

SPECIAL EDUCATION

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SECTION I –INTRODUCTION

This document provides guidance regarding Mayflower Public School District’s compliance with school age State and Federal regulations regarding special education.

Mayflower Public Schools ensures that all children with disabilities from three (3) to twenty-one (21) years of age within its jurisdiction attending both public and private schools that are in need of special education and related services are identified, located, evaluated and provided with free and appropriate services. Mayflower Public Schools contracts with the Arch Ford Early Childhood Service which provides services to students within Mayflower School jurisdiction to students below school-age with disabilities.

The purpose of the program is to: (1) ensure that all children with disabilities in the Mayflower School District have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; (2) to provide aligned and challenging instruction in order to assist students in progressing toward their maximum potential and post-secondary goals.

What are our philosophy and guiding principles?

- (1) Every child will learn.
- (2) Curriculum will be challenging.
- (3) Individualized and differentiated instruction will occur.
- (4) Instruction will be research-based.
- (5) Training will be provided by qualified personnel in current and proven professional development trends. Implementation of training will be expected and monitored.
- (6) The environment will be nurturing and caring, and students will be free to take risks without fear of ridicule.
- (7) Frequent progress monitoring and home/school communication will occur quarterly.

SECTION 2 – LAWS AND SERVICES

How will the MSD provide special education services?

Special Education services will be provided according to each child's least restrictive environment needs. If a student is determined to qualify for special education services, the placement should be based according to the individual student’s needs. Students will not be placed according to

administrative/teacher or school convenience. An example of the list of services available in Mayflower School District includes:

- (1) Indirect
- (2) Inclusion
- (3) Resource
- (4) Self-contained
- (5) Homebound
- (6) Other Related Agencies (Physical/Occupational Therapy, Speech Therapy, etc.)

What State and Federal requirements must we meet?

- (1) Federal law requires a Referral Conference committee meeting be held when a student is referred for special education services.
- (2) Mayflower School District has implemented a *Response to Intervention* practice that provides high quality instruction/intervention matched to the student's needs and uses learning rate over time and level of performance to make important education decisions. Please refer to the Mayflower Response to Intervention information in the overall education plan for specific information.
- (3) The Individualized Education Plan (IEP) is developed and reviewed annually by a committee including: regular education teacher, special education teacher, individual to interpret instructional implications of evaluation results, and local education agency representative.
- (4) IEPs and classroom modifications must be followed as prescribed. All staff members serving the student must be given a copy of or access to the student's modifications by the special education teacher.
- (5) A student's Individualized Education Plan will be reviewed annually for progress of goals. Changes to the IEP may be made by the entire IEP team at an IEP Team meeting. The special education teacher is responsible for amending the IEP and producing copies to the parent upon request.

State regulations can be found at <https://arksped.k12.ar.us/pMain.html>

How will State Standards affect special education?

IEP's are developed according to the student's needs. State Standards are used as the fundamental guide for IEP planning. IEP's are developed by:

- (1) Referring to SS to determine expectations at grade level/ability level.
- (2) Using the SS as a guide to determine what is important for the student to learn or be able to do.
- (3) The committee will analyze the student's current achievement level to determine if there is a gap between grade expectations and current skills/knowledge. IEP's will be developed to close that gap.

SECTION 3 – RESPONSIBILITIES

Teacher Responsibilities

- Scheduling all conferences
- Completing Notices of Conference and send to parent/student (Both 1st, 2nd, & 3rd if needed)
- Invite required committee members to meetings and CC: administrators
- Contact parents for conferences, etc.
- Ensure timelines are followed
- Complete all due process conference paperwork
- Make copies of all conference paperwork, including evaluations and outside reports for parents and Due Process Clerk
- Complete data sheets and attach to due process conference paperwork turned in to Due Process Clerk
- Send copies of conference paperwork to Due Process Clerk or have ready for LEA to pick up during their visit
- Maintain all due process records correctly
- Follow all due process procedures
- Notify Due Process Clerk when evaluations are needed
- Sign due process folders out and in
- Provide copies of modifications to teachers and obtain signatures for receipt of modifications
- Conference paperwork is due within 7 days of conference completion
- Provide building administrators with changes and/or issues involving special education students
- Provide administration with copies of behavior plans for students in their building

****All due process files will be stored within the building the students are enrolled in a central location.**

Due Process Clerk Responsibilities

- Keep due process folders (back up) locked and secured
- Handles all records requests for transfer students
- Schedule evaluations and prepare for examiner
- Assist special education teachers if needed
- Maintain Inactive Records, advertising, and destroying of records meeting criteria
- Compile Medicaid review data
- Medicaid administrative and clerical issues
 - Get DMS-640 from doctors
 - Check eligibility
 - Bill speech Medicaid
 - Keep up with OT/PT Medicaid
- ARMAC
 - Set up participants
 - Ensure all participants watch video and take post test
 - Verify participants answer “moments”
- Coordinate SEAS
- Notify teacher, special education supervisor, and administrators with time line issues

