaluation for special education and related services is indicated. The referral shall include the screening results.

III. STAFF RESPONSIBILITIES

- A. The principal/designee shall be responsible for ensuring that all students entering Albemarle County Schools are screened within the designated time frame.
- B. The principal/designee may recommend staff members for the various responsibilities to be carried out during screening. For example:

Speech Therapist: Speech, Language, Voice and Hearing
Physical Education Teacher: Vision
School Nurse: Hearing Screening, Scoliosis Screening
- C. Each professional shall be responsible for completing the appropriate section of the form SUMMARY OF SCREENING FOR INITIAL ENROLLMENT (Forms 10.01), within the designated period of time. In addition, the speech and language pathologist will use the appropriate forms (i.e. Forms 10.02, 10.04) to record results of their specific screenings. These forms are to remain in the student's record.
- D. Each Albemarle County School will have a screening plan. Check with the building principal for the schedule and list of responsibilities to complete required screenings.

DISABILITIES

I. TARGET AGES AND ELIGIBILITY

All residents of Albemarle County from the ages of two (2) through twenty-one (21) who have a disability and are in need of special education services shall receive a free appropriate education in the least restrictive environment. Students otherwise eligible must have attained age 2 and not have exceeded age 21 by September 30.

II. DEFINITIONS OF DISABILITIES

"Child with a disability" means a child evaluated in accordance with the provisions of this chapter as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disability (referred to in this part as "emotional disability"), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities who, by reason thereof, needs special education and related services. This also includes developmental delay if the local educational agency recognizes this category as a disability. If it is determined through an appropriate evaluation that a child has one of the disabilities identified but only needs a related service and not special education, the child is not a child with a disability. If the related service required by the child is considered special education rather than a related service under Virginia standards, the child would be determined to be a child with a disability.

"Special education" means specially designed instruction, at no cost to the parent(s), to meet the unique needs of a child with a disability, including instruction conducted in a classroom, in the home, in hospitals, in institutions, and in other settings and instruction in physical education. The term includes each of the following if it meets the requirements of the definition of special education: (§ 22.1-213 of the Code of Virginia; 34 CFR 300.39)

1. Speech-language pathology services or any other related service, if the service is considered special education rather than a related service under state standards;
2. Vocational education; and
3. Travel training.

"Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. 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. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in this definition are satisfied.

There is an adverse effect on the child's educational performance due to documented characteristics of autism, as outlined in this section; and

1. The child has any of the Pervasive Developmental Disorders, also referenced as autism spectrum disorder, such as Autistic Disorder, Asperger's Disorder, Rhett's Disorder,

Childhood Disintegrative Disorder, Pervasive Developmental Disorder – Not Otherwise Specified including Atypical Autism as indicated in diagnostic references.

- a. Children with Asperger's Disorder demonstrate the following characteristics:
 - i. Impairments in social interaction, such as marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction; failure to develop peer relationships appropriate to developmental level; a lack of spontaneous seeking to share enjoyment, interests, or achievements with other people (i.e., by a lack of showing, bringing, or pointing out objects of interest); or lack of social or emotional reciprocity are noted; and
 - ii. Restricted repetitive and stereotyped patterns of behavior, interests, and activities such as encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus, apparently inflexible adherence to specific, nonfunctional routines or rituals, stereotyped and repetitive motor mannerisms, persistent preoccupation with parts of objects.
- b. Children with autistic disorder, in addition to the characteristics listed in subdivisions 2 a
 - i. and 2 a
 - ii. of this subsection, also demonstrate impairments in communication, such as delay in, or total lack of, the development of spoken language (not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime). In individuals with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others, stereotyped and repetitive use of language or idiosyncratic language, or lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level is noted.
- c. Children with Pervasive Developmental Disorder - Not Otherwise Specified or Atypical Autism may display any of the characteristics listed in subdivisions 2 a
 - i. 2 a
 - ii. and 2 b of this subsection without displaying all of the characteristics associated with either Asperger's Disorder or Autistic Disorder.

"Deaf-blindness" means simultaneous hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

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

- A. Eligibility as a child with deafness. The group may determine that a child has deafness if:
 1. The definition of "deafness" is met above;
 2. There is an adverse effect on the child's educational performance due to one or more documented characteristics of a deafness, as outlined in subdivision 3 of this subsection; and

3. The child has a bilateral hearing loss (sensorineural, or mixed conductive and sensorineural), a fluctuating or a permanent hearing loss, documented auditory dyssynchrony (auditory neuropathy), and/or cortical deafness.

"Developmental delay" means a disability affecting a child ages two by September 30 through six, inclusive:

1. (i) Who is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, or (ii) who has an established physical or mental condition that has a high probability of resulting in developmental delay;
2. The delay(s) is not primarily a result of cultural factors, environmental or economic disadvantage, or limited English proficiency; and
3. The presence of one or more documented characteristics of the delay has an adverse affect on educational performance and makes it necessary for the student to have specially designed instruction to access and make progress in the general educational activities for this age group.

A. Eligibility as a child with developmental delay. (34 CFR 300.111(b))

1. The group may determine that a child has a developmental delay when determining whether a preschool child, aged two by September 30 to six, inclusive, is eligible under this chapter, and:
 - a. The definition of "developmental delay" is met above; or
 - b. The child has a physical or mental condition that has a high probability of resulting in a developmental delay.
2. Eligibility as a child with a disability for children ages two through six shall not be limited to developmental delay if eligibility can be determined under another disability category.
3. A local educational agency is not required to adopt and use developmental delay as a disability category for any children within its jurisdiction. If the local educational agency permits the use of developmental delay as a disability category, it shall comply with the eligibility criteria outlined in this section.

A significant delay should be expressed in standard scores or months, by using developmental assessments of these areas. The following criteria are recommended for determination of a developmental delay: A minimum of a 25% deficit / delay in one or more areas referencing chronological age or 1 ½ standard deviations below the mean on selected evaluation measures.

"Emotional disability" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors;
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

3. Inappropriate types of behavior or feelings under normal circumstances;
 4. A general pervasive mood of unhappiness or depression; or
 5. A tendency to develop physical symptoms or fears associated with personal or school problems. Emotional disability includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disability as defined in this section.
- A. Eligibility as a child with an emotional disability. The group may determine that a child has an emotional disability if:
1. The definition of "emotional disability" is met above; and
 2. There is an adverse effect on the child's educational performance due to one or more documented characteristics of an emotional disability.

Clarification:

To clarify the definition further, several terms are defined below.

A LONG PERIOD OF TIME: The symptoms must be persistent beyond normal recuperative periods (generally longer than 6 months) and must not be a manifestation of normal situational disturbance (e.g., being upset and temporary poor functioning in response to a family member's death).

TO A MARKED DEGREE: The characteristics must be severely deviant. They must be so intense as to be obvious to multiple observers, pervasive enough to be observed across a broad spectrum of school settings, and resistant to at least two planned, documented interventions applied in the school setting prior to referral.

ADVERSE EFFECT ON EDUCATIONAL PERFORMANCE: This term refers to age-based academic achievement a standard deviation below ability expectancy; having the requisite academic skills but failing (or being in danger of failing) at least two classes; demonstrating significantly poor attendance; and/or being consistently and dramatically disruptive in school.

SCHIZOPHRENIA: Schizophrenia is a mental illness characterized by deterioration from a previous level of functioning, bizarre and/or incoherent thoughts, hallucinations and/or delusions, inappropriate or extremely flat affect, extreme problems with self identity, inability to complete tasks, extreme withdrawal and/or extreme preoccupation, and behavioral extremes (e.g., agitation and flat affect).

SOCIAL MALADJUSTMENT: Socially maladjusted behavior is defined as actions that are unacceptable to the mainstream culture, but are accepted and supported by a specific subculture. These behaviors generally are acquired in whole or in part from that subculture and are probably attributable to inappropriate socialization. Conscience is evident, but guilt results only when deviation occurs from the standards of the peer group and not from the values of the mainstream culture. Remorse is evident when punishing consequences are perceived, but not for the simple fact of having transgressed mainstream values. Socially maladjusted behavior is in contrast to an internalized emotional disorder.

Students who are primarily socially maladjusted, and not identified as meeting qualifying criteria for an emotional disturbance are often those children or adolescents that engage in

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

EXAMPLES OF ED CHARACTERISTICS: Examples are given of behaviors noted frequently under each of the five characteristics listed in the ED definition. These examples are not all inclusive.

1. Inability to learn which cannot be explained by behavioral, intellectual, sensory or health factors. Examples include:
 - a. Persistent failure to comply with routine classroom demands which is appropriate to the student's ability and skill level.
 - b. An extended, significant, and pervasive drop in performance compared to earlier levels of functioning.
 - c. Standardized test performance that drops significantly compared to earlier patterns.
 - d. Difficulties with handling basic school day routines without substantial assistance.
 - e. A sudden drop in attendance.
2. Inability to build or maintain satisfactory interpersonal relationships with peers and teachers. Examples include:
 - a. Has no friends.
 - b. Expresses concern about being lonely or comments that no one likes him/her.
 - c. Appears extremely uncomfortable in interactions with peers and/or teachers.
 - d. Does not participate in group activities.
 - e. Avoids calling attention to himself/herself.
 - f. Is shunned by others.

NOTE: *The focus is on relationships with peers and teachers not with parents, siblings or other family members.*

3. Inappropriate types of behavior or feelings under normal circumstances. Examples include:
 - a. Displaying feelings that are excessive or markedly inappropriate to situations.
 - b. Exhibiting behaviors (such as aggression, withdrawal, odd or bizarre actions) which are markedly excessive or inappropriate reactions to situations.
 - c. Acting in an unusually fearful manner or displaying sudden, excessive anxiety (i.e. panic attacks or catastrophic symptoms).
 - d. Displaying markedly immature or regressive behaviors that are inappropriate for age and intellectual status.
 - e. Exhibiting severe over-reaction to failure or poor performance.
 - f. Reacting excessively to change.
 - g. Exhibiting severe mood swings.

NOTE: *These behaviors and feelings should **NOT** be the primary result of substance abuse.*

4. A general pervasive mood of unhappiness, depression or inhibition. Characteristics include:
 - a. Loss of appetite or overeating.
 - b. Sleep disturbance.
 - c. Lack of energy.
 - d. Inability to concentrate on tasks.
 - e. Suicidal tendencies.
 - f. Self mutilation.
 - g. Self-hatred.
5. A tendency to develop physical symptoms or fears associated with persons or school problems. Symptoms are not a direct result of illness or dysfunction as determined by a physician. Examples include:
 - a. Headaches, stomach pains, etc. that have no physical basis as determined by a physician.
 - b. Overwhelming or incapacitating fear of person or school that significantly interferes with the student's ability to function educationally.

NOTE: *Symptoms must be determined to be resultant from or contributing to educational or emotional difficulties. These symptoms must have occurred regularly and over an extended period of time.*

Fears may have a reality or fantasized basis but must be perceived by the student as factual. [Usual, transitional fears of childhood - fear of dark; fear of "boogie-man"; and intermittent fears as a result of an external stimulus (i.e. viewing a horror film) are not included.]

In summary, all of the following must apply to a student found eligible for the designation Emotionally Disturbed:

1. At least two pre-referral interventions with progress monitoring have been attempted **and documented which did not in data that indicates satisfactorily remediate** the behaviors/feelings of concern.
2. The behaviors/feelings of concern must have existed over a long period of time and to a marked degree.
3. The behaviors/feelings of concern must have an adverse effect on educational performance.
4. The student must NOT be socially maladjusted, unless he/she is also emotionally disturbed.
5. The feelings/behaviors of concern must fall into one of the five categories listed in the ED definition.

"Hearing impairment" means an impairment in hearing in one or both ears, with or without amplification, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

A. Eligibility as a child with a hearing impairment.

1. The group may determine that a child has a hearing impairment if:
 - a. The definition of "hearing impairment" is met above; and
 - b. There is an adverse effect on the child's educational performance due to one or more documented characteristics of a hearing impairment, as outlined in subdivision 2 of

this subsection.

2. Characteristics of children with a hearing impairment include unilateral hearing loss (conductive, sensorineural, or mixed), bilateral hearing loss (conductive, sensorineural, or mixed), a fluctuating or permanent hearing loss, and/or auditory dys-synchrony (auditory neuropathy). The hearing loss results in qualitative impairments in communication/educational performance.

"Intellectual disability" means the definition formerly known as "mental retardation" and means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

- A. Eligibility as a child with an intellectual disability. The group may determine that a child has an intellectual disability if:
 1. The definition of "intellectual disability" is met above; and
 2. There is an adverse effect on the child's educational performance due to one or more documented characteristics of an intellectual disability, as outlined in subdivision 3 of this subsection; and
 3. The child has:
 - a. Significantly impaired intellectual functioning, which is two or more standard deviations below the mean, with consideration given to the standard error of measurement for the assessment, on an individually administered, standardized measure of intellectual functioning;
 - b. Concurrently, significantly impaired adaptive behavior as determined by a composite score on an individual standardized instrument of adaptive behavior that measures two standard deviations or more below the mean; and
 - c. Developmental history that indicates significant impairment in intellectual functioning and a current demonstration of significant impairment is present.

NOTE: If an instrument is being used that provides results for both Verbal and Non-Verbal Ability scores, it is essential that both the Verbal and Non-Verbal standard scores be considered. A significant deficit should be identified only if the student scores between 2 or more standard deviations below the mean AND both the Verbal and Non-Verbal standard scores are at least one and one half standard deviations below the mean.

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

- A. Eligibility as a child with multiple disabilities. The group may determine that a child has multiple disabilities if the definition of "multiple disabilities" is met in accordance with 8VAC20- 81-10.

"Orthopedic impairment" means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

A. Eligibility as a child with an orthopedic impairment. The group may determine that a child has an orthopedic impairment if:

1. The definition of "orthopedic impairment" is met in accordance with 8VAC20-81-10; and
2. There is an adverse effect on the child's educational performance due to one or more documented characteristics of an orthopedic impairment.

"Other health impairment" means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia and Tourette syndrome that adversely affects a child's educational performance.

A. Eligibility as a child with other health impairment. The group may determine that a child has an other health impairment if:

1. The definition of "other health impairment" is met above; and
2. There is an adverse effect on the child's educational performance due to one or more documented characteristics of the other health impairment.

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disabilities; of emotional disabilities; of environmental, cultural, or economic disadvantage. Dyslexia is distinguished from other learning disabilities due to its weakness occurring at the phonological level. Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

A. Eligibility of a child with a specific learning disability.

1. The group may determine that a child has a specific learning disability if:
 - a. The definition of "specific learning disability" is met above; and
 - b. The criteria for determining the existence of a specific learning disability are met.

2. The criteria for determining the existence of a specific learning disability are met if:
 - a. The child does not achieve adequately for the child's age or to meet Virginia-approved grade-level standards in one or more of the following areas when provided with learning experiences and instruction appropriate for the child's age or Virginia-approved grade-level standards:
 - i. Oral expression;
 - ii. Listening comprehension;
 - iii. Written expression;
 - iv. Basic reading skills;
 - v. Reading fluency skills;
 - vi. Reading comprehension;
 - vii. Mathematical calculations; or
 - viii. Mathematical problem solving.
 - b. The child does not make sufficient progress to meet age or Virginia-approved grade-level standards in one or more of the areas identified in subdivision 2 a of this subsection when using a process based on the child's response to scientific, research-based intervention; or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, Virginia-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments.
 - c. The group determines that its findings under subdivisions 2 a and b of this subsection are not primarily the result of:
 - i. A visual, hearing, or motor impairment;
 - ii. Intellectual disability;
 - iii. Emotional disability;
 - iv. Environmental, cultural, or economic disadvantage; or
 - v. Limited English proficiency.
3. Prior to determining that a student is eligible for special education and related services as a student with a specific learning disability, to ensure that the underachievement of a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the eligibility group considers, as part of the evaluation:
 - a. Data that demonstrates that prior to, or as part of the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - b. Data based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of a student's rate of learning or skill acquisition during instruction and intervention, which was provided to the parents.

Educational Achievement: Refers to a student's level of skill development on an individually administered norm referenced test on one or more of the following areas: reading (basic or comprehension), **listening comprehension, reading fluency**, mathematics (calculation or reasoning), written expression, or oral expression. Supporting evidence of classroom performance **and curriculum based assessments** should be considered.

Processing Deficit: Refers to a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written. Processing deficits may exist in one or more of the following areas: attention/concentration (auditory or visual), memory (visual/auditory short term or long term), auditory processing, visual processing, sensory-motor integration. Processing deficits may be manifested as delineated below:

Attention/Concentration: WISC-III: significant weakness on the Freedom from Distractibility factor; careless errors on Picture Arrangement or Object Assembly; WJTA: Applied Problems > Calculation or Writing Samples > Dictation. WIAT: Mathematics Reasoning > Numerical Operations or written expression > mechanics.

Behavioral evidence including hyperactivity; tendency to be distracted from/by auditory or visual stimuli; impulsivity; difficulty staying on task; difficulty concentrating; overlooks details or makes careless errors; difficulty differentiating relevant/irrelevant information; requests for repetition or clarification of information; extensive reliance on "self-structuring" (e.g., narration or verbal mediation).

Memory: WISC-III: Significant weakness on Information (long term) or Arithmetic or Digit Span (short term). WJTA: Relative weakness on Knowledge (long term). Deficits seen on the memory portions of the speech/language evaluation, including the TAPS (Test of Auditory Problem Solving), the TOLD (Test of Language Development), and the CELF-R (Clinical Evaluation of Language Functioning), and/or on the VADS (all short term).

Behavioral evidence including difficulty recalling sequences of numbers, letters in the alphabet; difficulty remembering the sequence of letters in words; difficulty recalling what was seen during a movie, play, or walk or ride to school (all visual); frequent requests for repetition or clarification of orally-presented information; difficulty spelling from dictation; difficulty following oral instructions; difficulty recalling the pertinent information from orally-presented materials (all auditory); cannot master math facts despite frequent drill and practice; difficulty remembering new information (visual or auditory).

Auditory Processing: May see similar significant deficits as under Attention/ Concentration and Auditory Short term Memory; it can be difficult to differentiate between these.

Deficits on portions of the speech/language evaluation: SCAN (Screening Test for Auditory Processing Disorders), TAPS (Test of Auditory Perceptual Skills), TOPS (Test of Problem Solving), LPT (Language Processing Test). Use of the auditory processing subtests of the WJ Cognitive Battery may be helpful.

Behavioral evidence including complaints of excessive noise; auditory distractibility; frequent requests for repetition or clarification of orally-presented information; misinterpretation of oral instructions; difficulty following oral directions (particularly multi-step); difficulty remembering new (oral) information; difficulty recalling pertinent information from orally-presented material; difficulty remembering sequence of sounds in words.

Visual Processing: Significant weakness on the nonverbal portions of the WISC-III, particularly the Block Design and Object Assembly subtests, or on the Bender Gestalt or VMI.

Behavioral evidence including difficulty developing a sight vocabulary; difficulty with sorting and matching activities; difficulty with reversals and substitutions; transposing letters within words; difficulty locating specific details in visually-presented information; confusing words similar in appearance; losing place on a page with many printed lines; substituting words from a different line on a page; difficulty completing puzzles; difficulty reading maps; difficulty with math problems not appropriately spaced on page.

Grapho-Motor Integration: Weakness on coding, Bender Gestalt, VMI Behavior evidence including difficulty with spelling from dictation; difficulty forming letters correctly; difficulty organizing written information on a page; difficulty following a line of print across a page when reading; difficulty deciding where to start a given task; difficulty with fine motor control.

"Speech or language impairment" means a communication disorder, such as stuttering, impaired articulation, expressive or receptive language impairment, or voice impairment that adversely affects a child's educational performance.

A. Eligibility as a child with speech or language impairment.

1. The group may determine that a child has a speech or language impairment if:
 - a. The definition of "speech or language impairment" is met above; and
 - b. There is an adverse effect on the child's educational performance due to one or more documented characteristics of speech or language impairment;
 - c. The child has a significant discrepancy from typical communication skills in one or more of the following areas: fluency, impaired articulation, expressive or receptive language impairment, or voice impairment; and
 - d. Information from instruments that are culturally and linguistically appropriate, including standardized and criterion-referenced measures, shall be used in conjunction with information from classroom observations to determine the severity of the communication impairment.
2. Children shall not be identified as children having a speech or language impairment if the area of concern is primarily the result of sociocultural dialect, delays/differences associated with acquisition of English as a second language, or within the purview of established norms for articulation and language development.
3. Speech language pathology services may be special education or a related service.

Articulation Impairment:

Phonetics is the study of how speech sounds are produced and what their acoustic properties are. Phonology deals with the sound systems of language, that is, the structure and function of sounds in languages. An articulation impairment is defined as follows: (1) a speech abnormality which is characterized by omission or incorrect production of individual speech sounds due to faulty placement, timing, direction, pressure, speed, or integration of the articulators and (2) a deviation from the systematic nature of speech given the basis that each student's rules for syllable structure

and for the occurrence of sounds in various positions in various phonetic environments are basically uniform whether these processes are observed in "normal" speech or "disordered" speech.

Voice Impairment:

Voice impairment is characterized by speech that is: inappropriate for age and / or sex, strained, breathy, harsh or hoarse vocal quality, too loud or soft for the situation and inappropriate oral / nasal resonance.

Fluency Impairment:

A fluency impairment is the abnormal flow of verbal expression including rate and rhythm, which may be accompanied by a struggle behavior.

Fluency impairment is characterized by a disruption in speech flow and may include:

- *repetition*: producing sound, syllable, word, or phrase several times
- *prolongation*: lengthening of the sound
- *hesitation*: disrupting the flow of a sound or word
- *interjection*: adding fillers as "uh" or "er"
- *abnormal rate*: using an extremely slow or fast rate (number of syllables or words per minute)
- *circumlocution*: reformulating a thought or idea and using different words other than those originally planned in an attempt to avoid feared words.
- *tension*: tightening of musculature in preparation for speaking or during the act of speaking.
- *associated non-verbal behaviors*: using secondary mannerisms such as eye blinks, mouth postures, head jerks, etc., to aid fluency of speech.

Language Impairment

Language is defined as the knowledge of a code for representing ideas about the world through a conventional system of arbitrary signals for communication. A language impairment is a disruption expressively or receptively in the developmental, sequential learning of one's native language. It may be characterized by a deficit or delay in one of the following areas:

Pragmatics deals with the purposes and uses of language. These include such things as informing, describing, obtaining information, requesting objects or actions, protesting, commenting, denying, acknowledging, and summoning attention. Pragmatics also involves an individual's ability to employ conversational devices for initiating, establishing and maintaining topics. Some of these procedures include turn-taking, requesting and providing clarification.

Semantics concerns the meaning of the symbols that are used. Individual words have meaning. A series of words, when combined into a sentence, expresses a complete thought or proposition and can create a new meaning that is not represented by any one of the words. Sentences, in turn, can be combined into larger units of representation that convey an overall meaning.

Syntax refers to the order in which words occur in language. It includes morphology, which is the linguistic rule system that governs the structure of words and the construction of word forms from the basic elements of meaning (e.g. tense, plurality, possession).

Auditory Processing is the ability to attend, discriminate, recognize or comprehend auditory information. A deficit is not necessarily attributable to a loss of hearing acuity.

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

- A. Eligibility as a child with a traumatic brain injury. The group may determine that a child has a traumatic brain injury if:
1. The definition of "traumatic brain injury" is met in accordance with 8VAC20-81-10; and
 2. There is an adverse effect on the child's educational performance due to one or more documented characteristics of traumatic brain injury.

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

- A. Eligibility as a child with a visual impairment.
1. The group may determine that a child has a visual impairment if:
 - a. The definition of "visual impairment" is met above; and
 - b. There is an adverse effect on the child's educational performance due to one or more documented characteristics of visual impairment; and
 - c. The child:
 - i. Demonstrates the characteristics of blindness or visual impairment, as outlined in subdivisions 2 and 3 of this subsection; or
 - ii. Has any of the conditions including, but not limited to oculomotor apraxia, cortical visual impairment, and/or a progressive loss of vision, which may in the future, have an adverse effect on educational performance, or a functional vision loss where field and acuity deficits alone may not meet the aforementioned criteria.
 2. A child with blindness demonstrates the following:
 - a. Visual acuity in the better eye with best possible correction of 20/200 or less at distance or near; or
 - b. Visual field restriction in the better eye of remaining visual field of 20 degrees or less.
 3. A child with a visual impairment demonstrates the following:
 - a. Visual acuity better than 20/200 but worse than 20/70 at distance and/or near; or
 - b. Visual field restriction in the better eye of remaining visual field of 70 degrees or less but better than 20 degrees.

CHILD STUDY PROCESS

I. SCHOOL BASED INTERVENTION TEAM (SBIT)

A. *PURPOSE AND RESPONSIBILITIES*

School Based Intervention Teams are designed to be part of Albemarle County's commitment to school improvement through the support and development of professional learning communities in each of the schools in the division. Professional learning communities promote the learning of all students in Albemarle County Schools. The term *professional learning community* describes a collegial group of administrators and school staff who are united in their commitment to student learning. They share a vision, work and learn collaboratively, visit and review other classrooms, and participate in decision making. The benefits to the staff and students include a reduced isolation of teachers, better informed and committed teachers, and academic gains for students. As an organizational arrangement, the professional learning community is seen as a powerful staff-development approach and a potent strategy for school change and improvement.

(Hord, 1997 – available on line at <http://www.sedl.org/pubs/change34/>)

In addition, Albemarle County Schools Department of Special Education and Student Services is committed to have in effect policies and procedures designed to prevent inappropriate over-identification or disproportionate representation by race or ethnicity of children with disabilities, including particular disability categories. It is not only appropriate, but the objective of each School Based Intervention Team to attempt pre-intervention strategies in the general education environment prior to a referral for a special education evaluation.

The School Based Intervention Team (SBIT) provides a school-based mechanism to enable school personnel to meet the needs of individual students within the regular education program who are having difficulty in the educational setting. The team is student-centered and facilitates a process that results in the implementation of pre-intervention strategies, accommodations, and services that will enable the student to be successful in school.

Students may be referred to the SBIT through a variety of sources but the charge to the team and the process to be followed is a consistent one, regardless of the referral source. Simply stated, when a student is referred to the SBIT, the team has the responsibility to review any problems (academic/developmental, behavioral, social/emotional, environmental or cultural) interfering with the student's performance in school, to brainstorm solutions, to make recommendations to meet the student's needs, and to monitor/review the results of the recommendations. The services provided through School Based Intervention Teams are neither Section 504 nor Special Education services.

The School Based Intervention Team may meet as many times as necessary to meet the student's needs. The parent/guardian may be invited the School Based

Intervention Team meetings. A copy of the minutes may be given to the parent at the SBIT meeting. If they do not attend **or an intervention plan is developed as part of a data driven screening and referral process, a copy of the minutes, intervention plan, communication explaining the process will be forwarded to them.** Parental permission is not required to conduct the School Based Intervention Team meeting.

This problem-solving process does not preclude the School Based Intervention Team from making a referral for evaluation for Section 504 or Special Education prior to implementing strategies. However, such an action should be considered an exception to procedures. It is required that the **School Based Intervention Team chairperson contact a Special Education Coordinator for consultation and that the consultation be documented prior to a referral for an evaluation for special education or a Section 504 / ADA without utilizing pre-referral interventions as part of the SBIT process.**

B. *SCHOOL BASED INTERVENTION TEAM PARTICIPANTS*

The SBIT is an extremely important, student-centered committee within the school and should be recognized as such by members of the team as well as other school personnel. In order to be effective, membership must include:

1. The referring source, as appropriate, except when the referring source would breach the confidentiality of the student;
2. At least one teacher (The child's regular education teacher(s) or in the case of a child who is not enrolled in the public school, a teacher familiar with the grade level curriculum);
3. The principal/designee;
4. At least one specialist

It is strongly recommended that specialists be invited by the areas of concern:

- Special Education Teacher
Must be invited if SBIT is reviewing a referral for special education evaluation, Learning issues, Behavioral Issues, Suspected Disability
- Section 504 Coordinator
Must be invited if SBIT is reviewing a referral for Section 504 evaluation
- Title 1 Teacher
Reading issues, Issues related to At-Risk youth,
- Literacy Specialist
Reading issues
- School Psychologist
*Behavioral issues, Learning Issues, **Progress Monitoring, Response to Intervention***
- Others as Appropriate
(i.e. Occupational therapist for fine motor issues, Speech Therapist for speech and language concerns, Guidance for other school-based issues, etc.)

C. ***GUIDELINES FOR PROCEDURES FOR REQUESTS FOR ASSISTANCE FROM THE SCHOOL BASED INTERVENTION TEAM***

The use of an Albemarle County Public Schools endorsed and approved electronic management system will be used to substitute for paper forms. Albemarle County Schools ensures that electronic management program will capture the essential data noted in the forms, will be compliant with Federal, State and Local laws, policies and procedures and promote the processes included on the forms noted above.

Requests for assistance from the SBIT may be initiated by any individual who has concerns about a specific student or may be initiated by the student. The process is consistent, regardless of the referring source or the age of the student. The procedures for record review and parent/student contact will allow the principal/designee and / or School Based Intervention Team Chairperson to ensure that the composition of the SBIT includes the individuals who will be able to address the issues identified in the request for assistance and that sufficient information is available for the SBIT to take action.

Request for assistance for a preschool aged child can be made by contacting the Pre-School School Based Intervention Team at 973-2490. Parents, physicians or community agencies may request assistance. The parent/legal guardian is consulted if they are not the referring source to obtain information that will then be shared with the School Based Intervention Team and an initial School Based Intervention Team Meeting is conducted.

Students of pre-school age and students enrolled in private schools making a referral for a special education evaluation must register with the base school that the student would attend. The family and student will be visited by a pre-school teacher to obtain information that will then be shared with the Pre-School School Based Intervention Team to gather intervention suggestions. A School Based Intervention Team Meeting is then done with the family to recommend interventions or determine if a special education evaluation is needed.

To request assistance from the School Based Intervention Team, the following procedure is recommended:

1. The referring source may request assistance from the School Based Intervention Team at any time during the calendar year. The request may be submitted orally or in writing to the principal/designee and should describe academic/developmental, behavioral and/or social/emotional concerns. (Form 20.02)

For referrals to preschool from Part C (Infant and Toddler) programs, it is recommended that the initial School Based Intervention Team double as the mandated 90 day transition conference. This conference may occur prior to nine months before the child's third birthday. If a child will not be three years old by 9/30 of the year in which the services would be implemented,

parents should be made aware of the option to continue to receive services through Part C for another year, and their choice documented in the School Based Intervention Team minutes.

Upon receipt of the request for assistance and prior to the SBIT meeting:

1. The principal/designee notifies the School Based Intervention Team Chairperson within 5 business days following receipt of the referral.
2. The SBIT Chairperson does the following in preparation for the Initial School Based Intervention Team Meeting:
 - Coordinates with the School Based Intervention Team to schedule a School Based Intervention Team Meeting within 10 business days following receipt of the referral.
 - Notifies the parent of the School Based Intervention Team meeting (The School Based Intervention Team may send written notification to the parent if a request for a Special Education evaluation or Section 504 evaluation is made.)
 - Review the referral, whether in writing or electronically, to make sure that the teacher has provided all of the information necessary. Ensure the referral is entered electronically in the electronic data management system.
 - Meet with the teacher at least 4 days prior to the School Based Intervention Team meeting and complete the following tasks:
 - Help the teacher to answer any questions that were not previously answered with regard to the referral.
 - Ask the teacher if any changes need to be made to the School Based Intervention referral.
 - Make sure that the teacher understands how to complete any additional screening information attached. It would be appropriate, if there are certain behaviors that the teacher is concerned with, to ask the teacher to rate those behaviors with appropriate screening instruments.
 - Gather all relevant information for review at the School Based Intervention Team Meeting, which may include
 - Information regarding any previous diagnostic evaluations or remedial services;
 - Health records;
 - Student's attendance records;
 - Discipline records;
 - Information about school transfers and an effort to assess whether school transfers are relevant to the concerns;
 - Achievement test scores and grades;
 - Anecdotal records from previous school years;
 - Previous intervention plans;
 - Information from community agencies; and
 - Teacher narratives or progress reports concerning current classroom functioning.

3. The School Based Intervention Team Chairperson follows the procedures incorporated into the electronic management system to address issues related to the referral.
4. The following best practices are recommended to occur after the initial meeting
 1. Two or three days after the initial meeting, meet with the teacher to determine the following:
 - Whether the teacher has begun implementing the intervention and if not, why;
 - Whether the teacher has any questions regarding the intervention procedures;
 - Whether the teacher needs any additional resources to implement the intervention;
 - Whether the teacher is still satisfied with the intervention designed.
 - Check with the teacher every 7 or 8 days to determine whether the intervention is being implemented, teacher is completing the teacher behavior report card, and he/she is in need of any additional resources. If the intervention has not been implemented as described during the SBIT meeting, determine what needs to occur next.

NOTE: It may be appropriate for the screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation. However, such screenings shall not be considered to be an evaluation for eligibility for special education and related services.

II. MEETING PROCEDURES

School Based Intervention Team Meeting

The SBIT Chairperson conducts the meeting based on the referral and documents essential deliberations in meeting notes.

The meeting foci and corresponding documentation are listed below.

- A. The purpose of the meeting is to identify and recommend strategies to address the student's learning, behavior, communication, or development.
- B. Follow-up School Based Intervention Team Meeting(s)
- C. Review to determine if a Section 504 evaluation is warranted.

No Referral for 504 Eligibility

The School Based Intervention Team has the option of attempting to address these types of problems through documented school-based interventions and/or modifications, prior to conducting an evaluation. Furthermore, if such interventions and/or modifications are successful, a division is not obligated to evaluate a student for special education or related services.” *Karnes City (TX) ISD, 31 IDELR 64 (OCR 1999). A student should be referred to §504 when the District believes that the student may be*

eligible, i.e., when the District believes that the student has a physical or mental impairment that substantially limits one or more major life activities, AND that the student is in need of either regular education with supplementary services or special education or related services. Letter to Mentink, 19 IDELR 1127 (OCR 1993).

The committee may determine on the basis of existing documentation that there is no basis for a Section 504 eligibility. That is, there is no justification for a need for services either due to the fact that documented interventions are successful or that there is no evidence that the student may be limited in a major life activity or is impaired in a way that would indicate they are performing such activities substantially below the average peer. Parents should be informed of the decision. The student will not go on to a Section 504 evaluation and is not eligible under Section 504. They should be provided another copy of the Section 504 Parental Rights and Due Process Procedures.

This problem-solving process does not preclude the School Based Intervention Team from making a referral for evaluation for a Section 504 evaluation prior to implementing strategies. However, such an action should be considered an exception to established procedures. . It is required that the **School Based Intervention Team chairperson contact a Special Education Coordinator for consultation and that the consultation be documented prior to a referral for an evaluation for special education or a Section 504 / ADA without utilizing pre-referral interventions as part of the SBIT process.**

Referral for Section 504 evaluation.

The School Based Intervention Team review of the referral for a Section 504 evaluation to determine eligibility serves as the screening procedures required by law. It is required that the School Based Intervention Team have the Section 504 Coordinator for the school as a participant if the meeting is to review a Section 504 referral.

If the referral to the School Based Intervention Team is in response to a referral to review / screen for Section 504 Eligibility, the school is responsible for notifying parents of the purpose of the School Based Intervention Team Meeting. A copy of the 504 Rights and Procedural Safeguards should be included with the notice. Parental permission is not required to conduct the School Based Intervention Team Meeting; however, efforts should be made to ensure parental attendance.

The School Based Intervention Team should review any relevant information available in the student's cumulative and confidential files. Based on the documented attempts at interventions implemented with the support of the School Based Intervention Team, there is justification for a referral for a Section 504 evaluation due to the fact that the interventions have not been successful and a disability may be the primary reason. Therefore, a referral for a Section 504 evaluation for services is recommended.

D. Review to determine if a special education evaluation is warranted.

If the School Based Intervention Team is meeting following the request for review to determine if an evaluation will be completed, the committee **MUST** include a special

education teacher in addition to the principal/designee, and regular education teacher. The parent's may be invited using Form 20.03. However, Parental Rights in Special Education must be provided whether or not the School Based Intervention Team refers the student for the Special Education Evaluation.

No Referral for Special Education Evaluation

School Based Intervention Teams have the responsibility to attempt documented pre-interventions within the context of the regular education classroom for any student exhibiting educational or behavioral difficulties prior to a special education evaluation.

In the event a parent disagrees with the School Based Intervention Team, a special education case manager is assigned to schedule an IEP meeting and review the parent's disagreement. A Special Education Coordinator should be contacted as soon as possible for consultation prior to the IEP Meeting to address parent concerns.

Referral for a Special Education Evaluation

The School Based Intervention Team has no time constraints limiting exploration of alternatives within the general education program. When it becomes obvious that reasonable intervention strategies have not been effective and the School Based Intervention Team suspects that the student has a disability, a referral for special education evaluation or Section 504 eligibility must be initiated within 5 (five) administrative working days of the School Based Intervention Team's decision. This is accomplished by assigning a special education case manager to the student in order to facilitate the special education referral for a special education evaluation.

However, a School Based Intervention Team may refer a student for a special education evaluation prior to implementing strategies, provided it has consulted and involved the Special Education Coordinator that serves the school. The 65-day timeline begins once a referral has been made.

This problem-solving process does not preclude the School Based Intervention Team from making a referral for evaluation for a Special Education prior to implementing strategies. However, such an action should be considered an exception to established procedures. . It is required that the **School Based Intervention Team chairperson contact a Special Education Coordinator for consultation and that the consultation be documented prior to a referral for an evaluation for special education or a Section 504 / ADA without utilizing pre-referral interventions as part of the SBIT process.**

Note: A student receiving special education services as a student with a speech and language impairment is a student eligible for all the procedures and protections under IDEA. The student is not required to go through the pre-referral intervention process / a School Based Intervention Team Meeting in order to broaden the scope of the re-evaluation. Please refer to the section on re-evaluation for students receiving special education services.

REFERRAL FOR CONSIDERATION OF SPECIAL EDUCATION ELIGIBILITY

I. PROCESS TO INITIATE EVALUATION

Referral Made By Any Source

All children, aged two to 21, inclusive, whether enrolled in public school or not, who are suspected of having a disability, shall be referred to the special education administrator or designee, who shall initiate the process of determining eligibility for special education and related services.

Referrals may be made by any source, including the School Based Intervention Team, school staff, a parent(s), the Virginia Department of Education, any other state agency, or other individuals.

If the referral is from a school based intervention team, it shall be made within three business days following the determination by the committee that the child should be referred for evaluation for special education and related services.

The referring party shall inform the special education administrator or designee of why an evaluation is requested and efforts that have been made to address the concerns. The referral may be made in oral or written form.

Upon Receipt of Referral

Upon receipt of the referral for initial evaluation for the provision of special education and related services to a child suspected of having a disability, from a source other than the school-based team, the special education administrator or designee shall:

- a. Initiate the initial evaluation procedures;
- b. Refer the child to the school-based team to review and respond to the request under; or
- c. Deny the request, and provide prior written notice.

Parent Refusal to Provide Consent

Albemarle County Public Schools does not violate the requirements to locate, identify and evaluate children of being children with disabilities if Albemarle County Public Schools chooses not to pursue an evaluation or reevaluation (i.e. pursue due process) to which the parent has refused or failed to consent.

Procedures for referral for evaluation.

Upon receipt of the referral, the special education administrator, or designee, shall:

- a. Record the date, reason for referral, and names of the person or agency making the referral using the electronic managements system;
- b. Implement procedures for maintaining the confidentiality of all data; and
- c. Utilize the special education on-line management system to provide to the parents

- i. prior written notice (i.e. parent notification of evaluation): that explains the referral for evaluation and its purpose and
- ii. Parental rights with respect to evaluation and other procedural safeguards.
- d. Inform the parent(s) of the procedures for the determination of needed evaluation data and request any evaluation information the parent(s) may have on the child (complete the component checklist)
- e. Secure informed consent from the parent(s) for the evaluation using parent permission for evaluation documentation;
- f. Ensure that all evaluations consist of procedures that:
 - i. Gather relevant functional, developmental and academic information about the child to determine if the child is a child with a disability; and
 - ii. Are sufficiently comprehensive to identify all of the child's special education and related services needs, and educational needs; and

Referral NOT made by School Based Intervention Team – Parent Disagreement

Should the School Based Intervention Team not recommend a special education evaluation and the parent is in disagreement, a special education case manager shall be appointed. The special education case manager shall contact a special education coordinator as soon as possible and schedule an IEP Meeting with the parent. The disagreement will be considered in the context of an IEP Meeting as soon as possible. If the school remains to be in disagreement with the parent, a Prior Written Notice must be completed and sent to the parent. Consultation with the Special Education Coordinator assigned to your school is strongly recommended in this process.

Referral made by School Based Intervention Team

The School Based Intervention Team has no time constraints limiting exploration of alternatives within the general education program. When it becomes obvious that reasonable intervention strategies have not been effective and the School Based Intervention Team suspects that the student has a disability, a referral for special education evaluation or Section 504 eligibility must be initiated within 3 (three) administrative working days of the SBIT's decision. However, a School Based Intervention Team may refer a student to an IEP Team for a special education evaluation prior to implementing strategies, provided it has consulted and involved the Special Education Coordinator that serves the school. The 65-day timeline begins once a referral has been made.

Guidelines for SBIT Referrals for Special Education or Section 504/ADA Evaluations

Documentation from the School Based Intervention Team must clearly indicate that:

- i. The School Based Intervention Team reviewed the student's records, achievement scores and other performance evidence.
- ii. Information in the student's records, achievement scores and/or group standardized data indicated academic or behavior problems that interfered with the student's performance.
- iii. A review of the student's records indicated a concern.

- iv. The student's current grades indicated below average performance for grade and instructional level.
- v. Teacher concerns were consistent with problem(s) identified in the student's records and/or reports.
- vi. Intervention strategies were identified and implemented that matched the student's instructional/behavioral problems.
- vii. The intervention strategies were implemented, monitored **for rate of learning**, modified, modified (as appropriate), and attempted over a specific period of time (i.e. 4-6 weeks)
- viii. Accommodations/modifications were made in the general curriculum to facilitate the student's participation.
- ix. The student's academic/behavioral problem, as documented, was consistent and resulted in a lack of progress and responsiveness to instruction that, when compared to peers, supported the decision for special education evaluation.