- Maintain special education data and reports in e-school
- Provide administration a list of all students receiving PT and/or OT in their building
- Collect signed time certification sheets from required individuals

****Copies of all files will be kept in the Due Process Clerk's office.**

SECTION 4 – 13 CATEGORIES OF DISABILITIES

There are 13 disability categories for public school students. The following are a list of those categories and their definitions:

1. *Autism*

A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before the age of three, which adversely affects a child's educational performance. Difficulties are seen in social relationships, communication, behavior problems, developmental rates and sequences, cognitive/conceptual, visual, auditory, and tactile behaviors, olfactory, vestibular, and stereotypic behaviors.

2. *Deaf-Blindness*

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

3. *Deafness*

A diminished sensitivity to sound, or hearing loss, that is expressed in terms of standard audiological measures which adversely affects educational, communicative, or social functioning.

4. *Hearing Impairment*

A hearing impairment, whether permanent or fluctuating, which adversely affects education performance.

5. *Emotional Disturbance*

An inability to learn that cannot be explained by intellectual, sensory or health factors; an inability to build or maintain satisfactory interpersonal relations with peers and teachers, inappropriate types of behavior or feelings under normal circumstances, a general pervasive mood of unhappiness or depression, or a tendency to develop physical systems or fears associated with personal or school problems. Emotional Disturbance is a condition exhibiting one or more of these characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance.

6. *Intellectual Disability*

A significant subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior, that adversely affects a child's educational performance.

7. *Multiple Disabilities*

Concomitant impairments (such as intellectual deficit blindness, intellectual deficit orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. For a child to be identified as having multiple disabilities (MD) he/she must exhibit two or more disabilities.

8. *Orthopedic Impairment*

A severe orthopedic impairment that adversely affects a child's educational performance. This can include paralysis, unsteady gait, poor muscle control, loss of limb, etc.

9. *Other Health Impairment*

Having limited strength, vitality of alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the education environment that is due to chronic or acute health problems such as asthma, attention deficit disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, Tourette's Syndrome, and sickle cell anemia, all of which adversely affects a child's education performance.

10. *Specific Learning Disability*

A disorder in one or more of the basic psychological processes involved in understand or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and development aphasia. This disability is distinguished by the magnitude and/or severity of his/her presenting characteristics.

11. *Speech or Language Impairment*

A communication disorder, such as deviant articulation, fluency, voice, and/or comprehension and/or expression of language, spoken or written, which impedes the child's acquisition of basic cognitive and/or affective skills, as reflected in the Arkansas Department of Education curriculum standards.

12. *Traumatic Brain Injury*

An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual, and motor abilities, psychosocial behavior, physical functions, information processing, and speech.

13. *Visual Impairment*

An impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. These students are identified as those with a corrected visual acuity of 20/70 or less in the better eye.

SECTION 5 – STUDENT REFERRALS

Special Education Referrals

If a child is suspected of having a disability which adversely affects educational performance and who by reason thereof needs special education and related services, a referral may be made at any time to the local educational agency by the child's teacher, other educational personnel, the child's parent, the child, or other individuals with knowledge of the child. Where the referral originates from a parent, an individual not associated with the school, or other agency personnel, an employee of the local educational agency where the child is enrolled must complete the Referral Form and forward it to the principal or designee of the school. The referral process **must be initiated** when requested by an individual either verbally or in written form.

The initial referral is to be completed in writing through the completion of the required Referral Form and provided to the principal or designee of the school in which the child is enrolled. The Referral Conference must be scheduled within seven (7) days of receipt of the referral. Two notices must be provided to the parent. The referral conference should be held within 21 days from the date of receipt of the written referral. All referrals are to be given to a building administrator (principal, assistant principal). The principal/assistant principal will be responsible to see that the Referral Packet is complete and submitted to the appropriate Special Education teacher. In the event a parent does not respond to the notice and reasonable efforts have been made, the Referral Conference is to be conducted without the parent in attendance.

Informal data collection must be completed prior to the Referral Conference. This is to include all classroom based assessments, previous and current report cards, environmental factors, hearing/vision, absentees, state testing, state and district testing, etc.