This problem-solving process does not preclude the School Based Intervention Team from making a referral for evaluation for a Special Education prior to implementing strategies. However, such an action should be considered an exception to established procedures. It is required that the School Based Intervention Team chairperson contact a Special Education Coordinator prior to a referral for an evaluation for special education or a Section 504 / ADA if the SBIT Team is referring a child without utilizing pre-referral interventions as part of the SBIT process. The consultation and justification for the decision must be documented in the SBIT paperwork.

Exclusion of required documentation of pre-referral interventions and progress monitoring of those specific interventions, as noted above, may result in a student being found ineligible for special education and or Section 504 services because of the lack of evidence that such services are required in order for the student to meet the standards that apply to all students in the division.

II. FACILITATION OF THE SPECIAL EDUCATION EVALUATION PROCESS AT THE BASE SCHOOL

STEP ONE:

Special Education Case Manager Assigned

Upon receipt of the decision of the School Based Intervention Team to refer for a Special Education Evaluation, A Special Education Teacher or Designated Professional is assigned the student's case.

STEP TWO:

Initial tasks to be completed as soon as possible once assigned to the case.

1. The 65 day timeline is established based on the initial referral date for a special education evaluation. This date is calculated in the special education on-line management tool.
2. An IEP Team Meeting may be scheduled with the parent. If so, written notification utilizing Meeting Notice in the on-line management system is sent to the parent in the mail to confirm the meeting.

STEP THREE:

IEP Team Meeting may be scheduled to review parental disagreements or to complete required evaluation paperwork (An IEP Team Meeting is not required to complete the evaluation paperwork (i.e. component checklist, permission to evaluate.).

An IEP Team Meeting should be scheduled to review a case in which a parent is in disagreement with the School Based Intervention Team regarding the need for a special education evaluation. It is suggested that, in such a case, the Special Education Coordinator be contacted prior to the meeting for consultation.

If the objective is to complete required evaluation paperwork, an IEP Team Meeting is not required.

The Special Education Case Manager or Designated Professional:

- IEP Team Meeting participants, including the parents, determine needed evaluation data for the special education evaluation documenting the decision on the Component Checklist. Consultation with a psychologist is recommended. If this procedure is completed outside of an IEP Team Meeting, the IEP Team Member signatures are still required to indicate participation in this process.
- Informed parental consent is secured from the parents or guardian for the special education evaluation utilizing the parent permission form for evaluation.
- Medicaid paperwork is completed, if appropriate (90.01).
- Ensure that parents have a copy of all paperwork to date..

STEP FOUR:

Process to finalize the initiation of the Special Education Evaluation

- Send the originals of all related documents to the Albemarle County Office of Special Education and Student Services at the Albemarle County Office Building via PONY Mail.
 - All SBIT Forms
 - All Special Education Evaluation Forms
 - All appropriate Medicaid Billing Information
- Ensure that a copy of all SBIT and Special Education forms are in the student's educational record.
- Notify the appropriate members of your special education evaluation team of the evaluation and timelines.

PARENT REFUSAL TO CONSENT TO SPECIAL EDUCATION EVALUATION

If parent refuses permission for the proposed evaluation(s) or parts of the evaluation, the School Based Intervention Team may:

1. Accept the parent's decision, stating reasons in writing. The School Based Intervention Team Chairperson should notify the Special Education Coordinator immediately if the parent disagrees with the proposal made by the school so that a Prior Written Notice be completed. The School Based Intervention Team shall provide instructional leadership to the classroom teacher to assist him/her in meeting the student's needs using the School Based intervention Team;

III. FACILITATION OF THE EVALUATION PROCESS AT CENTRAL OFFICE

Upon receipt of the EVALUATION PACKET (above), Special Services Intake will:

1. Forward Medicaid Billing Information for processing.
2. Distribute copies of the Referral for a Special Education Evaluation to the Family Specialist, if appropriate.
3. Establish a folder for the student and enclose a copy of the following:
 - a. Medicaid Billing Information
 - b. School Based Intervention Team Packet
 - c. Parent Permission for Student Evaluation
5. Send information to appropriate chairperson and or create eligibility teams **using the on-line management system**.
6. At the high schools, initial evaluations will be completed in-house. Responsibilities for maintaining timelines will rest with the school psychologist.

IV. FORMAL EVALUATION PROCESS

- A. The process for determining eligibility should be completed as soon as possible and must be completed within sixty-five (65) administrative working days of the referral for a special education evaluation.
- B. The child is assessed in all areas of suspected disability.
- C. In conducting the evaluation, the school will use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information, including information provided by the parent that may assist in determining whether the child is a child with a disability. As part of the evaluation process, Albemarle County Schools will gather academic information about the student and not use any single measure or assessment as the sole criterion for determining whether the student is a child with a disability.
- D. The school shall ensure:
 1. The sixty-five (65) day time line is not exceeded and that school-based components (i.e., educational, speech and language and medical) are completed if they have been requested.
 2. All parental contacts are carefully documented on the Parent Contact form or using the electronic on-line management system.
 3. Evaluation reports shall be available to the parent or parents no later than **two business days** before the meeting to determine eligibility. The report should be filed in the student's educational file at the student's serving school, unless some other arrangement has been made.
 4. If the parent did not take the opportunity to get their copy of the reports prior to the eligibility meeting, a written copy of the evaluation report shall be provided to the parent or parents at the time of the meeting but no later than 10 days after the meeting..
 5. Appropriate Medicaid procedures are followed.
 6. All correspondence and notification are copied and placed in the student's record.

7. Evaluations will be done in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to provide or administer.

E. The following evaluation components may be completed for eligibility determination:

1. **Educational:**

Written report by qualified special education teacher describing current educational performance and identifying precise instructional strengths and weaknesses in academic skills and language performance. Any classroom observations and / or reports from student's classroom teachers should be included in the report. (Form No. 40.02, 40.03, 40.04, 40.05)

2. **Psychological:**

Written report from certified psychologist based on the use of a battery of appropriate instruments which may include individual intelligence test(s), psycho-educational tests, and personality assessment. (Form No. 40.01)

MEDICAID: A Psychologist Diagnostic Clinical Interview (Form No. 00.05) must be completed prior to the psychological evaluation (Form No. 00.06) or records review (Form No. 00.07) that may be a part of the initial evaluation.

3. **Social/Cultural:** Written report from qualified family specialist which describes family history structure and dynamics; developmental and health history; and social/adaptive behavior in the home, school, and community. The information is obtained through interviews with parents or primary caretakers in addition to use of other social appraisal methods. (Form No. 40.06)

4. **Speech/Language/Hearing:**

Screened by qualified pathologist. Written report is completed concerning hearing, articulation, language fluency, and voice functioning. (Form No. 40.07)

All requests for outside hearing Acuity, Auditory Processing or Voice/Laryngeal Function required prior to voice therapy should be forwarded to the Special Education Coordinator who serves your school at the County Office Building (Form 30.07).

The Speech and Language Pathologist completes the Speech and Language Evaluation Report which includes information from the Educational Reports for Speech and Language (Form 40.11). For pre-school children, the special needs preschool teacher completes educational screening.

NOTE: ALL INITIAL EVALUATIONS MUST HAVE A HEARING SCREENING COMPLETED DURING THE INITIAL EVALUATION PERIOD.

5. **Medical:**

Written report from licensed physician indicating general medical history and any medical/health problems that may impede learning (Form No. 40.12, 40.13).

6. **Hearing Screening:**

The hearing of each student suspected of having a disability shall be screened during the eligibility process prior to initial determination of eligibility for special education.

7. **Other:**

Specialty evaluations such as motor, vision, etc. as necessary and appropriate.

(**NOTE:** Parental refusal of the completion of a medical evaluation due to religious conviction shall be submitted in writing to the Director of Special Education/Student Services. This document shall be signed and notarized by the parents. Once the Director of Special Education/Student Services has granted a wavier, the school shall then proceed accordingly with determination of eligibility.

- F. Evaluation reports shall be available to the parent or parents two business days before the meeting to determine eligibility. The report should be filed in the student's educational file at the student's base school, unless some other arrangement has been made with the parents. In addition, written reports need to be available at the eligibility meeting with a copy for the parent (if not picked up earlier) **but no later than 10 days after the meeting.**
- G. At any time during the evaluative process the parents, guardians, or surrogate may request termination of the evaluation. If the parent request is not done in writing, the principal shall convene the IEP Team and document this information in writing.
- H. **Special Rule for Eligibility Determination:** In making a determination of eligibility, a student shall not be determined to be a child with a disability if the determinant factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction, lack of instruction in math, or limited English proficiency. The essential components of reading instruction include phonemic awareness; phonics; vocabulary development; reading fluency, including oral reading skills; and reading comprehension strategies. **The lack of a child's involvement in a Response to Intervention and Instruction process could be construed as a lack of instruction.**

EXCEPTION TO TIMELINES

Timelines do not apply if

- A student enrolls in an Albemarle County Public School after a timeline has begun for an evaluation and before a determination for eligibility for special education and related services has been made by the child's previous school system. In addition, the timelines would not apply if the Albemarle School is making sufficient progress to ensure the prompt completion of the evaluation and the Albemarle School and parent agree to a specific time when the evaluation will be completed.
- The parent of the child repeatedly fails or refuses to produce the child for the evaluation.

GUIDELINES FOR PREPARING SOCIAL/CULTURAL ASSESSMENTS

Purpose

The purpose of the assessment is to aid in the appropriate educational placement of any student referred for a special education evaluation. Since the social \ cultural evaluation is primarily an educationally focused document, it should be written in a succinct style. Data relating to intrapersonal and intrafamilial dynamics should be written factually to allow special education eligibility committee members to draw their own professional conclusions related to the educational needs of the student being considered for placement.

Report Format

- Identifying Information (Prepare according to format)
- Family Data (Prepare according to format)
- Reason for Referral

Describe who referred the student and why. If there are several sources, include them all. This section should include the school and family's view of the student's difficulties, the approximate time of problem onset, and the family's current attempts to deal with the problem. Information related to other agencies' involvement or of other family members with similar difficulties should be included in this section.

The interviewer might also choose to include a description of the student in this section.

- Pertinent Family/Home Information

When pertinent to the nature of the student's problem, information related to the following should be included in this section:

- Educational resources within the home and the parents' awareness of how to use these to stimulate the student's development.
- Emotional climate within the home including the family's daily living routines, availability of adult support and supervision, and the presence of persons other than parents and siblings.
- Family ethnic identity as it affects the student and the family's responses to the student and the community.
- For ESOL/LEP students, consider: length of residence in US, and educational opportunities. Regarding native/English language proficiency, please note the student's dominant language at home vs. school; parent/guardian dominant language, language spoken in home, student's level of proficiency in native language and English, and the types of language intervention they have received in school setting.
- Style of dwelling, including adequacy to meet the needs of the family and accessibility to other community resources.
- Childcare arrangements and their relationships to the student's school adjustment.

- Important family events, such as recent deaths, divorce, loss of employment, frequent moves, and job changes that may have affected the family's functioning.
- Family dynamics.

- Pertinent Medical Information

All information related to any acute or chronic illnesses, injuries or hospitalization should be noted, and conditions that may be impeding the student's functioning in learning situations should be emphasized.

- For students considered for OHI-ADD/ADHD

Accurate identification as to onset of difficulties and documentation of parent strategies should be done.

- Developmental History

This section includes all data related to the student's growth pattern from conception to the present, particularly focusing on any physiological problems or habit patterns which may impede the student's school functioning. Developmental milestones are important to note if they are unusual, as is a mother's pregnancy, labor and delivery experiences when these experiences have been abnormal.

- School History

This section is included to give the reader a chronological picture of the student's movement through those school systems he or she has attended and is also intended to clarify the interaction between the family and the school when there have been school difficulties.

- Behavioral Profile (Adaptive Behavior)

This section should include any information relating to the student's social, cultural, and emotional environment that may have in the past, or might currently, impact his or her capability to function effectively at school.

In addition, the completion of a formal assessment of adaptive functioning in both the home and school settings may be involved to determine the level of impairment across settings.

- Other Pertinent Circumstances

Summary and Recommendations

Recommendations for placement should not be stated, as a final decision must be based on all of the evaluation data available. If the family specialist has given the family any other recommendations, such as referral to a community agency, this information is usually included here. When giving such recommendations, list at least three choices, if possible.

NOTE: A re-evaluation review will be requested by school staff if family changes are notable.

GUIDELINES FOR PREPARING PSYCHOLOGICAL ASSESSMENTS

Purpose

Reports shall be written primarily to address a student's educational needs and, therefore, should be comprehensible to school personnel. The reports may contain recommendations for action, as appropriate. For Limited English Proficient students, school psychologists should consult with their special education coordinator to consider whether a dual language Spanish/English cognitive and/or educational assessment would be appropriate.

MEDICAID: If this is a Medicaid eligible student AND Permission for Medicaid Billing has been obtained please use the Medicaid forms for Psychological Assessment found in the forms section of this manual.

Implications

The long-range implications of including specific incidents and background information shall be considered when writing a report in order to protect the interests of the student and parent.

Report Format

Identifying information:

- Student name
- Date of birth
- Date of examination
- Chronological age
- School
- Grade
- Referring source
- Names of tests, instruments, and procedures used

Body of the Report

- Reason for referral

A statement of the reason for referral shall be offered and include a summary of the interventions and corresponding data collected within the context of the School Based Intervention Team process. It may also include pertinent information regarding the student's academic and social functioning in school as reported by the teacher.
- Background information (optional)

This section may include:

 - A summary or record of previous psychological, medical, neurological, and/or psychiatric evaluations
 - A summary of information from the cumulative folder (unusual attendance pattern, medication, specific physical problems, academic performance)
 - Summary of developmental and/or family information

- Observation during the examination
Pertinent or relevant behavioral observations made during the examination shall be included provided that they contribute to the findings and recommendations.
- For students considered for OHI-ADD/ADHD

Include 2 systematic observations of 20-minute duration. Obtain a minimum of two rating scales using one or more of the following: Child Behavior Checklist, Connor's Rating Scale or Hawthorne ADD Evaluation Scale. Other rating scales may be used to supplement the above data. Consideration should also be given to such things as a drop in cognitive measures, low freedom from distractibility factors, home information, etc.
- Scores

Generally, performance on intelligence tests shall be reported in terms of a standard score, deviation score, or percentile, as appropriate to the test. When professionally indicated, such scores may be reported within the range of the standard error of measurement.

In those cases where it is the psychologist's opinion that the scores are not valid, scores should not be reported. It is incumbent on the psychologist in any case to offer an interpretation that describes the student's functioning.
- Interpretation of the Findings
 - An operational description of the student's skills and abilities
 - A discussion of apparent discrepancies, inconsistencies, and/or unusual findings relevant to the problem
 - Test data and clinical impressions in the areas of emotional and social functioning presented within the framework of the referring problem
 - Summary (optional)

The examiner shall use discretion in reporting findings unrelated to the problem referred.

 - Recommendations

Recommendations may be included in the report, as appropriate. Recommendations for eligibility, placement or accommodations should indicate that the IEP team reviewing the materials would make the final decisions regarding implementation of recommendations.

GUIDELINES FOR PREPARING EDUCATIONAL ASSESSMENTS

Purpose

The purpose of the assessment is to aid in the appropriate educational placement of any student referred for a special education evaluation.

Review of Existing Data: A narrative describing a review of available academic information about the student and related developmental needs of the child that includes, but is not limited to, a review of School Based Intervention Team documentation and any local and state assessments and classroom based observations.

Educational Evaluation Summary (Form No. 40.02, 40.03) A narrative report is required that unites the various elements of the educational component into a meaningful description. The report should include standard scores, test interpretation, observation data, background information and recommendations. Recommendations for placement should not be made, as the final decision must be based on all the evaluation components.

Observation At least one school division representative serving on the eligibility committee must have either assessed or observed the student. If a child is less than school aged or out of school, an observation in an environment appropriate for a child of that age should be conducted. **ALL evaluations must include an observation of academic performance in the regular classroom by at least one team member other than the student's regular teacher (Form No. 40.05). The child must be observed in the child's learning environment (including the general education classroom setting) to document the child's academic performance and behavior in the areas of difficulty.**

Teacher Educational Report (Form No. 40.04) An educational report shall be completed in detail by at least one teacher responsible for the student's academic program (language arts, math, social studies, science).

For Students Considered for OHI-ADD/ADHD - Work samples over time, data on productivity and accommodation should be considered for inclusion into the evaluation report.

Achievement Each student being evaluated for special education may be administered an individual test of general achievement provided the IEP Team indicated such an assessment on the Component Selection (Form 30.01 or 30.03). It is not a requirement that all sub-tests be administered to a student provided a disability in a specific area is suspected.

ELIGIBILITY COMMITTEE

I. PURPOSE

- A. A group of qualified professionals and the parent of the child review the evaluation components and any other available information in order to determine if a student has a disabling condition that significantly impacts the student's educational performance.
- B. To determine if the student has a disability which requires a special education program and related services.

II. COMPOSITION

- A. The Eligibility Committee will include the following members:
 - 1. School personnel representing each of the disciplines providing assessments. *
 - 2. School Psychologist; or other designated chairperson (required).
 - 3. The Special Education Administrator or Designee.
 - 4. Parent / Guardian.
 - 5. The Student, if appropriate.
 - 6. The student's regular teacher:
 - a) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of that age is recommended; or
 - b) For a student less than school age, an individual qualified to teach a student of that age is recommended; and
 - 7. At least one person qualified to conduct diagnostic examinations of children, such as school psychologist, speech-language pathologist, teacher of specific learning disabilities, or teacher of remedial reading.

***At least one person on the Committee must have either assessed or observed the student.**

III. SCHEDULE OF MEETINGS

- A. Chairperson schedules a date and time for the Eligibility Committee meeting in compliance with timelines.
 - 1. Scheduled meeting time is sent to the school principal, the appropriate Special Education Coordinator, and the family specialist (if appropriate). The school shall notify the parents and other school staff.
 - 2. The parent(s) shall be invited in writing within a reasonable amount of time to attend the meeting by the school (Meeting Notice – specify evaluation for eligibility for special education). Written documentation is required.

IV. ELIGIBILITY MEETING

- A. Eligibility determinations are made by a team of qualified professionals that include school personnel representing each of the disciplines providing assessments, a designated chairperson, the LEA or Designee, the parent/guardian of the student and the student, if appropriate (i.e. student has reached age of majority).
- B. The chairperson shall record the essential deliberations and the various sources considered, in order to determine whether the student has a disability that requires a special education program that may include related services (Special Education Eligibility Committee Summary Form No. 50.02).
- C. The Eligibility Committee chairperson is charged with the responsibility of assisting the committee in attaining consensus (agreement by most or all of the members).
- D. Discussion shall include:
 - eligibility criteria
 - response to interventions
 - the need for special education related services
 - the need for services is primarily attributable to a disability and not due to the effects of culture, race or socio-economic disadvantage
 - suggestions for a school plan of action to address the learning problems which were the initial reason for the referral if the student is not eligible
- E. Eligibility Summary
 1. The Eligibility Committee chairperson shall complete the Special Education Eligibility Committee Summary (50.02) along with the appropriate addendum within the Eligibility Meeting.

Each committee member must sign the summary. An individual member who wishes to dissent from the consensus should make a notation next to his/her signature and attach a dissenting opinion with the summary. In the case of there being more than one representative on the IEP Team (i.e. two regular education teachers), one should be designated as the primary regular education teacher fulfilling that role for purposes of the IEP team. The other regular education teachers would serve as sources of information.

Members of the team will sign the summary certifying that they agree with the conclusions and summary of the meeting. Parents will need to sign that they agree with the determination of the eligibility meeting and that they give consent for the initial identification, or in the case of a re-evaluation, a change in the special education classification in order for it to take effect.

If parents do not give consent to a change in identification no changes can occur. Notification of Initiation or Refusal of Change (Prior Written Notice) must be completed and sent to the parents when the school system is in disagreement with the parent about initiating a change or refusing to initiate a change in one or more of the following categories: Identification, Evaluation, Educational Placement, or the Provision of a Free

and Appropriate Public Education of the Student. Consultation with the Special Education Coordinator assigned to your school is strongly recommended prior to involvement in this process.

The Eligibility Summary and a copy of all evaluation components are forwarded to the school building principal, filed in the student's confidential folder, and used in the IEP development.

2. A copy of the Eligibility Summary, appropriate addendum, and all evaluation components should be sent to the Office of Special Education within 5 working days of the Eligibility Meeting.
3. The parent is provided a copy of the eligibility summary (Form 50.02), copies of evaluation reports (if not already received) and if appropriate:

In the case of an Initial Evaluation:

- If a student is determined to be ineligible for special education services, use Form No. 50.10.
- If a student is determined to be eligible for special education services and the parent did not attend, use Form No. 50.09: the parent(s), guardian, surrogate shall be invited to participate in the development of an Individualized Education Program.
- Parental signature is required on Form 50.02 for the eligibility determination to take effect.

In the case of a Re-evaluation:

- Notification (whether present or not) of the re-evaluation results using Form No. 50.11 "Parent Notification of Re-evaluation Eligibility Committee Findings".
- If the student is found ineligible for special education services, the appropriate section of Form No. 50.02 should be completed and signed by the parent. Parental consent is required prior to dismissal of the student from special education services.

If there is a change in identification of a student based on the eligibility meeting a parental signature is required on Form 50.02 for the eligibility determination / change to take effect.

RE-EVALUATION OF ELIGIBILITY

I. RE-EVALUATION OF ELIGIBILITY

- A. Occurs not more frequently than once a year (unless the parent and school agree otherwise)
- B. Occurs at least once every three years. The evaluation shall be initiated no less than 65 business days prior to the third anniversary of the date eligibility was last determined.
- C. Occurs if student's parent or teacher requests a reevaluation.
- D. Occurs if the school determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant a reevaluation.
- E. Determine if additional data, if any, is needed to determine:
 - 1. Whether the student continues to have a disability
 - 2. The present levels of performance and educational needs of the student
 - 3. Whether the student continues to need special education and related services
 - 4. Whether any modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.

II. PROCEDURES FOR RE-EVALUATION (Please note Option 1 or Option 2)

The School shall determine, based on the evaluations and information provided by parents, current classroom-based assessments and observations, and observations by parents and related service providers, if it shall administer tests and other evaluation materials.

- 1. **MEDICAID ENTRY POINT:** Please determine if the student currently receives Medicaid benefits and request parents give permission (Form No. 00.01) for the school to bill for the evaluation procedures.
- 2. **IF MEDICAID ELIGIBLE AND PERMISSION SIGNED,** Order for Therapy Evaluation (Form No. 00.02) is completed if OT, PT or SLI assessments are to be used in the re-evaluation.

OPTION 1: REVIEW OF EXISTING DATA

- A. An IEP Team may determine that a review of existing data is sufficient to meet the requirements of the re-evaluation outlined above. This will be indicated by creating the Parental Notification of Re-evaluation: Review of Existing Data and completing a Component Checklist: Re-Evaluation. This decision can be determined by the IEP Team outside of a formal IEP meeting. The proposed decision and both documents will be sent to parents prior to the meeting to Review Existing Data.

- B. The following information should be sent to the parent prior to the IEP meeting and after the Case manager has discussed the issue with the parent:
 - a. The Parental Notification of Re-evaluation: Review of Existing Data
 - b. Component Checklist: Re-Evaluation
 - c. Notification of IEP Meeting indicating that a review of existing data will be one of the purposes of the IEP Meeting.
- C. Initiation of the re-evaluation must occur in a timely manner in order that the reevaluation and eligibility determination occurs no later than the Re-evaluation or Triennial due date.
- D. The case manager will complete the appropriate IEP Documentation and develop the Present Levels of Performance that will be the basis of the Review of Existing Data.

OPTION 2: RE-EVALUATION REQUIRING TESTING

- A. In the case of a re-evaluation where the IEP Team determines that standardized testing is needed, the IEP Team will complete the Component Selection: Re-Evaluation form and Parent Consent for Evaluation. This process can be done outside the context of a formal IEP meeting. Required IEP participants are to sign the component selection form to acknowledge their participation in the process. It is strongly recommended that the school psychologist be involved in the component selection process. Parental participation is required despite the fact that the component checklist can be completed outside of a formal IEP Meeting. Parents are to be involved in the process and included in the determination of necessary assessments for re-evaluation by any means appropriate.
 - 1. MEDICAID ENTRY POINT: Please determine if the student currently receives Medicaid benefits and request parents give permission for the school to bill for the evaluation procedures using the "Parental Permission for Medicaid Billing" (Form No. 00.01).
 - 2. IF MEDICAID ELIGIBLE AND PARENTAL PERMISSION FOR MEDICAID BILLING SIGNED, the Order for Therapy Evaluation (Form No. 00.02) is completed (OT, PT, and/or SLI assessments are involved) and forwarded to COB with the Evaluation Packet (See "C" below).
- B. Prior to initiating the evaluation:
 - 1. The school will notify the parent in writing using the Component Selection: Re-Evaluation Form and the Parent Permission Form for Re-evaluation Form. If parent permission form is not returned within 10 days of receipt of the letter, the school should initiate the re-evaluation evaluation.
- C. The following information (EVALUATION PACKET) should be sent to the Office of Special Education Services and the School Psychologist that serves your school building:
 - a. Parental Permission for Medicaid Billing, if appropriate.
 - b. Order for Therapy Evaluation if appropriate (OT, PT, SLI).
 - c. Parent Permission
 - d. Component Checklist: Re-Evaluation
- D. Upon receipt of the EVALUATION PACKET (above), Special Services Intake will:
 - 1. Forward Medicaid Billing Information for processing, if applicable.
 - 2. Monitor data entry in the on-line management system.

3. Establish a folder for the student and enclose a copy of the following:
 - a. Parental Permission for Medicaid Billing (Form No. 00.01) , if appropriate.
 - b. Order for Therapy Evaluation, if appropriate (OT, PT, SLI) (Form No. 00.02).
 - c. Component Checklist: Re-Evaluation
 - d. Parent permission for evaluation

- E. The process for determining eligibility as part of a triennial evaluation must be completed no later than the re-evaluation due date.

- F. The process for determining eligibility as part of a re-evaluation must be completed within 65 days of the referral date.

- G. The Principal/designee will, in collaboration with the building school psychologist determine timelines for completing evaluation and establish the eligibility meeting date. If the Family Specialist is completing an evaluation, the school psychologist will notify him/her of the need for completing a social history. If school based components are needed (Speech, O.T., P.T., Audiological, etc.) the Principal/designee will notify the provider of the need to complete an evaluation.

- H. The school psychologist will maintain re-evaluation, triennial and initial evaluation data using the on-line management system.

- I. The following evaluation components may be included for eligibility determination and forwarded to the designated chairperson:
 1. Educational/Developmental Assessment
 - a. Classroom Observation
 - b. Teacher Educational Reports
 2. Psychological Assessment
 3. Social/cultural assessment
 4. Speech/Language assessment (All requests for outside hearing Acuity, Auditory Processing or Voice/Laryngeal Function required prior to voice therapy should be forwarded to the Special Education Coordinator who serves your school at the County Office Building (Form 30.07).)
 5. Medical Evaluation
 6. Other specialty evaluations such as a hearing, motor and vision screening, etc., as necessary and appropriate.

- J. The Eligibility Meeting Chairperson / Coordinator must follow up with parent, as necessary, for provision of the medical component.

- K. The eligibility committee chairperson will notify the school, the family specialist, and the appropriate Special Education Coordinator, of the date of the eligibility committee meeting. Should the Re-evaluation require a Socio-cultural evaluation, the committee chairperson will notify the Family Specialist. The school will notify the parent and school-based team committee members of the eligibility date.

- L. The Principal/Designee shall notify parent(s)/guardian(s) and / or student, if appropriate (i.e. student is of the age of majority), in writing of the results of the eligibility meeting using forms 50.02 and 50.11 with copies of components, as necessary.

TERMINATION OF / DISMISSAL FROM SPECIAL EDUCATION and RELATED SERVICES

Dismissal from / termination of special education and related services or removal of a student from special education programs is the responsibility of the Eligibility Team. An evaluation is required before determining that the student is no longer a student with a disability in need of special services (Guidelines under “Re-evaluation”). An evaluation is not required before a student graduates with a regular diploma (Standard or Advanced Diploma) or upon reaching maximum age of eligibility (the age of 22).

Termination of special education and related services occurs through the initiation and completion of the eligibility process (i.e. component checklist [Form 30.03], notification of re-evaluation [30.04], parental permission secured [30.06], eligibility meeting documented and parental signature secured for termination of services [50.02]). If the Eligibility Team determines the student is no longer eligible as a student with a disability who needs special education and related services and if parental consent is secured (50.02).

Termination of a child's eligibility for special education and related services shall be determined by an eligibility group.

- Termination of special education services occurs if the eligibility group determines that the child is no longer a child with a disability who needs special education and related service.
- The local educational agency shall evaluate a child with a disability before determining that the child is no longer a child with a disability under this chapter.
- Evaluation is not required before the termination of eligibility due to graduation with a standard or advanced studies high school diploma or reaching the age of 22.

A student with the classification of Speech and Language Impairment must go through the eligibility process prior to termination of special education services. A student who receives speech services as a related service without the classification of “SLI” may have services terminated in the context of an IEP meeting.

A student who receives speech, occupational therapy, physical therapy, or vision services as a related service may have services terminated in the context of an IEP meeting. The IEP Team must include the school personnel representing the related services discipline in person, by telephone, or by some other electronic means. Consent must be secured prior to termination of related services.

Written parental consent shall be required prior to any partial or complete termination of services.

NOTIFICATION OF INITIATION OR REFUSAL OF CHANGE - (PRIOR WRITTEN NOTICE)

Prior Written Notice (60.07) is to be completed after any IEP Meeting when the school system and parent are in disagreement about initiating a change or refusing to initiate a change in one or more of the following categories:

1. Identification
2. Evaluation
3. Educational placement
4. Free and appropriate public education of the student

It is important to notify the administrator in your building of any disagreements with parents and to contact your special education coordinator as soon as possible whenever a Prior Written Notice is required. Consultation with the Special Education Coordinator assigned to your school is strongly recommended when completing Form No. 60.07.

SPECIAL EDUCATION RECORDS: STORAGE AND DISPOSAL

Albemarle County Schools is committed to preserving all records that it feels are useful in determining the appropriate services for students with disabilities. In addition, records that are out-of-date or no longer useful will be destroyed according to state and federal law in an effort to protect students from decisions based on incorrect, misleading or out-of-date information.

- A. Test protocols and other raw data used in the formulation of special education evaluation reports (i.e. ability and achievement testing protocols) should be maintained in the students' records until one (1) year from the date of the last eligibility meeting. Notification of this policy and the destruction of the protocols can be found on form 50.02, which is provided to all parents upon completion of the special education evaluation.
- B. Reports and summaries of special education services should be maintained in appropriate school records for at least 5 years after the student graduates or completion of a Board of Education adopted program or leaves school.
- C. Special education summaries, reports and evaluation are to be kept in the student's cumulative file at the student's base school. Test protocols will be located at the student's base school and maintained by the representative of the discipline that serves the student's base school.
- D. Parents can make a request either orally or in writing to review records and the school should produce those records for review immediately but no later than 5 administrative days after the receipt of the request.

NOTE: The Base School is responsible for sending written notification to the parents prior to any records destruction mentioned above. The notification shall inform the parents of their right to review the material to be destroyed, prior to the destruction of the information.

SURROGATE PARENTS

- A. Role of surrogate parent. The surrogate parent appointed in accordance with this section represents the child in all matters relating to the identification, evaluation, or educational placement of the child; or the provision of a free appropriate public education to the child.
- B. Appointment of surrogate parents.
 - 1. Children, aged two to 21, inclusive, who are suspected of having or determined to have disabilities do not require a surrogate parent if:
 - a. The parent(s) or guardians are allowing relatives or private individuals to act as a parent;
 - b. The child is in the custody of the local department of social services or a licensed child-placing agency, and termination of parental rights has been granted by a juvenile and domestic relations district court of competent jurisdiction. The foster parent for that child may serve as the parent of the child for the purposes of any special education proceedings; or
 - c. The child is in the custody of a local department of social services or a licensed child-placing agency, and a permanent foster care placement order has been entered by a juvenile and domestic relations district court of competent jurisdiction. The permanent foster parent named in the order for that child may serve as the parent of the child for the purposes of any special education proceedings.
 - 2. Unless one of the exceptions outlined in subdivision 1 of this subsection applies, the local educational agency shall appoint a surrogate parent for a child, aged two to 21, inclusive, who is suspected of having or determined to have a disability when: (34 CFR 300.519(a))
 - a. No parent can be identified;
 - b. The local educational agency, after reasonable efforts, cannot discover the whereabouts of a parent;
 - c. The child is a ward of the state and either subdivision 1 a or 1 b of this subsection is also met; or
 - d. The child is an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act and either subdivision 1 a or 1 b of this subsection is met.
 - 3. Albemarle County Schools shall appoint a surrogate parent as the educational representative for a child who reaches the age of majority if the local educational agency has received written notification that the child is not competent to provide informed consent in and no family member is available to serve as the child's educational representative.
 - 4. If the child is a ward of the state, the judge overseeing the child's case may appoint a surrogate parent as the educational representative of the child. The appointed surrogate shall meet the requirements of subdivision E 1 c of this section.
- C. Procedures for surrogate parents.
 - 1. A Special Education Coordinator should be consulted with to determine if a child needs a surrogate parent as defined in this section.

2. Central Office will work with the Albemarle County base school to assign the surrogate parent. The surrogate parent shall be appointed by the superintendent or designee of Albemarle County Schools within 30 calendar days of the determination that a surrogate parent is necessary.
 - a. The appointment having been effected, the Albemarle County School shall notify in writing:
 - i. The child with a disability, aged two to 21, inclusive, as appropriate to the disability;
 - ii. The surrogate parent-appointee; and
 - iii. The person charged with responsibility for the child.
 - b. The surrogate parent serves for the duration of the school year for which the surrogate parent is appointed unless a shorter time period is appropriate given the content of the child's IEP.
 - c. If the child requires the services of a surrogate parent during the summer months, Albemarle County Schools shall extend the appointment as needed, consistent with timelines required by law.
 - d. At the conclusion of each school year, the appointment of surrogate parents shall be renewed or not renewed following a review by Albemarle County Public Schools.
3. Albemarle County Public Schools retains the right to change or terminating the assignment of a surrogate parent before that surrogate parent's appointment has expired. The assignment of a surrogate parent may be terminated only when one or more of the circumstances occur as follows:
 - a. The child reaches the age of majority and rights are transferred to the child or to an educational representative who has been appointed for the child in accordance with the procedures in 8VAC20-81-180;
 - b. The child is found no longer eligible for special education services and the surrogate parent has consented to the termination of services;
 - c. Legal guardianship for the child is transferred to a person who is able to carry out the role of the parent;
 - d. The parent(s), whose whereabouts were previously unknown, are now known and available; or e. The appointed surrogate parent is no longer eligible according to subsection E of this section.

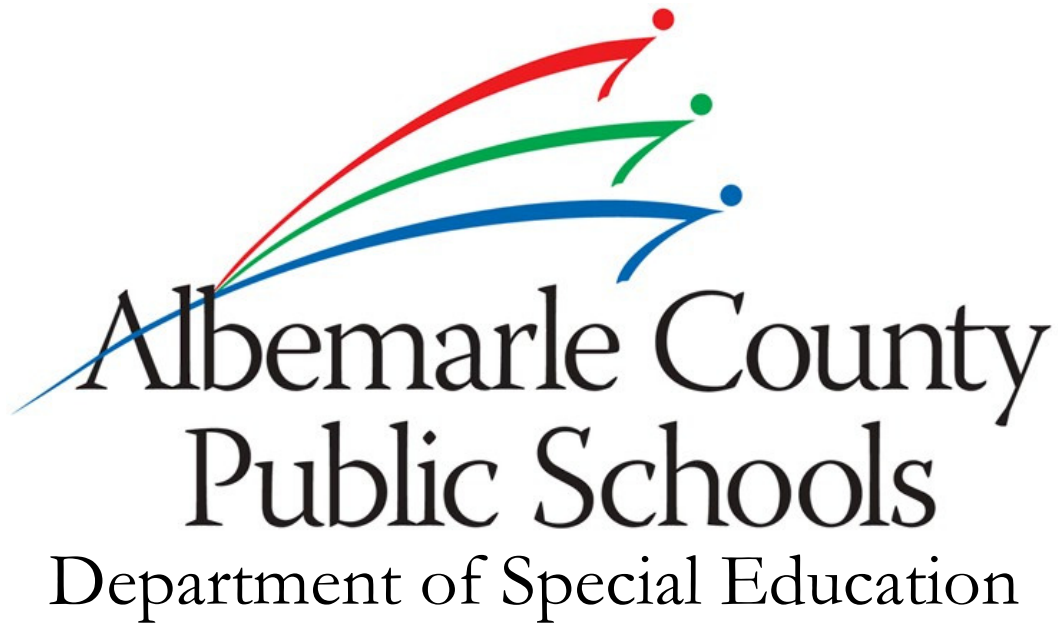
The surrogate will be notified in writing of the termination of appointment and shall be provide the right to request a hearing to challenge the qualifications or termination if the latter occurs prior to the end of the term of appointment.

D. Identification and recruitment of surrogate parents.

1. Albemarle County shall develop and maintain a list of individuals within its jurisdiction who are qualified to serve as surrogate parents. It may be necessary for the local educational agency to go beyond jurisdictional limits in generating a list of potentially qualified surrogate parents.

2. Individuals who are not on the local educational agency list may be eligible to serve as surrogate parents, subject to the local educational agency's discretion. In such situations, the needs of the individual child and the availability of qualified persons who are familiar with the child and who would otherwise qualify shall be considerations in the local educational agency's determination of surrogate eligibility. Other factors that warrant the local educational agency's attention include:
 - a. Consideration of the appointment of a relative to serve as surrogate parent;
 - b. Consideration of the appointment of a foster parent who has the knowledge and skills to represent the child adequately; and
 - c. The appropriateness of the child's participation in the selection of the surrogate parent.
- E. Qualifications of surrogate parents. (34 CFR 300.519(d), (e), and (f))
 1. Albemarle County Public Schools shall ensure that a person appointed as a surrogate:
 - a. Has no personal or professional interest that conflicts with the interest of the child;
 - b. Has knowledge and skills that ensure adequate representation of the child;
 - c. Is not an employee of the Virginia Department of Education, the local educational agency, or any other agency that is involved in the education or care of the child; and
 - d. Is of the age of majority.
 2. A person who otherwise qualifies to be a surrogate parent is not an employee of the agency solely because the person is paid by the agency to serve as a surrogate parent.
 3. If the child is an unaccompanied homeless youth, appropriate staff of an emergency shelter, transition shelter, independent living program, or street outreach program may be appointed as a temporary surrogate even though the staff member is an employee of an agency that is involved in the education or care of the child. The temporary surrogate shall otherwise meet the qualifications of a surrogate, and may serve only until a surrogate parent meeting all of the qualifications outlined in this section can be assigned.
- F. Rights of surrogate parents. The surrogate parent, when representing the child's educational interest, has the same rights as those accorded to parents under IDEA.

**Social Service Representatives may not, under any circumstances, be a surrogate parent.



SPECIAL EDUCATION PROCEDURES MANUAL

INDIVIDUALIZED
EDUCATION PLANNING AND
RELATED PROCEDURES

MARCH, 2010

TABLE OF CONTENTS

INDIVIDUALIZED EDUCATION PROGRAM.....	3
ATTENDANCE NOT NECESSARY FOR IEP TEAM MEMBER	5
IEP ADDENDUM	6
NOTIFICATION OF INITIATION OR REFUSAL OF CHANGE - (PRIOR WRITTEN NOTICE).....	11
DUE PROCESS - RESOLUTION SESSION.....	11
SPEECH AND LANGUAGE SERVICES	12
OCCUPATIONAL THERAPY SERVICES	13
EXTENDED SCHOOL YEAR GUIDELINES	14
TAPE RECORDERS AT MEETINGS FOR SPECIAL EDUCATION SERVICES.....	16
VIDEO RECORDING AT MEETINGS FOR SPECIAL EDUCATION SERVICES.....	16
DISMISSAL FROM SPECIAL EDUCATION and RELATED SERVICES.....	17
AGE OF MAJORITY (Age 18).....	18
SPECIAL EDUCATION TRANSFER STUDENTS	21
PROHIBITION – MANDATORY MEDICATION	22
HOMEBOUND INSTRUCTION	22
PLACEMENT OF STUDENT OUTSIDE THE REGULAR SCHOOL SETTING	23
PROCEDURAL SAFEGUARDS.....	23
PRIVATE SCHOOL STUDENTS.....	24
PRIVATE SCHOOL SERVICE PLANS.....	24
SPECIAL EDUCATION RECORDS: STORAGE AND DISPOSAL.....	25
SURROGATE PARENTS	26

INDIVIDUALIZED EDUCATION PROGRAM

A. Responsibility

Albemarle County Schools shall ensure that at the beginning of each school year, an IEP will be in effect for each student eligible for special education services within its jurisdiction. Albemarle County Schools shall ensure that an IEP is developed and implemented for each student with a disability in its jurisdiction, including such students placed in private schools or state facilities. It will also ensure that an IEP will be in effect before special education and related services are provided to a student.