Referral packet includes:

- Student personal information
- The person referring the student
- Description of academic/developmental and/or behavioral performance (to include communication, self-care, social, leisure, self-direction, home living, health and safety)
- Additional information describing the nature of the child's developmental/learning problems
- Child's Strengths
- Vision and Hearing Screening
- Signature and Date (*a referral conference must be scheduled within 7 days and held within 21 days of this date*)

Notice of Conference

The Referral Conference meeting is required to have a notice to all attending. The special education teacher will send a notice to the parent with a copy to all appropriate attendees. An agenda should be completed for this meeting formatted in the following order:

1. list of participating committee members
2. Student Name
3. Data to be reviewed

When completing a Notice of Conference, all items must be correctly marked. This notice will also contain specific reasons for the conference.

Referral Conference Decision Form

After the Referral Conference Notice has been sent, a **Referral Conference must be conducted within 21 days of the receipt of the referral.** At this conference the decision will be made to determine if further evaluation is needed to consider the student for special education placement or if no further testing is needed and the student will continue in their current placement. This decision is made by a consensus of the committee members conducting the conference. The district will make every effort to allow for parental participation.

Parents have the right to refuse consent to evaluate if the decision to pursue special education is determined. In the event a parent provides consent for the initial evaluation, the parent still maintains the right to refuse initial provision of special education and related services should the child be found to qualify for special education services.

Temporary Placement

Temporary placement should be utilized for the following reasons only:

1. Necessity for immediate interventions
2. Diagnostic data gathering

Temporary Placement must be documented on the Notice of Action and a temporary IEP developed. The timeline for Temporary Placement is 60 days.

New Students

Mayflower Public Schools ensures that all children with disabilities attending both public and private schools in need of special education and related services are identified, located, evaluated, and are provided with free and appropriate services. If a child is suspected of having a disability which adversely affects educational performance and who by reason thereof, needs special education and related services, a referral may be made at any time to the building administrator. Students may qualify for special education after applicable testing and committee decision; however, parental consent must be obtained before services can be implemented.

Transfer-In Student

New student transfers to the Mayflower School District are eligible for special education services if they had an IEP that was in effect in a previous public agency. This information will be obtained through

enrollment information provided by the parent. District staff accepting student enrollment forms will notify the Due Process Clerk immediately upon enrollment of a student receiving special education services. The Due Process Clerk will notify the appropriate special education teacher immediately. Comparable services to the student's existing IEP will be provided to the student until a Transfer Conference is conducted. During this conference, the committee will review the existing IEP to determine if it will adopt the student's IEP from the previous public agency or develop, adopt and implement a new IEP. The special education teacher and due process clerk are responsible for assuring the IEP information is received from the previous school. In the event the previous district refuses or delays in sending the student's IEP to Mayflower School District, the LEA Supervisor is to be notified.

Transfer-Out Student

When a student with a disability transfers to another district, Mayflower Schools will take reasonable steps to promptly respond to the request from the new public agency. It is the responsibility of the special education teacher and due process clerk to gather IEP information to send to that school.

SECTION 6 – POST-REFERRAL INFORMATION

Notice of Conference Form

A Notice of Conference will be provided to the parents and committee members with a reasonable date and time that a meeting will be convened. During this meeting the committee will determine if any further information is needed, if the student qualifies for special education services, or if they will remain in their current educational placement.

Notice of Action Form

A notice will be provided to parents upon the completion of the conference and the special education decision will take effect immediately or within 7 days if parents are not in attendance. This notice must be given before the district takes certain actions. Below is a list of those actions:

Initial Evaluation

Reevaluation

Ineligibility for Services (Initial Evaluation)

Change in Eligibility

Disciplinary Removal

Initial Placement

Change of Placement

Graduation with Regular Diploma

Dismissal from Special Education Services

Provision of FAPE

Temporary Placement

Functional Behavior Assessment

This notice will include an explanation of the actions being proposed or refused, the options considered or reason the option was rejected, the basis for the action, and any other factors that are relevant to the action.

Consent Required for Action

If the decision is made to pursue Special Education services, a *Notice of Action* form must be signed by the parent during the Referral Conference. The consent form allows the district to conduct comprehensive testing of the child, which is required for eligibility into the special education program. In the event a parent refuses to consent, the special education due process stops. A new referral process will need to be initiated if the parent later chooses to consider services. If a parent refuses consent, the district will not be held liable.

Special Education Criteria for Placement

Federal and state rules and regulations guide staff in determining if the student has a disability. Along with those rules, certain criteria must exist in order to be considered for Special Education services. Please read the following for a list of those criteria:

1. The committee must have established a disability
2. The disability must have an adverse affect on education
3. No one test places a student
4. Deficiency cannot be due to a lack of instruction
5. An educational need for specialized instruction must be present

Evaluation Programming Conference Decision

Each public agency must conduct a full and individual evaluation before the initial provision of special education and related services to a child with a disability. When a decision is made to conduct a **comprehensive evaluation, it must be completed within 60 calendar days of the consent date.** After the evaluation is complete an Evaluation Programming Conference Decision must be conducted within 30 days from the last component of the test date. During the Evaluation Programming Conference Decision the following information must be presented to the committee:

1. Student's name
2. Existing evaluation data on the student
3. Recent social history
4. Sensory, hearing and vision results

5. Educational history
6. Individual intelligence and achievement
7. Social/emotional information
8. The committee determination of the disability if it does exist
9. The educational need for specialized instruction
10. The adverse affect the disability is having on educational/developmental performance.
 - a. (SLD only) – the determination that as a result of the disability the student is functioning at a significant level below age/grade norms for age/grade peers in one or more of the following basic skills:
 - Oral expression
 - Listening comprehension
 - Written expression
 - Basic reading skills
 - Reading fluency skills
 - Reading comprehension
 - Mathematics calculation
 - Mathematics problem solving
11. Programming recommendation
12. The placement of delivery of services
13. The professional designated responsible for implementing those decisions.

A copy of the evaluation report and supporting documentation will be given to the parent in a reasonable and timely manner (within 7 days of conference).

Consent for Initial Placement

The parent, or student at age of majority must provide consent for initial placement before the school may provide special education services for the student. Parent, or student at age of majority, have a right to refuse special education services.

Excusal Forms

When a required member of the IEP committee cannot attend all or part of the IEP meeting, that team member may be excused if the parent and public school agency both consent to that excusal. A member of the IEP committee is not required to attend an IEP committee meeting, in whole or in part, if the parent and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting. If the meeting involves a modification to or discussion of the member's area of the curriculum or related service, the member must submit in writing to the parent and the public school agency their input into the development of the IEP prior to the meeting.

SECTION 7 – CONFERENCE TYPES

Annual Review/IEP Conference – These conferences are held annually to review the student's progress and plan for the student's up-coming year while receiving special education services. This should include achievements along with any additional needs.

Evaluation/Programming Conference – This conference is held to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Functional Behavior Analysis – If it is found a student's conduct resulted from a manifestation of their disability, a Functional Behavior Analysis is to be completed. The analysis will be used to guide the committee to develop a behavior plan according to the student's needs to improve the behavior.

Manifestation Determination – Must be conducted within 10 days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct. The committee must review all relevant information in the student's file, including the student's IEP, any teacher observation, and any relevant information provided by the parent to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or if the conduct in question was the direct result of the school's failure to implement the IEP.

Re-Evaluation Conference – Must be conducted once every three (3) years. The Existing Data Review will determine if there is a need to update student testing data. The Reevaluation conference reestablishes eligibility and programming.

Referral Conference – This conference is conducted at any time a child is suspected of having a disability which adversely affects educational performance.

Separate Programming Conference – Must be conducted when changes to the IEP are made, a student changes placement, in danger of failing, major concerns, etc. This conference can be requested by any member of the committee at any time and requires a reasonable notice.

SECTION 8 – CONCLUSION

Maintenance of Records

Student's Individualized Education Plans (IEPs) are confidential files that are maintained by the special education teacher responsible for serving the student and due process clerk. Only individuals who work directly with the student are to have access to their file.

Special Education files are destroyed after six (6) years of inactivity. A notice is publicized explaining the destruction timeline and how a parent or student might access their records before destruction.

School Transfer of Records

Upon the event a student transfers in from or out to a different school, the special education teacher assigned the student's file and the due process clerk are responsible for assuring the files are transmitted or received.

Conclusion

For questions and requests for further information on the operating procedures and Mayflower School District Special Education Program, please contact the school principal. The school district's LEA Supervisor will be available for providing advice and operational information. The school district's Superintendent has final say on the operations and procedures for Special Education in the school district.

APPENDIX A - Folder Organization

Side 1

Record of Access

Documentation of Rights

Transfer of Rights

Guardianship Information

Separate Programming Conferences

-Notice of Action

-Conference Enclosures

-Contact Log

-Notice of Conference

CERTIFIED MAIL Receipts

Side 3

Current Existing Data Review

Notice of Action (Informed Consent)

Conference Enclosures

Contact Log

Notice of Conference

Psycho educational report

Systematic Observations

Related Services Evaluations

Independent Evaluations

Vision/Hearing Screening

Side 2

Current IEP

Indirect Services Documentation

ESY Forms

Related Services Progress Reports

Annual Review Conferences

-Notice of Action

-Conference Enclosures

-Contact Log

-Notice of Conference

Senior Summary of Performance

Informed Consent (Medicaid)

Side 4

Evaluation Programming Conference

Committee Report (SLD, if needed)

Notice of Action (Consent)

Conference Enclosures

Contact Log

Notice of Conference

Medical Documentation

Social History

Referral Conference Decision Forms

Conference Enclosures

Informed Consent (Outside Agencies)

Contact Log

Notice of Conference (Referral)

Referral Form

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