B. Accountability

1. An IEP must:
 - a. Be in effect for each student eligible for special education services within its jurisdiction at the beginning of each school year.
 - b. Be in effect before special education and related services are provided to a student; and
 - c. Be developed within 30 calendar days of a determination that the student needs special education and related services, and to be implemented as soon as possible following the IEP meetings.
2. Albemarle County Schools shall initiate and conduct meetings periodically to review each student's IEP and, where appropriate, revise its provisions. A meeting must be held for this purpose at least once a year.
3. Albemarle County Schools must provide special education and related services to a student with a disability in accordance with an IEP.
4. The IEP Team which is responsible for determining the “placement” as to the provision of special education and related services on the continuum of services (i.e. self-contained, resource, regular classroom, etc.). The IEP Team does not have the authority to determine the site/place/location of services. Albemarle County Schools is responsible for the specific “site/place/location” of all special education services, such as a specific classroom or specific school. In addition, the IEP Team does not have the authority to determine methodology, choices of educational methodology, such as instructional techniques and personnel, remain within the discretion of Albemarle County Public Schools, provided that the methods chosen offer the student a Free Appropriate Public Education. **However, in the event a child's proposed placement is outside of the neighborhood school (i.e. private day school), Albemarle County Public Schools will name the specific program or options and document these choices in the IEP.**
5. Related Services are available to all eligible children with disabilities
 - a. are based on educational goal(s) shared by the team and developed **within the context of the IEP Team;**
 - b. considered and discussed using language that is readily understood by all team members, with minimal use of professional jargon;
 - c. educationally relevant so that services are directly related to the student's IEP (Individualized Education Program) and/or other documented educational curriculum (e.g., general education curriculum);

- d. educationally necessary, meaning that the absence of a service would interfere with the student having access to an appropriate education or participation in their educational program;
- e. selected judiciously by considering natural supports and employing specialists' supports that are "only as special as necessary";
- f. developed collaboratively by the family and educational staff with substantive input from related service providers;
- g. developed with the input of the student, when appropriate, to encourage self-advocacy, self-determination and relevance of services;
- h. reflective of the interrelationships among the disciplines represented on the student's team in order to avoid undesirable gaps, overlaps, and contradictions among service providers;
- i. developed after the student's educational program (e.g., annual goals, curriculum content, general supports) and educational placement have been determined to ensure educational relevance and necessity;
- j. reflective of a decision-making process which leads to consensus if possible, or a **proposal** by the **school administrator** in cases where consensus is not achieved;
- k. and are documented specifically to include:
 - i. type (e.g., physical therapy),
 - ii. relationship to the educational program (e.g., pertains to specific IEP goals),
 - iii. mode of service (e.g., direct, indirect, consultation);
 - iv. frequency and duration of service;
 - v. placement of service provision (i.e. therapy room, regular classroom, etc.);
 - vi. initiation / implementation of services;
 - vii. identification of the role of the individual professional responsible for implementation and evaluation of progress (i.e. occupational therapist, physical therapist, etc.)

C. Development of IEP, related documents and special education procedures

- a. An on-line management system shall be utilized to develop the Individualized Education Program for all children with disabilities served by Albemarle County Public Schools.
 - i. References to forms (i.e. Form 60.01) remain in this document for resource purposes only.
 - ii. Albemarle County Staff should default to using the on-line management system for documenting special education procedures.
 - iii. Albemarle County Staff will be updated about which forms are available y postings on the special education website that indicate which forms are available through the electronic on-line management system.
 - iv. Paper forms are **ONLY** to be used if
 - 1. The form does not exist in the on-line management system
 - 2. Technical difficulties make access to the on-line management system inaccessible.
 - 3. If staff needed to utilize paper forms the data will be transferred to the online management system as soon as possible.

D. Participants in Meeting

1. Albemarle County Schools shall ensure that each meeting includes participants as follows:
 - a. A representative of Albemarle County Schools, a **Local Educational Administrator or Designee**, who is qualified:
 - to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - is knowledgeable about the general curriculum; and
 - is knowledgeable about the availability of resources of the local educational agency.
 - b. At least one **regular education teacher** of the student if the student is, or may be participating in the regular education environment (i.e. art, exploratories, P.E.);
 - c. A special education teacher who can interpret the instructional implications of evaluation assessments. This member may be a member of the team serving in another capacity other than parent or student.
 - d. One or both of the student's parents;
 - e. The student, when appropriate;
 - f. Other individuals, at the discretion of the parents or Albemarle County Schools.
2. For a student with a disability who has been evaluated for the first time, Albemarle County Schools shall ensure that a member of the evaluation team who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation, participates in the meeting.

3. **Special Exceptions for participants at IEP Team Meetings**

ATTENDANCE NOT NECESSARY FOR IEP TEAM MEMBER

This option is available when changes are being made to the Annual IEP at an IEP Meeting to complete an Addendum, at the request of the parent or school. The changes being proposed do not require the regular education teacher or related services provider (psychologist, occupational therapist, speech and language pathologist, etc.) as their area of the curriculum or related services is not being modified or discussed. The parent and school must agree on the attendance not being necessary for this option to be used.

IEP TEAM MEMBER EXCUSAL

This option is available at the Annual IEP Meeting or IEP Meeting to complete an IEP Addendum, at the request of the parent or school. This option is available for the regular education teacher and / or related service provider(s) (psychologist, occupational therapist, speech and language pathologist, etc.).

- a. If the School and Parent agree that an IEP Team member may be excused the IEP Meeting after it begins, the option is indicated on the signature page of the IEP Document, the name of the IEP Team Member being excused written on the appropriate line and the time indicated next to the name (i.e. "Jane Doe (1:25 PM)"). The parent must consent to the use of this option in order for the IEP Team member to be excused.
- b. If the School and Parent agree that an IEP Team member may be excused from the Annual IEP or IEP Addendum Meeting. However, the IEP Team member is REQUIRED to complete a "Report To The IEP Team" (Form 60.11) and forward a copy to the parent / IEP Team prior to the IEP Team Meeting. The parent must consent to the use of this option in order for the IEP Team member to be excused.

IEP ADDENDUM

The IEP Addendum is a document / process used to make changes during the course of the school year to an annual IEP.

A. NOT NECESSARY TO CONDUCT A FORMAL IEP MEETING

If the parent AND school agree, an IEP Addendum may be completed without the need to assemble an IEP Team Meeting.

STEP ONE:

Special Education Teacher / Case Manager and parent discuss the issue being proposed by the school or requested by the parent that would require an IEP Addendum resulting in a change to the student's Annual IEP.

STEP TWO:

The Special Education Teacher / Case Manager consults with the School Principal or Assistant Principal (Pre-School and Elementary), or Special Education Lead Teacher (Middle and High School) to determine if a formal IEP Meeting is required to make the proposed or requested change to the student's Annual IEP.

RECOMMENDATIONS

It is recommended that an IEP Addendum be completed without a formal IEP Meeting if:

- The Principal, Assistant Principal (Pre-School or Elementary), or Special Education Lead Teacher (Middle and High School) agree that a formal IEP Meeting is not necessary to make the proposed or requested change.
- The proposed change is explicitly clear and required in order for the student to receive a free and appropriate education.

STEP THREE:

If, upon review in Step Two, the change is supported by the case manager and administrator / designee, the Special Education Teacher / Case Manager contacts the parent to discuss the option of making the change to the Annual IEP without the need for a formal IEP Meeting.

If the parent agrees, go to Step Four.

If the parent disagrees, a formal IEP Meeting must be scheduled and IEP Notification (Form 60.01) sent to the parent.

STEP FOUR:

The Special Education Teacher / Case Manager sends the completed IEP Addendum containing the proposed changes. A copy is placed in the student educational record.

STEP FIVE:

The Special Education Teacher / Case Manager follows-up with the parent to ensure they **provide consent** to the Addendum in all the required fields. Changes CANNOT be implement until the Special Education Teacher / Case Manager is in receipt of the signed addendum with ALL appropriate signed fields.

STEP SIX:

The student's regular education teacher(s), special education teacher(s) and the school administrator is notified of the changes.

STEP SEVEN

A copy of all paperwork for this process is placed in the student's educational record (replacing the unsigned version) and a copy sent to the Office of Special Education at Central Office.

STEP EIGHT

Upon request by the parent, a complete copy of the IEP with the changes included in the document will be provided.

B. CONDUCTING A FORMAL IEP MEETING FOR AN IEP ADDENDUM

If the school and parent do not agree that an IEP Addendum be completed outside of an IEP Team a Formal IEP Meeting MUST be conducted.

Although an IEP Addendum could be completed outside of a formal IEP Meeting, the following should be considered.

RECOMMENDATIONS

It is recommended that a formal IEP Meeting be scheduled, and notification sent (60.01) if:

- The parent is requesting a change the school may not agree with.
- The parent is not clear about a request being made of the school.
- The school is proposing a change in placement.
- The special education teacher / case manager requests / prefers the support of a formal IEP Team Meeting.
- The special education teacher / case manager, for any reason decides to conduct a formal IEP Meeting.

REQUIREMENTS

It is REQUIRED that a formal IEP Meeting be scheduled, and notification sent (60.01) if:

- Considering a request by the parent and the school may disagree
- Conducting a Functional Behavior Assessment
- Conducting a Behavior Intervention Plan
- Conducting a Manifestation Determination Meeting

STEP ONE:

If a formal IEP Addendum Meeting is to be conducted, the special education teacher / case manager contacts the parent to establish a mutually agreed upon time and place for the meeting to occur.

STEP TWO:

The special education teacher / case manager sends home written Notification of IEP Review to the parent (Form 60.01). Required IEP Team participants are contacted.

STEP THREE:

Prior to the formal IEP Team Meeting to complete an IEP Addendum, the special education teacher / case manager may ask the parent if they agree to excuse an IEP Team member (regular education teacher) if the change or discussion will not involve the regular education teacher's area of curriculum.

STEP FOUR:

At the formal IEP Team Meeting, the documents needed are:

- Universal Page 1 of the IEP Meeting
- IEP Signature Page
- IEP Addendum Page

If it was agreed that an IEP Team Member's attendance is not necessary to make a change to the Annual IEP, the parent must sign the "Attendance Not Necessary For IEP Team Member - Parent Consent" section of the IEP Signatures page of the IEP.

If the parent does not agree, a regular education teacher must be present for the formal IEP Team Meeting.

STEP FIVE:

The Addendum and attached paperwork is signed by the IEP Team. Changes CANNOT be implemented unless the Special Education Teacher / Case Manager is in receipt of the signed addendum indicating parental consent for the changes to be made to the Annual IEP.

If the parent or school disagree about a request or proposal made by either party, Notification of Initiation or Refusal of Change (form No. 60.07) must be completed and sent to the parents. Consultation with the Special Education Coordinator assigned to your school is strongly recommended prior to involvement in this process.

STEP SIX:

A copy of all paperwork for this process is placed in the student's educational record (replacing the unsigned version) and a copy sent to the Office of Special Education at Central Office.

C. Parent Participation

1. Albemarle County Schools shall take steps to ensure that the parent(s)/guardian(s), surrogate parent, and agency assigned legal custody of the student with a disability are present at each Annual IEP meeting and are afforded the opportunity to participate in IEP Addendum as necessary, including;
 - a. Notifying the parents/guardians, surrogate parent, and agency assigned legal custody of the Annual IEP Meeting early enough to ensure that they will have an opportunity to attend, and
 - b. Agencies that will be involved with transition activities will be invited to transition planning meetings (may be same as IEP meeting).
 - c. Scheduling the Annual IEP Meeting and any formal IEP Meetings at a mutually agreed upon time and place.
 - d. A minimum of two contacts should be made. One face-to-face or phone contact to establish the IEP Meeting and a written notice mailed to the parent confirming the date, time, location, participants and purpose of the meeting. NOTE: Should the parent not have a phone, e-mail or is not accessible in person it is recommended that two letters be sent to the home address. The first letter being sent at least two weeks prior to the IEP Meeting and the follow up letter sent at least one week prior to the IEP Meeting date.
 - e. Ensuring that parental agreement and consent are secured prior to making any changes to the Annual IEP whether in the context of a formal IEP Meeting or through written confirmation as allowable by law.
2. The notice given the parent(s)/guardian(s), surrogate parent, and agency assigned legal custody must indicate the purpose, time and location of the meeting, and who will be in attendance. (Form No. 60.01)
3. If neither parent can attend, then Albemarle County Schools shall use other methods to ensure parent participation, including individual or conference telephone calls.
4. A meeting may be conducted without the student's parent(s) attending if Albemarle County Schools is unable to convince them that they should attend. In this case, Albemarle County Schools must have a record of the attempts to arrange a mutually agreed on time and place, such as:
 - a. Detailed records of telephone calls made or attempted and the results of those calls;
 - b. Copies of correspondence / notice sent to the parents and any responses;
 - c. Detailed records of visits made to the parent's home or place of employment and the results of those visits.
5. Albemarle County Schools shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.
6. Albemarle County Schools shall give the parent/guardian, surrogate parent, and custodial agency a copy of the IEP.

7. If the parents do not agree with the proposed IEP (placement, level of service, goals and objectives or dismissals) they should so indicate on the IEP. Notification of Initiation or Refusal of Change (form No. 60.07) must be completed and sent to the parents when the school system is in disagreement with the parent about initiating a change or refusing to initiate a change in one or more of the following categories: identification, evaluation, educational placement, or the provision of a free and appropriate public education of the student. Consultation with the Special Education Coordinator assigned to your school is strongly recommended prior to involvement in this process.

D. Progress Reports

- A progress report will be written and given to parents on their student's progress to date, at a minimum, to correspond with the regular education reporting periods.
- The progress report includes statements regarding objectives being worked on to date and comments on the student's achievement using methods outlined in the IEP, in an effort to reflect the student's progress toward the annual goal.
- The progress report states the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

- E. If the IEP Team determines that for the hard of hearing and/or deaf student, educational interpreting services are appropriate, then qualified personnel shall be provided in accordance with the student's mode of communication.

F. Other Functions of the IEP Team

1. Facilitates the special education evaluation process by determining needed data for initial and re-evaluations for special education and related services. In addition, the IEP Team determines the initial eligibility and continued eligibility for students in Albemarle County Schools.
2. Assists the school division by being a vehicle with which to process necessary paperwork for the school based Medicaid program.
3. Change in Level of Service
Any student who is being considered for a change in the level of service within the same school and area of disability must have his / her case reviewed and a consensus opinion reached by the IEP Team. The agreed upon change shall be documented on an IEP addendum that is signed by parent/guardian.
4. Addition of Related Services (OT, P.T., Speech/Language, Counseling or Orientation and Mobility Services) can be provided if:
 - The student has been recommended for such services, as appropriate, by the service provider or IEP Team.
 - The appropriate assessment is completed by the service provider.
 - The IEP team is in agreement.
5. Dismissal of Related Services
Reasons for dismissal from related service:
 - The student has met goals.
 - The service is no longer appropriate based on assessment information.

6. Discipline Related Procedures
 - Develop a Functional Behavior Assessment.
 - Develop a Behavior Intervention Plan.
 - Conduct a Manifestation Determination Hearing.
 - Determine service if a change in placement or long-term suspension.
7. Transition Planning
 - Develop a plan with students with disabilities to be in effect when the student is 16
 - Contains a coordinated set of activities for a student with disabilities
 - Is focused on improving the academic and functional achievement of the student
 - Is designed to facilitate the movement from school to post-school activities

NOTIFICATION OF INITIATION OR REFUSAL OF CHANGE - (PRIOR WRITTEN NOTICE)

Prior Written Notice (60.07) is to be completed after any IEP Meeting when the school system and parent are in disagreement about initiating a change or refusing to initiate a change in one or more of the following categories:

1. Identification
2. Evaluation
3. Educational placement
4. Free and appropriate public education of the student

It is important to notify the administrator in your building of any disagreements with parents and to contact your special education coordinator as soon as possible whenever a Prior Written Notice is required. Consultation with the Special Education Coordinator assigned to your school is strongly recommended when completing Form No. 60.07.

DUE PROCESS - RESOLUTION SESSION

Within 15 days of receiving the parents' Notice of a request for a due process hearing, Albemarle County Schools may agree with the parent and convene a meeting of the parents and the relevant members of the IEP Team who have specific knowledge of the facts identified in the notice.

During the resolution session, the parents of the child discuss their issues in the Notice, and the school is provided the opportunity to resolve the issues. If a resolution is reached, the school and the parent of the student shall develop a legally binding agreement that is:

1. Signed by both the parent and a representative of Albemarle County Schools (i.e. School Principal, Director of Special Education, Special Education Coordinator); and
2. enforceable in any Virginia court of competent jurisdiction or in a district court of the United States.

Either party has 3 business days to void the agreement.

SPEECH AND LANGUAGE SERVICES

I. PURPOSE

- A. The focus of school based speech-language pathologists is the communication abilities of students. The school-based speech-language pathologist's goal is to remediate, ameliorate, or alleviate student communication and swallowing problems within the educational environment. The school-based speech-language pathologist is a member of a variety of teams that make decisions regarding evaluation, eligibility, and services. The speech-language pathologist does not make decisions in isolation regarding the needed evaluation components, the child's eligibility for special education and related services, or the goals and objectives of intervention.

II. RESPONSIBILITIES

A. PRESCHOOL CHILD FIND

Preschool children referred for speech and language will be screened by the building speech pathologist. Children exhibiting delays in other developmental areas should be referred to the preschool specialist.

B. SCREENING NEW STUDENTS

It is the responsibility of each speech therapist to conduct a screening program in the schools they serve. Results of the screening are kept in the student's record. (Forms 10.01, 10.02)

Please refer to the section "SUMMARY OF SCREENING PROCEDURES" for details on mandated timelines and procedures for screenings.

C. SPECIAL EDUCATION EVALUATION

Students referred for a special education evaluation may receive a speech, language and hearing evaluation (Form 40.07) as indicated on the component checklist (Form 30.01 or 30.03). Please refer to "REFERRAL FOR SPECIAL EDUCATION ELIGIBILITY" or "RE-EVALUATION OF ELIGIBILITY" for procedural details.

NOTE: ALL INITIAL EVALUATIONS MUST HAVE A HEARING SCREENING COMPLETED DURING THE INITIAL EVALUATION PERIOD.

D. DELIVERY OF SERVICES

Provide services to those students found eligible for services in order to benefit from their special education program (related service) or to meet the state approved standards that apply to all children (speech and language impairment) as a disability, along a continuum of service delivery models.

1. **Consultative Services** - Progression toward IEP goals and objectives are provided by the speech / language therapist that may include providing information to classroom teachers, support personnel and parents / guardians through individual conferences, teacher in-service training, and parent group workshops.
2. **Classroom Intervention Services-** Achievement of IEP goals and objectives are made possible through direct intervention on a regular basis in the classroom (with the teacher in attendance), the use of commercially available improvement programs or speech / language therapist made materials to be used in the classroom.
3. **Direct Small Group Intervention-**
Progress toward IEP goals and objectives is achieved through therapeutic intervention with a small group in a resource room setting.

4. **Direct Individual Intervention-**

Achievement of IEP goals and objectives is made through individual therapeutic intervention in a resource or therapy room.

PLEASE NOTE:

All the special education procedures and forms contained in this manual are to be used with children classified as a student / child with a "SPEECH AND LANGUAGE IMPAIRMENT".

OCCUPATIONAL THERAPY SERVICES

I. PURPOSE

- A. Occupational therapy is a related service that can be provided when a fine motor dysfunction significantly interferes with a student's ability to receive meaningful educational benefit from her/his special education program. Least restrictive environment must be considered when deciding upon the "placement" for services (i.e. consultation services, direct services in regular classroom, therapy room, etc.).
- B. Occupational therapy works to improve motor foundation skills impaired or lost through illness, injury, or deprivation. These motor deficits must have a significant impact on the student's ability to receive meaningful educational benefit from his/her special education programming in order for the student to be eligible for OT services.

Motor foundation skill deficits that limit meaningful progress in special education that may be addressed by school-based occupational therapy include:

- Fine motor skills/manual dexterity
- Visual motor integration
- Sensory input (including movement and spatial awareness)
- Visual perceptual skill development
- Mobility and transfers for self-care/hygiene (together with PT)
- Oral-motor skill acquisition (together with speech)
- Self-care needs (dressing, mealtime management, personal hygiene)
- Technology equipment use/Augmentative Communication
- Task-specific strength/range of motion/endurance
- Task-oriented sitting balance and tolerance
- Adaptive equipment and compensatory strategies

II. RESPONSIBILITIES

- A. Pre-intervention support, identification, consultation, referral, assessment, and intervention.
- B. Adaptation of the environment and selection of assistive devices and other technology to facilitate development and promote the acquisition of school related functional skills.

EXTENDED SCHOOL YEAR GUIDELINES

Overview

The following guidelines will be helpful in assisting the IEP Team in determining the need for extended school year (ESY) services for special education students.

The term “Extended School Year” (ESY) is used for services in excess of the traditional 180-day school year. Extended School Year services are an individualized extension of specific special education and / or related services beyond the regular school year provided in order for the student to receive a free and appropriate public education (FAPE) in accordance with his/her IEP. These services are a “bridge” to maintain critical skills during an extended school break for a student with disabilities who qualifies for special education services. An extended school year may be necessary if the benefits a disabled child gains during a regular school year will be significantly jeopardized if he/she is not provided with an educational program during the summer months. IEP team determines if ESY Services are necessary for the student to receive a Free and Appropriate Public Education.

There is no automatic qualification for ESY services. The IEP team must determine if the benefits a disabled child gains during a regular school year will be significantly jeopardized if he/she is not provided with an educational program during the summer months. With all children, some degree of loss in skills typically occurs during normal school breaks but would not be considered substantial. Most students without disabilities recoup skills within six to eight weeks after a summer break. If the student with disabilities is expected to take longer than six to eight weeks to recover the critical skill upon returning to school it would be considered a substantial loss and the student would qualify for extended school year services.

The IEP Team can use the current IEP, observations by teachers and parents, assessment data, experiences after long breaks during the school year, and academic performance to establish justification for services. In addition, the IEP Team may consider emerging skills and breakthrough points, the nature or severity of the disability, degree of progress and any other special circumstances when determining eligibility for extended school year services, provided the services would be required for the student to receive FAPE.

Extended School Year Services (ESY) is considered each year for students with disabilities at the annual IEP meeting. Extended services are not an automatic provision from year to year. A student's need for services is reviewed annually. Just because a child received services one year is not a guarantee that they will require services the next. In addition, extended school year services are not based on a child's disability. A critical life skill must be identified as requiring ESY services in order for the student to receive FAPE. A critical life skill is any skill determined by the IEP Team to be

critical to the student's overall educational progress, including social and behavioral skills. The extended school year services are not based on the current IEP, they are based on specific critical life skills that suffer significant regression during extended school breaks. The level of services required will be based on the critical life skills identified.

Extended school year services do not look like any particular program. The IEP team considers the least restrictive environment and the needs of the child to determine the option most appropriate for the students. Options may include, but are not limited to, summer "homework packets", teacher consultation, home visits by professionals or a school based program. Services are not required to be provided in a traditional classroom environment.

Related services may be part of extended school year services if related services are required in order for the student to benefit from the ESY educational program or a critical skill is identified by the IEP Team which requires the services of the related service provider to be maintained.

The object for any extended school year service is to **MAINTAIN** a critical life skill, not the development of new skills or even to maximize a student's potential. A child will only receive the level of services they need in order to maintain the critical life skills identified.

PROCEDURES:

To begin the eligibility determination for ESY, the following question is to be asked of the IEP Team:

1. **Are ESY Services necessary for this student to receive a Free and Appropriate Public Education?**
If "Yes" continue with procedures to define required services.
If "No" the student is not eligible for services.
2. **Define the factor(s) determined by the IEP Team as a trigger / justification for the need for ESY:**
 - **Regression / Recoupment**
Without services there is a likelihood of substantial regression in a CRITICAL LIFE SKILL and a failure to recover lost skills in a reasonable time following a school break.
 - **Degree of Progress**
A review of student progress toward IEP goals focusing on CRITICAL LIFE SKILLS indicates that without services the student would be prevented from receiving adequate benefit from his/her educational placement during the next regular school year.
 - **Emerging Skills / Breakthrough Opportunities**
IEP Goals targeting CRITICAL LIFE SKILLS are reviewed and determined to be at a breakthrough point. The IEP Team determines an interruption in services on those specific goals would prevent the student from receiving adequate benefit from his/her educational program during the regular school year.
 - **Interfering Behaviors**
IEP Team determines without ESY Services to address the behavior, the interruption in the programming which addresses the behavior is likely to prevent the student from receiving adequate educational benefit during the next regular school year.

- **Nature or Severity of the Disability**
The IEP Team determines the nature or severity of the disability is likely to prevent the student from receiving adequate benefit from his/her educational placement during the regular school year.
3. Define the individual, specific critical life skill(s), in measurable terms, that require(s) maintenance through Extended School Year Services on IEP goals and objective form(s).
 4. Define the service time that would be required to maintain the specific critical life skill(s) defined. Record agreed upon times on the IEP (60.03) or IEP Addendum (60.05).
 5. Consider if related services are required in order for the student to access or benefit from the educational program and record these services if appropriate on the IEP (60.03) or IEP Addendum (60.05).
 6. Consider the least restrictive environment for the delivery of ESY services. From least restrictive to more restrictive, options may include (but is not limited to) no services, home “packet” for the parent, home based / itinerant services, inclusive based services, and self-contained services.
 7. The completed ESY referral is sent to COB for processing. Other paperwork may be required to be processed for the delivery of ESY services.

TAPE RECORDERS AT SCHOOL MEETINGS REGARDING SPECIAL EDUCATION SERVICES

**Albemarle County Public Schools shall permit the use of
audio recording devices at IEP meetings.**

- The parent or parents shall inform the LEA before the meeting in writing, unless the parents cannot write in English, that they will be audio recording the meeting.
- If the parent or parents do not inform the LEA, the parent/s shall provide the LEA with a copy of the audio recording.
- The parent/s shall provide their own audio equipment and materials for audio recording.
- If the LEA audio records the meetings or receives a copy of an audio recording from the parent/s, the audio recording becomes part of the student’s educational record.

VIDEO RECORDING AT SCHOOL MEETINGS REGARDING SPECIAL EDUCATION ELIGIBILITY AND SERVICES

Parents / Legal Guardians / Attorneys / Any Advocates / or Students are prohibited from using video recording devices at meetings with school officials. The Director Of Special Education for Albemarle County may allow the use of video recording devices if the parent provides clear and convincing evidence that:

- A. (1) he / she is hearing impaired or
(2) has difficulty understanding or interpreting the English language, and
- B. such impairment or difficulty would prevent the parent from participating effectively in the meeting.

Requests to video record a meeting should be made in writing to the Director of Special Education for Albemarle County no later than three administrative days before the scheduled meeting. The request should set forth the exact reason(s) why taping is necessary. The Director may waive the requirement that the request be in writing under certain circumstances, including situations where the parent has difficulty understanding or interpreting English language. The Director shall investigate and review the circumstances surrounding the request, and determine whether an exception to this policy is allowable. If the local educational agency video records the meetings, the video recording becomes part of the student's educational record.

DISMISSAL FROM SPECIAL EDUCATION and RELATED SERVICES

Dismissal from special education and related services or removal of a student from special education programs is the responsibility of the IEP Team. A school must evaluate a student with a disability (Guidelines under "Re-evaluation") before determining that the student is no longer a student with a disability in need of special services. An evaluation is not required before a student graduates with a regular diploma or upon reaching the age of 22.

Termination of special education services occurs if the IEP Team determines the student is no longer a student with a disability who needs special education and related services and if parental consent is secured. Consent for Eligibility Committee determination and Consent for Termination of Special Education and Related services must be secured on form 50.02 in order for the student's services to be terminated.

A related service may be terminated in an IEP meeting. The IEP Team must include the school personnel representing the related services discipline in person, by telephone, or by some other electronic means. Prior consent must be secured prior to termination of related services on the IEP document.

A student with the classification of Speech and Language Impairment must go through the eligibility process prior to termination of special education services. A student who receives speech services as a related service without the classification of "SLI" may have services terminated in the context of an IEP meeting.

AGE OF MAJORITY (Age 18)

I. REQUIREMENTS

- A. All rights accorded to the parent or parents under the Individuals with Disabilities Education Act transfer to students upon the age of majority (age 18).
- B. Beginning at least one year before the student reaches the age of majority, or the IEP meeting prior to the student's 17th birthday, a statement that the student has been informed that his or her rights will transfer upon reaching the age of majority is required (located at the top of the Individual Transition Plan -Form No. 60.04).

Concerning parents of students who have had rights transferred from the parents to the student upon reaching the age of majority:

- 1. Parents should continue to be included in the educational process, as appropriate. The local educational agency may continue to invite the parent or parents, as appropriate, as bona fide interested parties knowledgeable of the student's abilities, to participate in meetings where decisions are being made regarding their adult student's educational program. The local educational agency shall provide any further notices required under the Individuals with Disabilities Education Act to both the student and the parent or parents.
 - 2. Educational records may be disclosed to the parents if the student is not emancipated and is still a dependent.
 - 3. Parents should be encouraged to participate in all IEP decisions. However, if parent and majority-aged student disagree on IEP issues, the student has the right to make final decisions. The IEP team should make its appropriate recommendations, fulfilling its obligation. The student should be informed of his procedural rights and given a copy of those rights.
- C. A student who has reached the age of 18 years shall be presumed to be a competent adult, and thus all rights under the individuals with Disabilities Education Act (20 USC § 1400 et seq.) shall transfer to the adult student, unless one of the following actions has been taken:
 - 1. The adult student is declared legally incompetent or legally incapacitated by a court of competent jurisdiction and a representative has been appointed by the court to make decisions for the student;
 - 2. The adult student designates, in writing, by power of attorney or similar legal document, another competent adult to be the student's agent to receive notices and to participate in meetings and all other procedures related to the student's educational program. A local educational agency shall rely on such designation until notified that the authority to act under the designation is revoked, terminated, or superseded by court order or by the adult student;

3. The adult student is certified, according to the following procedures, as unable to provide informed consent. Any adult student who is found eligible for special education and does not have a representative appointed to make decisions on the adult student's behalf by a court of competent jurisdiction may have an educational representative appointed based on the following certification procedure to act on the student's behalf for all matters described in this chapter and to exercise rights related to the student's scholastic record. An educational representative may be appointed based on the following conditions and procedures:
 - a. Two professionals (one from list one and one from list two, as set out in the following subdivisions,) shall, based on a personal examination or interview, certify in writing that the adult student is incapable of providing informed consent and that the student has been informed of this decision:
 - (1) List one includes (i) a medical doctor licensed in the state where the doctor practices medicine; (ii) a physician's assistant whose certification is countersigned by a supervising physician; or (iii) a certified nurse practitioner.
 - (2) List two includes (i) a medical doctor licensed in the state where the doctor practices medicine; (ii) a licensed clinical psychologist; (iii) a licensed clinical social worker; (iv) an attorney who is qualified to serve as a guardian ad item for adults under the rules of the Virginia Supreme Court; or (v) a court-appointed special advocate for the adult student.
 - b. The individuals who provide the certification may not be employees of the Albemarle County Schools, currently serving the adult student or be related by blood or marriage to the adult student.
 - c. Incapable of providing informed consent, as used in this section, means that the individual is unable to:
 - (1) Understand the nature, extent and probable consequences of a proposed educational program or option on a continuing or consistent basis;
 - (2) Make a rational evaluation of the benefits or disadvantages of a proposed educational decision or program as compared with the benefits or disadvantages or another proposed educational decision or program on a continuing or consistent basis; or
 - (3) Communicate such understanding in any meaningful way.
 - d. The certification that the adult student is incapable of providing informed consent may be made as early as 60 calendar days prior to the adult student's eighteenth birthday or 65 business days prior to an eligibility meeting if the adult student is undergoing initial eligibility for special education services.
 - e. The certification shall state when and how often a review of the adult student's ability to provide informed consent shall be made and why that time period was chosen.

f. The adult student's ability to provide informed consent must be recertified at any time that the previous certifications are challenged. Challenges can be made by the student or by anyone with a bona fide interest and knowledge of the adult student, except that challenges cannot be made by employees of local educational agencies. Challenges must be provided in writing to the local educational agency's administrator of special education who then must notify the adult student and current appointed representative.

- (1) Upon receipt of a written challenge to the certification by the adult student, the local educational agency may not rely on an educational representative, appointed pursuant to subsection D of this section, for any purpose until a designated educational representative is affirmed by a court of competent jurisdiction
- (2) Upon receipt of a written challenge to the certification by anyone with a bona fide interest and knowledge of the adult student, the local educational agency may not rely on an educational representative, appointed pursuant to subsection D of this section for any purpose until a more current written certification is provided by the appointed educational representative. Certifications provided after a challenge are effective for 60 calendar days, unless a proceeding in a court of competent jurisdiction is filed challenging and requesting review of the certifications. The local educational agency shall not rely upon the designated educational representative until the representative is affirmed by the court;

D. If the local educational agency receives written notification of the action in subdivision noted in section A, the local educational agency shall designate the parent or parents of the adult student to act as an educational representative of the adult student (unless the student is married, In which event the student's adult spouse shall be designated as educational representative).

1. If the parent or parents or adult spouse is not available and competent to give informed consent, the administrator of special education or designee shall designate a competent individual from among the following:
 - a. An adult brother or sister;
 - b. An adult aunt or uncle; or
 - c. A grandparent.
2. If no family member from the previous categories is available and competent to serve as the adult student's educational representative, then a person trained as a surrogate parent shall be appointed to serve as the educational representative by the local educational agency.

SPECIAL EDUCATION TRANSFER STUDENTS

A transfer special education student must have a current IEP. The school is responsible for obtaining eligibility components from the previous school division.

1. In the case of a child who transfers school districts within the same academic year and who had an IEP that was in effect in Virginia, Albemarle County Schools shall provide the student with a free appropriate education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the Albemarle County Public School adopts the previously held IEP or develops a new IEP.
2. In the case of a child who transfers school districts within the same academic year and who had an IEP that was in effect in another state, Albemarle County Schools shall provide the student with a free appropriate education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the Albemarle County Public School conducts an evaluation, if determined necessary Albemarle County Schools, and develops a new IEP, if appropriate.
3. The school will complete the demographic portion of the Transfer Student Confirmation (Form No. 100.01) and forward it to the central office (COB) along with copies of components from previous school.
 - a. MEDICAID ENTRY POINT: Please determine if the student currently receives Medicaid benefits and request parents give permission for the school to bill for the evaluation procedures by having them complete the PARENTAL PERMISSION FOR MEDICAID BILLING FORM (Form No. 00.01).
 - b. IF MEDICAID ELIGIBLE AND PARENTAL PERMISSION FOR MEDICAID BILLING FORM SIGNED, Order for Therapy Evaluation (Form No. 00.02) or Plan of Care (Form No. 00.03) is completed for OT, PT and/or SLI assessments / services.
4. The file will be reviewed and one of the following recommendations will be made.
 - a. Request additional records.
 - b. Develop a temporary (up to 65 days) IEP for students lacking components or in the questionable eligibility status. Initiate a re-evaluation (Component Checklist, Parent Permission to Evaluate) to update components, determine handicapping condition or release from special education. No student can be served in a temporary placement without written parent consent as indicated by parent agreement to the Albemarle County Public Schools IEP. Temporary placements are limited to 65 working days.
 - c. Develop an annual IEP for students with all components current and confirmed handicapping condition.

Note: An IEP must be in effect before special education and related services are provided to a student.

PROHIBITION – MANDATORY MEDICATION

Albemarle County Public Schools will not require a child to obtain a prescription of a controlled substance as a condition for attending school, receiving an evaluation, or receiving special education services. This prohibition does not prevent teachers and other school personnel from sharing with parents their observations of the student's performance or behavior in the classroom or school, or their supporting the need for an evaluation for special education and related services.

HOMEBOUND INSTRUCTION

Prior to the placement of any special education student on homebound instruction:

- Prior approval of the Director of Special Education Services is required.
- The student's home school will develop an IEP that must reflect that homebound instruction is required. Documentation on the IEP Addendum must include
 - Begin and end dates,
 - The amount of time required to ensure that the student is able to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's annual IEP.
 - The parent's consent on the IEP Addendum.
- Certification of Need for Homebound Instruction (Form 100.07) will be completed and sent to the Director of Special Education.

Once approval has been received from the Director of Special Education:

- It will be the responsibility of the student's home school to implement homebound instruction.
- An appropriate homebound instructor will be secured for the student. Form 100.08 should be used to document necessary information to process homebound services.
- Timesheets for services will be verified by an administrator or designee at the student's base school and forwarded to the Director of Special Education for processing for payment.
- A copy of all paperwork related to homebound services should be maintained by the school administrator or designee coordinating homebound services for their base school.

PLACEMENT OF STUDENT OUTSIDE THE REGULAR SCHOOL SETTING

Prior to considering any student for a placement outside the regular school setting, the following procedures are to be followed:

1. Maintain standard documentation of discipline issues and interventions that are used or made (i.e. Functional Behavior Assessment and Behavior Intervention Plan, Manifestation Determination Hearing, Discipline Reports).
2. The Special Education Coordinator should be aware of any students being considered for alternative placement. The schools should involve the Special Education Coordinator in its process of exploring potential alternative placement options.
3. For students being considered for alternative placements a review of existing data should be conducted. It should be considered at this time if updated components would be appropriate.
4. Options that will be considered will include outside consultation, additional support for the student at the school, referral to Ivy Creek School if appropriate, or referral to the Family Assessment and Planning Team (FAPT).
5. The Special Education Case Manager will complete any necessary application forms. The complete packet is forwarded to the Special Education Coordinator, who will in turn make the referral to the alternative placement and / or schedule a Family Assessment and Planning Team Meeting (FAPT).

PROCEDURAL SAFEGUARDS

A copy of the procedural safeguards will be given to the parents of a student with a disability:

- At least 1 time a year (documented in the Annual IEP);
- Upon initial referral or parental request for a special education evaluation;
- Upon the first occurrence of the filing of a state complaint;
- Upon notification of disciplinary action that results in a change of placement; and
- Upon request by the parent.

The procedural safeguards will also be available on the Albemarle County Special Education Website.

PRIVATE SCHOOL STUDENTS

For the purposes of this section, private school students are those students whose parents unilaterally enroll them in private schools. Students who are home schooled by their parents are to be treated the same as students placed in private or parochial schools by their parents.

1. Every private school student eligible to receive special education services must be assigned a case manager.
2. Records for student with disabilities enrolled by their parents in private school will be maintained at the Central Office and only follow the private school students to their assigned base school in the event the student's parents enroll them in their Albemarle County Public School of residence.
3. Private school students who are eligible for special education services are re-evaluated according to Albemarle County procedures.
4. Private school students who are eligible to receive special education services will be offered a service plan vs. an IEP.
5. In the event a student with disabilities enrolled by their parents in a private or home school program decides to transfer to an Albemarle County Public School of residence, the receiving Albemarle County Public School will be responsible for developing an appropriate IEP. The case manager who developed the Service Plan will be responsible for forwarding a present level of performance and all pertinent records to the receiving Albemarle County Base School.
6. In the event a student with disabilities enrolled by their parents in a private or home school program decides to transfer to another public or private school system outside of Albemarle County (or moves in the case of a child with disabilities who is home schooled), appropriate records will only be sent to the receiving school upon receipt of a consent for release of information from the parent or receiving public school system of residence.

PRIVATE SCHOOL SERVICE PLANS

The service plan is used in lieu of the "IEP" for students unilaterally placed by their parents in private, independent, parochial or home school programs. Each private school student with a disability who has been designated to receive services under Albemarle County Guidelines must have a service plan. The service plan describes the specific special education and related services that the local school division has determined it will make available to private school students with disabilities. Contact your Special Education Coordinator for services available.

The service plan is to be shared in the context of an IEP meeting whereby the school will ensure that a representative of the private school attends or otherwise participates in each meeting.

- A. Parents are notified in writing of the Service Plan Meeting using the IEP Notification form (60.01). The check box "Other" should be marked and "Private School Service Plan" entered in the corresponding blank next to the box. It should also be indicated

that a representative of the private school was invited in the appropriate place indicating, “others invited”. The Service plan meeting should have the participants of an IEP meeting.

- B. The meeting is held and the services are offered to the parent. Service parameters are determined each year through a process facilitated by the Director of Special Education. Please contact the Director of Special Education for appropriate levels of service.
- C. Should the parent reject the services offered within the Service Plan and state that they are not interested in their student receiving services, the desire of the parents are documented and the child is placed on “inactive” status pending the request of the parent to reactivate eligibility for services.

SPECIAL EDUCATION RECORDS: STORAGE AND DISPOSAL

Albemarle County Schools is committed to preserving all records that it feels are useful in determining the appropriate services for students with disabilities. In addition, records that are out-of-date or no longer useful will be destroyed according to state and federal law in an effort to protect students from decisions based on incorrect, misleading or out-of-date information.

- A. Test protocols and other raw data used in the formulation of special education evaluation reports (i.e. ability and achievement testing protocols) should be maintained in appropriate student records until one (1) year from the date of the last eligibility meeting. Notification of this policy and the destruction of the protocols can be found on form 50.02, which is provided to all parents upon completion of the special education evaluation.
- B. Reports and summaries of special education services should be maintained in appropriate school records for at least 5 years after the student graduates or completion of a Board of Education adopted program or leaves school.
- C. Special education summaries, reports and evaluation are to be kept in the student's cumulative file at the student's base school. Test protocols will be located at the base school and maintained by the representative of the discipline that serves the student's base school.
- D. Parents can make a request either orally or in writing to review records and the school should produce those records for review immediately but no later than 5 administrative days after the receipt of the request.

NOTE: The Base School is responsible for sending written notification to the parents prior to any records destruction mentioned above. The notification shall inform the parents of their right to review the material to be destroyed, prior to the destruction of the information.

SURROGATE PARENTS

Surrogate Parents means a person appointed in accordance with procedures to ensure that children are afforded the protection of procedural safeguards and the provision of a free and appropriate education. The surrogate parent, when representing the child's educational interest, has the same rights as those accorded to parents in all aspects of special education procedures.

I. PROCEDURE FOR APPOINTMENT

A Surrogate Parent shall be appointed if:

1. No parent can be identified.
1. After reasonable efforts, the school cannot discover the whereabouts of a parent.
2. In the case of a student who has reached the age of majority, the school has received written notification that the child is not competent to provide informed consent and no family member is available to serve as the child's educational representative.

The local education administrator or designee shall establish the need for a surrogate parent using the above criteria upon the scheduling of:

- A School Based Intervention Team meeting to determine if a special education evaluation is warranted
- The initiation of an initial or re-evaluation for special education services
- An initial or continued IEP Meeting

If it is determined that a surrogate parent is required, the following will be completed:

1. School will review the division wide listing of available surrogate parents on the Albemarle County Special Education Web site. However, this does not preclude the school administrator or designee from consideration of the appointment of a relative of the child, the foster parent who has the knowledge and skills to represent the child, a qualified person of the same racial, cultural, or linguistic background of the child, and the appropriateness of the child's participation in the selection of the surrogate parent, as appropriate.
2. Once a potential surrogate parent is identified, Form 70.01 is completed by the School Administrator or designee and 70.02 is completed by the potential surrogate parent. A copy of each form is placed in the student's educational record and a copy is forwarded the Special Education Office. The school administrator or designee in consultation with the special education coordinator that serves the school, makes the appointment official.
3. Form 70.03 is completed by the Administrator or Designee and sent to:
 - a. The child with a disability, aged two to 21, inclusive, as appropriate to the disability;
 - b. The surrogate parent-appointee;
 - c. The person charged with the responsibility for the child; and
 - d. The custodial state agency charged with responsibility for the child.
 - e. A copy is placed in the child's educational record.

II. DURATION OF APPOINTMENT

The surrogate appointment shall serve during, or for the duration of, the school year for which the surrogate parent is appointed.

- When it has been determined that the child requires a differentiated instructional program as delineated in the IEP, the surrogate parent shall be appointed to serve for the duration of the child's IEP.
- If the child requires the services of a surrogate parent during the summer months, the local educational agency shall extend the appointment as needed, consistent with timelines required by law.
- At the conclusion of each school year, the appointment of surrogate parents shall be renewed or not renewed following a review by the school administrator or designee.

III. REVIEW OF APPOINTMENT OF SURROGATE PARENT

An annual review of the appointment of surrogate parent shall be conducted prior to the expiration of appointment of the surrogate parent (Form 70.04) by the and school administrator or designee forward the results to the Albemarle County Office of Special Education. A copy of the review will be sent to the Surrogate and a copy placed in the student's educational record. The appointment may be terminated if any one or more of the conditions noted below (1-6) occurs:

1. The child reaches the age of majority and rights are transferred to the child or to an educational representative who has been appointed for the child according to the procedures outlined under "Age of Majority" procedures.
2. The child is found no longer eligible for special education services and the surrogate parent has consented to the termination of those services;
3. Legal guardianship for the child is transferred to a person who is able to carry out the role of the parent;
4. The parent or parents, whose whereabouts were previously unknown, are now known and available;
5. The surrogate parent is no longer eligible to be a surrogate parent as outlined in "Qualifications of Surrogate Parents";
6. The surrogate parent wishes to discontinue the appointment as surrogate parent.

If the appointment of the surrogate parent is terminated or changed, and it is determined that another surrogate parent is required, the building administrator or designee must initiate the process to appoint a qualified surrogate parent. Please refer to "Procedures for Appointment" for instructions.

The student or parent being removed must request a hearing in writing to challenge the qualifications or termination if the latter occurs prior to the end of the term of appointment. The hearing will be scheduled and facilitated by the school administrator or designee. The school administrator will have the discretion to invite school and central office staff and will make a final decision within 10 business days of the hearing.

IV. QUALIFICATIONS OF SURROGATE PARENTS

Albemarle County Schools will ensure that a person appointed as a surrogate parent is qualified as such:

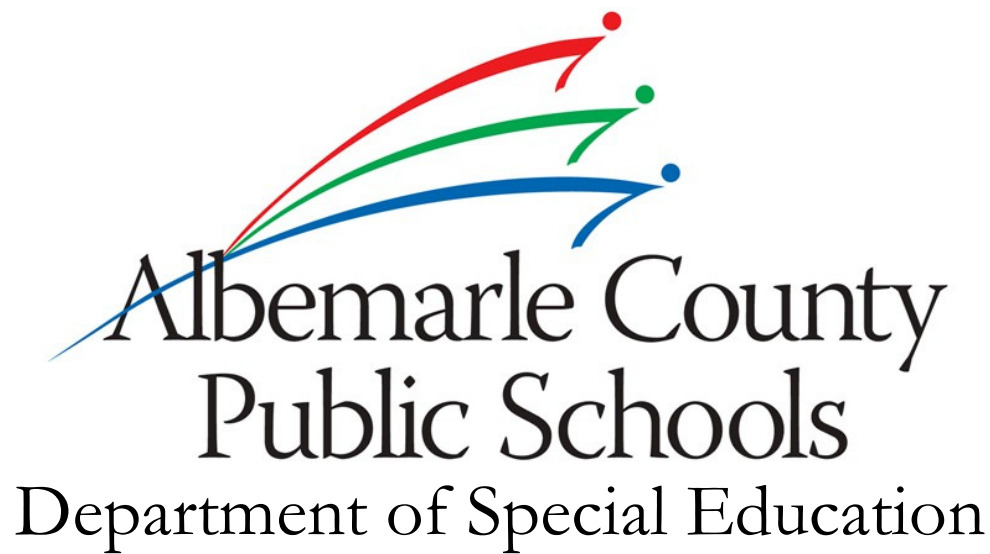
1. Has no interest that conflicts with the interest of the child;
2. Has knowledge and skills that ensure adequate representation of the child. The prospective surrogate parent must have completed the Albemarle County Public School's Surrogate Parent Training session prior to representing the child.
 - a. Thereafter, Albemarle County Public Schools will provide annual training, as necessary, for surrogate parents to ensure that they possess knowledge of special education and related services for children with disabilities, as well as knowledge of the legal requirements necessary to represent the children effectively.
3. Is not an employee of the Virginia Department of Education, or any other agency which is involved in the education or care of the child;
4. Is an adult; and
5. Resides in the same general geographic area as the child, whenever possible.

V. SPECIAL NOTES

Students Who Do Not Need Surrogate Parents

1. The natural parent or parents or guardians are allowing relatives or private individuals to act as a parent
2. The child is in the custody of the local department of social services or a licensed child placing agency, and termination of parental rights has been granted by a juvenile and domestic relations district court. The foster parent for that child may serve as the parent of the child for the purposes of any special education proceeding.
3. The child is in the custody of a local department of social services or a licensed child-placing agency, and a permanent foster care placement order has been entered by a juvenile and domestics relations district court. The permanent foster parent named in the order for that child may serve as the parent of the child for the purposes of any special education proceedings.

****Social Service Representatives may not, under any circumstances, be a surrogate parent.**



SPECIAL EDUCATION PROCEDURES MANUAL

DISCIPLINE

March, 2007

DISCIPLINE	3
Suspensions 10 Days or Less (Cumulative).....	3
The Next Short Term Suspension (10 days or under).....	3
Further Short -Term Suspensions.....	5
Discipline Recommendation for More Than 10 Days (Except for Drugs or Weapons).....	6
Drug and/or Weapon Offenses and Serious Bodily Injury.....	7
Dangerous Student.....	8
GUIDELINES FOR CONSIDERATION OF CHANGE IN PLACEMENT	8
EDUCATIONAL SERVICES DURING SUSPENSIONS	9
IN-SCHOOL SUSPENSIONS	9
BUS SUSPENSIONS	10
NOTIFICATION TO A PARENT OF A SPECIAL EDUCATION STUDENT BEING CONSIDERED FOR LONG TERM SUSPENSIONS OR EXPULSIONS	10
LONG TERM SUSPENSIONS AND EXPULSIONS FOR STUDENTS NOT PRESENTLY CLASSIFIED	10
REPORTING OF CRIME COMMITTED BY A SPECIAL EDUCATION STUDENT	11
FUNCTIONAL BEHAVIOR ASSESSMENT AND BEHAVIOR INTERVENTION PLANS	12
MANIFESTATION DETERMINATION REVIEW	14
HOMEBOUND INSTRUCTION	16
PLACEMENT OF STUDENT OUTSIDE THE REGULAR SCHOOL SETTING	17
NOTIFICATION OF INITIATION OR REFUSAL OF CHANGE - (PRIOR WRITTEN NOTICE)	17

DISCIPLINE

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

School personnel may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities). The interim alternative educational setting shall be determined by the IEP Team.

Not later than the date on which the decision to take disciplinary action is made, for suspensions of more than 10 days (cumulative in a school year), the local educational agency shall notify the parents of that decision, and of all procedural safeguards.

If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities.

A child with a disability who is removed from the child's current placement (irrespective of whether the behavior is determined to be a manifestation of the child's disability) shall continue to receive educational services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP. If the behavior subject to disciplinary action is found to be a manifestation of the student's disability, then a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur, would be implemented.

The following are mandated procedures to use when using discipline with regard to special education students. Please consider consulting with your Special Education Coordinator for support.

Suspensions 10 Days or Less (Cumulative)

A Student with a disability may be removed from the student's current educational setting for up to 10 cumulative days in a school year for any violation of school rules to the extent the removal would be applied to a student without a disability.

- No educational services are required to be provided
- There are no requirements under IDEA
- The school cannot treat the student with a disability differently from non-disabled regarding severity of the punishment

The Next Short Term Suspension (10 days or under)

On the same day the school decides to impose a disciplinary consequence that would result in a suspension from school of more than 10 days (cumulative in a school year), the school must notify the parents of that decision (Form 80.06), and include a copy of the procedural safeguards in the notification.

A student with a disability may be removed from the student's educational setting for a period of time that cumulatively exceeds 10 school days in a school year for separate incidents of misconduct as long as the removals do not constitute a pattern.

The School Administrator, in consultation with the special education teacher, determines whether a change of placement has occurred from a pattern of suspensions (Form no. 80.03).

Please refer to "Guidelines for Consideration of Change of Placement" for guidance.

1. If suspension is not a change in placement:

School Personnel in consultation with student's special education teacher, determines the extent of services (No IEP Addendum or meeting required) (Form no. 80.05)

- Services must be sufficient to enable student to progress in the general curriculum and advance toward achieving IEP goals and objectives.

2. If suspension is a change in placement:

- ***An IEP team*** must determine services sufficient to enable student to progress in the general curriculum and advance toward achieving IEP goals and objectives.
- ***A Manifestation Determination*** must be conducted immediately, if possible, but no later than 10 days after the decision to take disciplinary action is made (Form No. 80.04 in conjunction with IEP Addendum - 60.05. A FORMAL IEP MEETING IS REQUIRED).

IF A MANIFESTATION OF THE DISABILITY:

- If the behavior is manifestation of the student's disability, the IEP Team conducts an FBA (Form 80.01 with IEP Addendum - 60.05. FORMAL IEP TEAM MEETING REQUIRED). The functional behavior assessment may be a review of existing data that can be completed at the IEP Meeting. Parental consent is not required to review existing data.
- The IEP team shall reconvene as soon as practical after developing the assessment plan and completing the assessments required by the plan. The IEP team shall develop and implement appropriate behavioral interventions (Form 80.02 with IEP Addendum - 60.05. A FORMAL IEP MEETING REQUIRED) to address the behavior.
- If the student had a behavioral intervention plan before engaging in the behavior, the IEP team shall convene (IEP ADDENDUM – Form 60.05) to review the plan (and its implementation and modify the plan and its implementation, as necessary.
- Return the student to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

IF NOT A MANIFESTATION OF THE DISABILITY

- If the behavior is NOT A MANIFESTATION of the student's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities (except the student with disabilities is eligible to receive services that would enable the student to progress in the general curriculum and advance toward achieving the goals in the IEP).

Further Short -Term Suspensions

On the same day the school decides to impose a disciplinary consequence that would result in a suspension from school of more than 10 days (cumulative in a school year), the school must notify the parents of that decision, and include a copy of the procedural safeguards in the notification.

- ***School must determine whether a change of placement has occurred*** from a pattern of suspensions (Form No. 80.03). Please refer to “Guidelines for Consideration of Change of Placement”.

1. If suspension is not a change in placement:

School Personnel in consultation with student’s special education teacher, determines the extent of services (No IEP Addendum or meeting required.) (Form no. 80.05)

- Services must be sufficient to enable student to progress in the general curriculum and advance toward achieving IEP goals and objectives.
- IEP team and parent informally review BIP and if one or more of the team members believe that modifications are needed in the student’s behavioral intervention plan, the IEP Team shall meet and modify the plan and its implementation as necessary.
- If the student had a behavioral intervention plan before engaging in the behavior, the IEP team shall convene to review the plan and its implementation and modify the plan and its implementation, as necessary, to address the behavior.

2. If suspension is a change in placement:

- ***An IEP team*** must determine services sufficient to enable student to progress in the general curriculum and advance toward achieving IEP goals.
- ***A Manifestation Determination*** must be conducted immediately, if possible, but no later than 10 days after the decision to take disciplinary action is made (Form No. 80.04 in conjunction with IEP Addendum - 60.05. A FORMAL IEP MEETING IS REQUIRED).

IF A MANIFESTATION OF THE DISABILITY:

- If the behavior is manifestation of the student’s disability, the IEP Team conducts an FBA (Form 80.01 with IEP Addendum. FORMAL IEP TEAM MEETING REQUIRED). The functional behavior assessment may be a review of existing data that can be completed at the IEP Meeting. Parental consent is not required to review existing data.
- The IEP team shall reconvene as soon as practical after developing the assessment plan and completing the assessments required by the plan. The IEP team shall develop and implement appropriate behavioral interventions (Form 80.02 with IEP Addendum . A FORMAL IEP MEETING REQUIRED) to address the behavior.
- If the student had a behavioral intervention plan before engaging in the behavior, the IEP team shall convene (IEP ADDENDUM) to review the plan (and its implementation and modify the plan and its implementation, as necessary.
- Return the student to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

IF NOT A MANIFESTATION OF THE DISABILITY

- If the behavior is NOT A MANIFESTATION of the student’s disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities (except the student with disabilities is eligible to receive services that would enable the student to progress in the general curriculum and advance toward achieving the goals in the IEP).

Discipline Recommendation for More Than 10 Days (Except for Drugs or Weapons)

On the same day the school decides to impose a disciplinary consequence that would result in a suspension from school of more than 10 days (cumulative in a school year), the school must notify the parents of that decision, and include a copy of the procedural safeguards in the notification.

- At time of recommendation, give notice of recommendation and procedural safeguards.
- Transmit special education and discipline records to individuals deciding whether to impose discipline.
- Within 10 business days, IEP team meets to conduct:
 1. Manifestation Determination Review (Form 80.04 in conjunction with IEP Addendum)

IF A MANIFESTATION OF THE DISABILITY:

- If the behavior is manifestation of the student's disability, the IEP Team conducts an FBA. FORMAL IEP TEAM MEETING REQUIRED. The functional behavior assessment may be a review of existing data that can be completed at the IEP Meeting. Parental consent is not required to review existing data.
- The IEP team shall reconvene as soon as practical after developing the assessment plan and completing the assessments required by the plan. The IEP team shall develop and implement appropriate behavioral interventions. A FORMAL IEP MEETING REQUIRED to address the behavior.
- If the student had a behavioral intervention plan before engaging in the behavior, the IEP team shall convene (IEP ADDENDUM) to review the plan (and its implementation and modify the plan and its implementation, as necessary.
- Return the student to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

IF NOT A MANIFESTATION OF THE DISABILITY

- If the behavior is NOT A MANIFESTATION of the student's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities (except the student with disabilities is eligible to receive services that would enable the student to progress in the general curriculum and advance toward achieving the goals in the IEP).
2. IEP Team determines educational services that enable the student to progress in the general curriculum and advance toward achieving the goals in the IEP.

Drug and/or Weapon Offenses and Serious Bodily Injury

On the same day the school decides to impose a disciplinary consequence that would result in a suspension from school of more than 10 days (cumulative in a school year), the school must notify the parents of that decision (Form 80.06), and include a copy of the procedural safeguards in the notification.

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child

- Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
 - Knowingly possesses 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 State or local educational agency; or
 - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.
- Recommendation of discipline, give notice of recommendation and procedural safeguards.
 - Impose 10 day suspension, initially.
 - Follow with a 45 school day removal to Alternative Setting.
 - Enable student to continue to receive services and modifications, those in IEP to meet IEP Goals.
 - Within 10 Business days IEP Team will:
 1. Conduct a Manifestation Determination Review (Form 80.04 with IEP Addendum - 60.05. FORMAL IEP TEAM MEETING REQUIRED)

IF A MANIFESTATION OF THE DISABILITY:

- If the behavior is manifestation of the student's disability, the IEP Team conducts an FBA (Form 80.01 with IEP Addendum - 60.05. FORMAL IEP TEAM MEETING REQUIRED). The functional behavior assessment may be a review of existing data that can be completed at the IEP Meeting. Parental consent is not required to review existing data.
- The IEP team shall reconvene as soon as practical after developing the assessment plan and completing the assessments required by the plan. The IEP team shall develop and implement appropriate behavioral interventions (Form 80.02). (A FORMAL IEP MEETING REQUIRED) to address the behavior.
- If the student had a behavioral intervention plan before engaging in the behavior, the IEP team shall convene (IEP ADDENDUM) to review the plan (and its implementation and modify the plan and its implementation, as necessary.

IF NOT A MANIFESTATION OF THE DISABILITY

- If the behavior is NOT A MANIFESTATION of the student's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities (except the student with disabilities is eligible to receive services that would enable the student to progress in the general curriculum and advance toward achieving the goals in the IEP.
3. IEP Team determines educational services using the IEP Addendum (Form 20.05), that enable the student to progress in the general curriculum and advance toward achieving the goals in the IEP.
- Appeals are expedited.
 - Multiple 45 calendar day removals are permitted.
 - Follow change in placement procedures.

Dangerous Student

- 10 days of suspension initially.

Then choose one of the 3 options below to address this issue:

Option 1:

- Request a hearing officer to change placement for 45 calendar days
- Hearing Officer can extend for additional 45 day periods provided each is established each time in a hearing:
 - Appropriateness of current placement
 - Reasonable efforts to minimize risk of harm in current placement, including provision of supplementary aids and services
 - Determine whether Interim Alternative Setting enables student to participate in the general curriculum, although in another setting.
 - Enables the student to receive services and modifications, including those in the IEP, which enable the student to meet IEP goals and objectives.
 - Include services and modifications designed to address behavior so that it does not recur.
 - The IEP team proposes the Interim Alternative Educational Setting.

Option 2:

- Parental agreement to change in placement.

Option 3:

- Court Injunction ordering the change in placement.

GUIDELINES FOR CONSIDERATION OF CHANGE IN PLACEMENT

After a student has experienced 10 cumulative days of suspension within the school year, the Building Administrator, in consultation with the Special Education Teacher, must consider whether a change of placement has occurred (Form No. 80.03).

A change of placement has occurred if the student:

1. Is removed for more than 10 consecutive days
2. Receives a series of removals that constitute a pattern because the removals:
 - a) Accumulate to more than 10 school days in a year, and
 - b) The removals involve such factors as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

NOTE: A student with a disability may be removed for a period of time that cumulatively exceeds 10 school days in a given school year for separate accounts of misconduct as long as the removals do not constitute a pattern.

- a) Isolated short-term suspensions for unrelated instances of misconduct may not be considered a pattern.
- b) These removals do not constitute a change in placement.

EDUCATIONAL SERVICES DURING SUSPENSIONS

The school administrator shall ensure that services are provided to students who are suspended more than 10 days cumulatively during the school year.

In cases where the suspension is not a change in placement, services will be determined in consultation with the student's special education teacher (Form 80.05).

In cases where the suspension is considered a change in placement an IEP team will determine the appropriate services.

In either case, the services provided must:

- Be sufficient to enable the student to progress in the general curriculum and advance toward achieving the goals in the IEP.

Please consult with Special Education Coordinator for guidelines for long-term suspensions or expulsions.

IN-SCHOOL SUSPENSIONS

In-school suspension is “counted” for two purposes. This section will delineate the purpose and function of the count to clarify the appropriate application of each.

Discipline, Crime and Violence Report

In-school suspension for the Discipline, Crime and Violence report is collected in the student information system. Students who are eligible for special education and related services must have the number units (2.5 hours or more a day) of in-school suspension entered into the student information system. This data is entered into the student information system, regardless of any other extraneous factors. To summarize, each time a student who receives special education services is assigned in-school suspension for 2.5 hours or more the data is entered into the student information system.

Please note: This count has nothing to do with manifestation determination of the first 10 days of out of school suspension.

In-School Suspension and Change of Placement (Requirement for a Manifestation Determination)

In-school suspensions are counted toward the number of days a student who is eligible for special education is suspended from school (change of placement) if ANY of the student's special education services are also suspended/missed while the student is being disciplined (i.e. the student misses a collaborative class while working in the in-school suspension room).

However, in-school suspension will not constitute a day of suspension provided:

1. The student is afforded the opportunity to continue to appropriately progress in the general curriculum;
2. continue to receive the services specified on his or her IEP;
3. and continue to participate with non-disabled students to the extent they would have in their current placement.

BUS SUSPENSIONS

A suspension from the school bus only counts as an out of school suspension if:

1. Special bus transportation is part of the student's individualized education plan.

If special transportation is not part of the student's IEP, the suspension is not counted as an out of school suspension. The parent in this circumstance is responsible for transportation like regular education students suspended from bus services.

NOTE: Should a student be suspended from bus transportation that results in the student not being able to access educational services, it is strongly recommended that the IEP Team consider a functional behavior assessment and behavior intervention plan or alternate forms of transportation.

NOTIFICATION TO A PARENT OF A SPECIAL EDUCATION STUDENT BEING CONSIDERED FOR LONG TERM SUSPENSIONS OR EXPULSIONS

When notifying a parent of a special education student that their child is being considered for any suspension that would result in a change of placement, or long-term suspension or expulsion, the following must be included in the letter that “must be issued not later than the date of the decision to suspend or expel the student:

1. List the infraction or infractions that have prompted the disciplinary action.
2. Indicate the possible future disciplinary action (long-term suspension / expulsion).
3. Attach a copy of the Parental Rights in Special Education.

Form No. 80.06 is available as a template to assist schools in meeting these mandates.

LONG TERM SUSPENSIONS AND EXPULSIONS FOR STUDENTS NOT PRESENTLY CLASSIFIED

The principal or designee should check on the status of the student (special education or not classified). The principal or designee should consider the regular education student a “special education student” with regard to discipline only if before the behavior that precipitated the disciplinary action occurred the following existed:

- a) The parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services
- b) The parent has formally requested, either orally or written, a special education evaluation.
- c) The teacher of the student or other LEA personnel has expressed specific concern about a pattern of behavior demonstrated by the student to the director of special education or other LEA supervisory personnel.

NOTE: A local educational agency shall not be deemed to have knowledge that the child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services or the child has been evaluated and it was determined that the child was not a child with a disability . If any of the above notices are not provided until after the misconduct occurs, the student is subject to regular disciplinary procedures. However, an expedited evaluation should be initiated.

REPORTING OF CRIME COMMITTED BY A SPECIAL EDUCATION STUDENT

When a school building administrator or designee reports a crime committed by a student with a disability, the school official will contact the parent(s) of the student, in a timely fashion, and inform them of the action to be taken. The school official will ask the parent for permission to transmit the student's most current IEP and discipline records to the agency the crime was reported and concurrently discuss the reasons behind the transfer of records. If permission is granted, records should be transmitted. In the event permission is not granted, the school official should document in the student's scholastic record the incident and due to the requirements of the Family Rights and Privacy Act (FERPA), the transmission of records could not be carried out.

FUNCTIONAL BEHAVIOR ASSESSMENT AND BEHAVIOR INTERVENTION PLANS

Functional Behavior Assessment

A Functional Behavior Assessment is required if a student is involved in a behavior subject to disciplinary action that an IEP Team has determined to be a manifestation of the student's disability.

Conducting a functional behavior assessment is the first step in a functional behavior analysis. The functional assessment gathers information about when, where and why challenging behavior occurs, so that effective interventions can be designed and put into action.

While functional assessments have been used for many years with students who have severe disabilities, they have recently been found to be helpful in addressing the inappropriate behavior of students with milder disabilities, when their behaviors do not improve with the use of typical school interventions.

IDEA mandates that if a student has behavior that gets in the way of his or her learning, or that of others, the IEP team must consider positive behavioral interventions, strategies and supports to address that behavior. In addition, prior to a student being removed from his or her current educational placement because of inappropriate behavior that are a manifestation of the student's disability, the school must conduct a functional behavioral assessment of the student and develop a behavioral intervention plan.

The functional behavior assessment includes:

- Identifying the behavior(s) that needs to change
It is important that IEP team members (including parents) clearly define the problem behavior in terms of specific observable actions. Often students may have more than one challenging behavior. It is best to focus on those behaviors that are destructive or disruptive, those that threaten the health or life of the student or others, interfere with learning, destroy property, or prevent the student from participating in daily activities. Limit your focus to one or two behaviors at a time.
- Gathering information about the behavior
This can be done through interviews with key team members and observing the student in different settings over time.
- Developing a hypothesis (best guess) about the reason for the behavior
Figuring out the purpose of problem behaviors is one of the most important (and difficult!) steps in developing a plan for changing behavior. One reason is that some students may use one behavior for several different purposes (for example, hitting to get attention and to escape from a situation). Other students may use different problem behaviors for the same purpose. When we remember that many students have had years to develop and practice their problem behaviors, it's not surprising that their behavior can be so puzzling.

Behavior Intervention Plan

Developing a behavior intervention plan is the second part of the functional behavior analysis process to address behavior that gets in the way of his or her learning, or that of others. The plan would spell out all the details and routines of an intervention to change behavior. The plan may include teaching new skills or changing the circumstances surrounding the behavior. IEP Goals and objectives pages may be used in addition to the structured form.

The behavior intervention plan is conducted in the context of an IEP team meeting, and thus, subject to all the corresponding procedural requirements. The plan includes who is responsible for the intervention and the dates an evaluation is to be conducted. The behavior intervention plan becomes a part of the IEP and it is suggested that timelines for evaluation correspond to progress report dates for the other goals and objectives contained in the student's IEP.

Even though a functional assessment may take more time initially, it can make a real difference for those students for whom typical interventions have not been successful. Developing an understanding of the cause of behavior may be key to helping them learn new behavioral skills.

Please refer to the section on discipline for guidelines as to when a functional behavior assessment and behavior intervention plan are to be completed.

The Functional Behavior Assessment and Behavior Intervention Plan are required to be completed as part of the procedural safeguards in special education.

MANIFESTATION DETERMINATION REVIEW

1. Manifestation Determination Review must take place if the school determines that **a change of placement has occurred**. (See “Guidelines for Consideration of Change of Placement”)

2. Should it be determined that a change of placement has occurred, a Manifestation Determination Review (Form 80.04 - FORMAL IEP MEETING REQUIRED) must be conducted immediately, if possible, but no later than 10 days after the decision to take disciplinary action is made. In addition, the following procedures are required:
 - Give notice of the disciplinary decision and of the procedural safeguards to the parents not later than the date on which the decision is made to take disciplinary action.
 - Notify parent(s) in writing (using IEP Notice), immediately, if possible, but not more than 10 days after a decision to take action occurs, of Manifestation Determination Review.
 - The purpose of the meeting is to determine whether there was a causal relationship between the incident for which the student was suspended and their disability.
 - IEP Notification should include identification of time, date and participants who will be in attendance.
 - This meeting is, in essence, an IEP meeting. Parents should participate in the meetings; however, if they refuse to attend, they should be given a copy of the report.

3. **Participants at meeting:** Using the IEP Signature page, the names of each person present shall be recorded. Albemarle County shall ensure that each meeting includes local educational agency administrator, the parent, and relevant members of the IEP Team (as determined by the parent and the local educational agency) and other individuals, at the discretion of the parent or Albemarle County.

4. **Component Review:** The team must consider:
 - all relevant information in the student’s file, including:
 - the child’s IEP,
 - any teacher observations,
 - and any relevant information provided by the parents

5. **Incident Review:** This should include the who, what, when, where, why and how of the specific incident under review. (Form 80.04).

6. **Committee Determination:** The committee must determine if the behavior is a manifestation of the student’s disability. The team must determine, after the component and incident review that:
 - if the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or
 - if the conduct in question was the direct result of the local educational agency’s failure to implement the IEP.

7. **Parameters of the Review:**

MANIFESTATION OF THE DISABILITY

If the local educational agency, the parent, and relevant members of the IEP Team determine that either condition above is “TRUE” for the student, the conduct shall be determined to be a manifestation of the child’s disability and the student cannot be disciplined like his/her non-disabled peers.

As a result of the IEP Team’s determination of A MANIFESTATION OF THE DISABILITY:

- Schedule a formal IEP Team Meeting to conduct a Functional Behavioral Assessment and Behavioral Intervention Plan using IEP Notification.

NOTE: If the team is in agreement to conduct the FBA and BIP after the Manifestation Determination Meeting, complete an IEP Notification and provide a copy to the parent prior to the IEP meeting to conduct the FBA / BIP. Place a copy of the notice IEP Notification in the student’s educational record.

- Implement a Functional Behavioral Assessment
- Implement a Behavior Intervention Plan
- If a Behavior Intervention Plan exists, review it to make sure it addresses the behavior adequately
- If the IEP Team and other qualified personnel determine deficiencies in the student’s IEP or placement, Albemarle County Schools will take immediate steps to remedy those deficiencies through the IEP Process.

NOT A MANIFESTATION OF THE STUDENT’S DISABILITY

If the IEP team and other qualified personnel determine that both conditions are “FALSE”, the behavior is NOT A MANIFESTATION OF THE STUDENT’S DISABILITY.

As a result of the IEP Team’s determination that the behavior is NOT A MANIFESTATION OF THE STUDENT’S DISABILITY:

- The relevant disciplinary procedures applicable to a student without a disability may be applied to the student with a disability in the same manner and for the same duration in which the procedures would be applied to a student without a disability.
- An IEP Addendum shall be completed to ensure that any student with a disability who receives special education services and who is removed from their current placement shall continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP.
- If the school initiates disciplinary procedures, providing rights that are applicable to all students, the Albemarle County School shall ensure that the special education and disciplinary records of the student with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

9. **Statement of each Committee Member:** Members of the Manifestation Determination Hearing should sign their names and indicate their agreement or disagreement with the recommendations on Form 80.04.
10. In order for the parent's to appeal the Manifestation Determination, a due process hearing request must be made. Prior Written Notice must be completed if parent is in disagreement. Please consult your Special Education Coordinator immediately, for assistance in completing this form. Prior Written Notice is not required to be completed at the meeting.
11. Parents may appeal to the Superintendent the disciplinary action that was taken by using the regular disciplinary procedures as outlined in the policy manual.

HOMEBOUND INSTRUCTION

Prior to the placement of any special education student on homebound instruction:

- Prior approval of the Director of Special Education Services is required.
- The student's home school will develop an IEP that must reflect that homebound instruction is required. Documentation on the IEP Addendum must include
 - Begin and end dates,
 - The amount of time required to ensure that the student is able to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's annual IEP.
 - The parent's consent on the IEP Addendum.
- Certification of Need for Homebound Instruction (Form 100.07) will be completed and sent to the Director of Special Education.

Once approval has been received from the Director of Special Education:

- It will be the responsibility of the student's home school to implement homebound instruction.
- An appropriate homebound instructor will be secured for the student. Form 100.08 should be used to document necessary information to process homebound services.
- Timesheets for services will be verified by an administrator or designee at the student's base school and forwarded to Central Office for processing of payment.
- A copy of all paperwork related to homebound services should be maintained by the school administrator or designee coordinating homebound services for their base school.

PLACEMENT OF STUDENT OUTSIDE THE REGULAR SCHOOL SETTING

Prior to considering any student for a placement outside the regular school setting, the following procedures are to be followed:

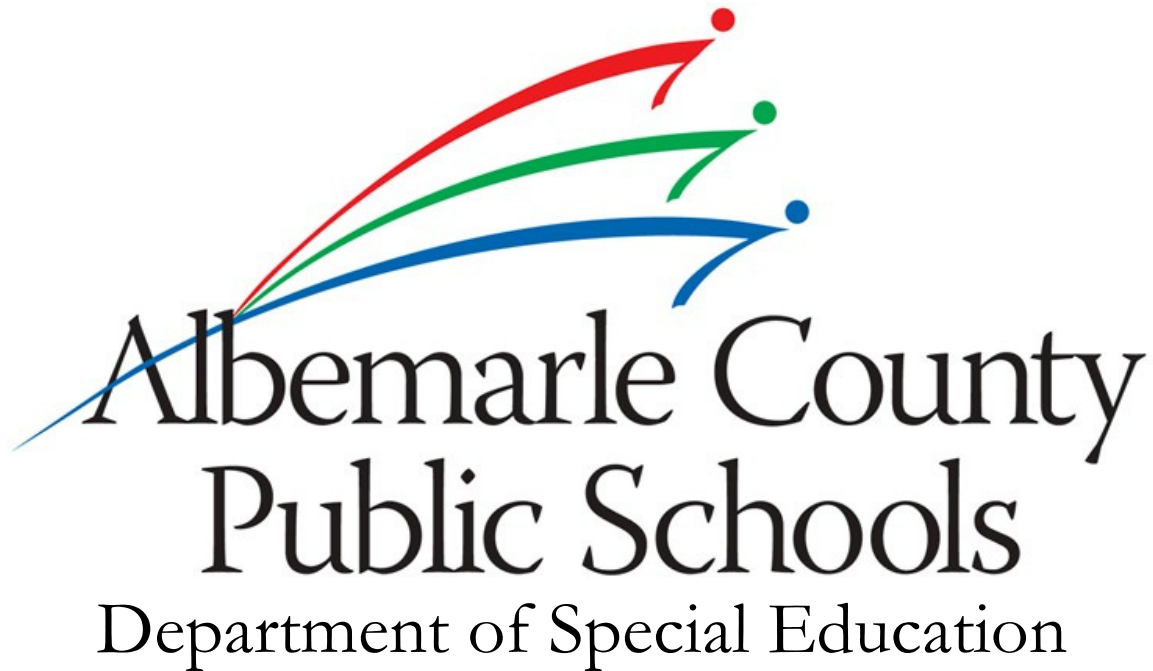
1. Maintain standard documentation of discipline issues and interventions that are used or made (i.e. Functional Behavior Assessment and Behavior Intervention Plan, Manifestation Determination Hearing, Discipline Reports).
2. The Special Education Coordinator should be aware of any students being considered for alternative placement. The schools should involve the Special Education Coordinator in its process of exploring potential alternative placement options.
3. For students being considered for alternative placements a review of existing data should be conducted. It should be considered at this time if updated components would be appropriate.
4. Options that will be considered will include outside consultation, additional support for the student at the school, referral to Ivy Creek School if appropriate, or referral to the Family Assessment and Planning Team (FAPT).
5. The Special Education Case Manager will complete any necessary application forms. The complete packet is forwarded to the Special Education Coordinator, who will in turn make the referral to the alternative placement and / or schedule a Family Assessment and Planning Team Meeting (FAPT).

NOTIFICATION OF INITIATION OR REFUSAL OF CHANGE - (PRIOR WRITTEN NOTICE)

Prior Written Notice is to be completed after any IEP Meeting when the school system and parent are in disagreement about initiating a change or refusing to initiate a change in one or more of the following categories:

1. Identification
2. Evaluation
3. Educational placement
4. Free and appropriate public education of the student

It is important to notify the administrator in your building of any disagreements with parents and to contact your special education coordinator as soon as possible whenever a Prior Written Notice is required. Consultation with the Special Education Coordinator assigned to your school is strongly recommended when completing a Prior Written Notice.



SPECIAL EDUCATION PROCEDURES MANUAL

MEDICAID

March 2007

MEDICAID BILLING PROCEDURES.....3

I. POINTS OF ENTRY.....3

II. ASSESSMENTS / EVALUATIONS.....3

III. SPECIAL EDUCATION REALTED SERVICES4

IV. THERAPIST / PROGRESS NOTES.....5

V. DISCHARGE5

VI. MONITORING OF MEDICAID PROCEDURES6

MEDICAID BILLING PROCEDURES

This information is intended to aid the related service provider, namely the psychologist, occupational therapist, physical therapist and speech and language pathologist in meeting Medicaid requirements for billing for related services.

I. POINTS OF ENTRY

Points of entry are those designated times along the continuum of the special education process where a student will be identified as Medicaid eligible and the parent or guardian asked for permission for the schools to bill for the services the students receives in the school setting.

The following are Albemarle County designated Points of Entry for identifying potential Medicaid eligible students:

- Once a referral for a special education evaluation is made.
- The initial or annual Individualized Education Planning Meeting.
- The initiation of the re-evaluation process for special education services.

At each point of entry the parent or guardian should be asked if the student currently receives Medicaid benefits and if appropriate, the Parental Permission for Medicaid Billing (Form No. 00.01) presented and asked to be signed. All the corresponding procedures and forms have been updated to include prompts for information that would facilitate Medicaid billing.

Please Note: Parental Permission is to be secured for Medicaid billing annually and upon any change in the delivery of Medicaid Services (i.e. IEP Addendum that changes a related service).

II. ASSESSMENTS / EVALUATIONS

1. Speech and Language, Occupational Therapy, Physical Therapy

School divisions are able to bill for Occupational Therapy, Physical Therapy and Speech and Language Therapy assessments, using form 00.02, “ Order for Therapy Evaluation”. The related service provider, in filling out this form, must state the reason for the assessment and may attach documentation supporting the need for the assessment. The assessment can be either a review of records OR an assessment involving testing.

The term “Triennial” should not be used in any documentation. That term is being replaced with the term “re-evaluation”. “Re-evaluation” is consistent with current IDEA regulations and is a required Medicaid procedure. A re-evaluation is an assessment of the appropriateness of the current educational program or plan of care.

The “Order for Therapy Evaluation” is to be completed in conjunction with other special education forms related to an initial special education evaluation or a re-evaluation for special education eligibility. Please refer to the special education procedures for “SPECIAL EDUCATION EVALUATIONS”.

2. Psychological Evaluations

Protocol to follow regarding Medicaid eligible students who have signed parental permission for Medicaid billing is as follows:

- Prior to ANY PSYCHOLOGICAL SERVICES (i.e. counseling, testing, review of existing data) “Psychological Diagnostic Clinical Interview” must be completed or on file.
- The ORIGINAL Psychologist Diagnostic Clinical Interview, Psychological Evaluation, Psychological Evaluative Review of Records, and the Psychological Therapy Note are sent to COB for processing and copies filed in the student’s record that may be kept in the psychologist’s proximity.
- The Psychological Therapy Notes and Counseling Log , are sent to COB on a monthly basis and are to arrive at COB no later than the close of business on the 5th of every month.

III. SPECIAL EDUCATION RELATED SERVICES

1. Speech and Language, Occupational Therapy, Physical Therapy

An annual Plan of Care (Form No. 00.03) must be written for each Medicaid eligible student receiving OT, PT, or SLI services in order to bill Medicaid for those services. A separate Plan of Care (Form No. 00.03) is required for EACH RELATED SERVICE the student receives. The “Plan of Care” (Form No. 00.03) is valid for 365 days.

The “Plan of Care” (Form No. 00.03) must be signed and dated by a qualified therapist. COTA’s, PTA’s, and Speech Therapists with a BA may provide services under supervision, but not sign the plan of care.

A plan of care (Form No. 00.03) must be amended (Form No. 00.04) , much like an IEP, if services change (i.e. 4 sessions are decreased to 2 sessions due to progress being made). This can be accomplished by using the Plan of Care Addendum (Form No. 00.04). Most of the information needed to complete the addendum (Form No. 00.04) is found in the original Plan of Care (Form No. 00.03).

If there is a significant change (i.e. goals and objectives in the IEP) the Plan of Care (Form No. 00.03) must be re-written. This is facilitated by forwarding the Plan of Care Addendum (Form No. 00.04) or newly re-written Plan of Care (Form No. 00.03) to COB.

Any corrections to the Plan of Care (Form No. 00.03) should include “Error” written next to the mistake and the therapist’s initials and date written next to the change. Once the Plan of Care has been signed, changes should only be made with a Plan of Care Addendum (Form No. 00.04).

2. Psychological Counseling

An annual Form Psychological Diagnostic Clinical Interview (Form No. 00.05) must be written for each Medicaid eligible student receiving psychological counseling services in order to bill Medicaid for those services. The Psychological Diagnostic Clinical Interview is valid for 365 days. The ORIGINAL Diagnostic Clinical Interview, Medicaid Goals and Objectives, Therapy Notes and Counseling Logs, once completed, are to be sent to COB no later than the

close of business on the 5th of each month for processing and copies filed in the student's record that may be kept in the psychologist's proximity.

IV. THERAPIST / PROGRESS NOTES

1. Speech and Language, Occupational Therapy, Physical Therapy

Medicaid requires that documentation of services be maintained by the school division. This documentation, which includes the Plan of Care (Form No. 00.03), Plan of Care Addendum (Form No. 00.04), Discharge Report (Form No. 00.09), Progress/Therapy notes (Form Nos. 00.10, 00.11, 00.12), will be maintained in a Medicaid file for each eligible student with Albemarle County's Medicaid Billing agent. A copy of the therapist notes/ Treatment Log & Progress Reports should be kept in the student's educational record at the base school.

After each session the Medicaid Treatment Log (Form Nos. 00.10, 00.11, 00.12) is to be completed. Sessions are documented for direct service only. Time to complete paperwork for Medicaid billing is not part of the session or IEP time. The Treatment Log and Progress Report Form are to be received by COB by the close of business on the 5th of every month.

Therapist notes are written and signed by the provider of the related services (OT by COTA, PT by PTA etc.) on the signature line of the form. If a service is provided by a COTA, PTA or Speech Therapist with a BA Degree, the form must also be signed by an OT, PT or SLP as the professional supervising the delivery of service. Monthly supervision must be documented on the monthly notes and consists of a review of documentation to insure the services are appropriate.

2. Psychological Services

Medicaid requires that documentation of services be maintained by the school division. This documentation, Psychologist Diagnostic Clinical Interview (Form No. 00.05), Psychological Evaluation (Form No. 00.06), Psychological Evaluative Review of Records (Form No. 00.07), and the Psychological Therapy Notes (Form No. 00.08) and Psychological Counseling Log (Form No. 00.14) are filed in the student's record that may be kept in the psychologist's proximity. The Psychological Therapy Notes (Form No. 00.08) are forwarded and to be received by COB by the close of business on the 5th of every month. A copy of the Counseling Log is to be kept in the students file along with the other Medicaid paperwork.

After each session the Medicaid Therapy Notes and Counseling Log are to be completed. Sessions are documented for direct service only. Time to complete paperwork for Medicaid billing is not part of the session or IEP time. Psychological Therapy Notes (Form No. 00.08) and Counseling Log (Form No. 00.14) are to be received by COB by the close of business on the 5th of every month.

V. DISCHARGE

The Discharge Plan of Care (Form No. 00.09) is used when services go from direct to consult or when services are terminated completely.

The service provider is to forward the Discharge Plan to COB as soon as direct services are determined to be unwarranted and Medicaid Billing is no longer appropriate.

VI. MONITORING OF MEDICAID PROCEDURES

An internal monitoring procedure will be implemented to ensure related service staff are following guidelines, processing paperwork appropriately and meeting timelines to facilitate Medicaid billing. The internal monitoring will focus on records kept at the school as well as reviews based on feedback from the Billing Agent.

Internal Monitoring will include:

- Periodic Related Service Provider Interview
- Periodic Records Review

External Monitoring will be accomplished through a process of scrutiny of submitted paperwork to the COB by the Billing Agent. Should an error or discrepancy be found the service provider will be contacted with the source of the error and direction regarding a remedy to the situation.