

WASHINGTON COUNTY SCHOOL DISTRICT  
SPECIAL EDUCATION  
POLICIES AND PROCEDURES



Larry G. Bergeson  
Superintendent

Suraj Syal  
Special Education Director

January 2015

Washington County School District  
121 West Tabernacle, St. George, Utah 84770

## TABLE OF CONTENTS

<b>I. GENERAL PROVISIONS.....</b>	<b>4</b>
<b>II. IDENTIFICATION, LOCATION AND EVALUATION OF STUDENTS SUSPECTED OF HAVING DISABILITIES.....</b>	<b>8</b>
<b>III. IEP DEVELOPMENT AND SERVICE DELIVERY.....</b>	<b>26</b>
<b>IV. PROCEDURAL SAFEGUARDS.....</b>	<b>41</b>
<b>V. DISCIPLINE.....</b>	<b>49</b>
<b>VI. STUDENTS WITH DISABILITIES IN OTHER SETTINGS.....</b>	<b>49</b>
<b>VII. TRANSITIONS.....</b>	<b>52</b>
<b>VIII. RESPONSIBILITIES OF THE UTAH STATE OFFICE OF EDUCATION....</b>	<b>52</b>
<b>IX. LEA ELIGIBILITY AND RESPONSIBILITIES .....</b>	<b>53</b>

## **Introduction**

This document represents a revision of the previous Washington County School District Special Education Policies and Procedures Manual, adopted by the Board in September 2008. These Policies and Procedures provide requirements to which each school within the District, a local education agency (LEA), providing publicly funded education and related services to students with disabilities must adhere.

Authority and responsibility to make policy and set standards in the area of education of students with disabilities rests with the Utah State Board of Education by virtue of its constitutional mandate to provide general control and supervision of the public school system (Article X, Section 8) and by specific legislative enactment found in the Utah Code Annotated (UCA) 53A-15-301 through 305.

These Washington County School District Special Education Policies and Procedures facilitate the implementation of special education services in the District. It is to be used in coordination with the Utah State Board of Education Special Education Rules, November 2013. Furthermore, this manual is to be used in coordination with the Utah State Office of Education Special Education Memos, Specific Learning Disabilities Guidelines, Least Restrictive Behavioral Interventions Guidelines, Caseload Guidelines, Transition Guidelines, and Graduation Guidelines.

## **I. GENERAL PROVISIONS.**

### **A. Purposes. (§300.1)**

The primary purposes of these policies and procedures, consistent with Utah State Board Of Education Special Education Rules, and the Individuals with Disabilities Education Improvement Act (IDEA), Public Law 108-446, as amended, are:

1. To ensure that all students with disabilities, ages 3 through 21, in Washington County School District (WCSD), including students with disabilities who have been suspended or expelled from school (§300.101(a)) and students who have not graduated from high school with a regular high school diploma (§300.302(a)(3)(iii)), have available to them a free appropriate public education (FAPE) that emphasizes special education and related services, as specified on an Individualized Education Program (IEP), designed to meet their unique needs and prepare them for further education, employment, and independent living;
2. To ensure that the rights of students with disabilities and their parents are protected;
3. To ensure that WCSD follows State standards that are established for the provision of a free appropriate public education to students with disabilities, as defined in the Utah State Board of Education Special Education Rules;
4. To assess and ensure the effectiveness of efforts to educate students with disabilities; and
5. To provide a system for District reimbursement for disabilities program costs authorized under the Utah school finance law.

### **B. Applicability. (§300.2)**

1. These policies and procedures are applicable to all public agencies within Washington County School District that are involved in the education of students with disabilities.
2. These policies and procedures are binding on each public agency in Washington County School District that provides special education and related services for students with disabilities, regardless of whether that agency is receiving funds under Part B.

This includes non-profit private agencies serving students with disabilities using public funds.

3. Washington County School District, in conformity with all requirements of the USBE SER, ensures that a free appropriate public education (FAPE) is available to any individual student with a disability, ages 3 through 21, who needs special education and related services, including students with disabilities who have been suspended or expelled from school and students who are advancing from grade to grade (§300.101(c)).
4. Washington County School District is responsible for ensuring that the rights and protections under these procedures are given to students with disabilities referred to or placed in private schools and facilities by that public agency, or placed in non-profit private schools by their parents, when FAPE is at issue.

**C. Definitions. (§300.4-300.45)**

Washington County School District has adopted all of the definitions as found in USBE SER I.E.1-44.

**D. Budget Information and Categories.**

Washington County School District provides detailed budget information and budget categories in its annual application for IDEA Part B funding submitted in the Utah Consolidated Application (UCA) to the Utah State Office of Education (USOE).

**E. Assurances.**

Assurances with regard to compliance with IDEA Part A and Part B, as well as the National Instructional Materials Accessibility Standard, and compliance with other Federal laws including “New Restrictions on Lobbying,” “Debarment, Suspension, and Other Responsibility Matters,” and the Drug-Free Workplace Act of 1988 are submitted to the USOE annually with the UCA.

Students are admitted to the Washington County School District based in accordance with District policies and without restrictions due to race, color, gender, national origin, disability status, or religion.

**F. General Program Description.**

The Washington County School District is located at 121 West Tabernacle, Saint George, Utah. Washington County School District

serves approximately 28,500 students. Our District's mission, "Improve student achievement", defines our purpose: "Ensuring high levels of learning for every student." Our purpose is facilitated through our commitment to the professional learning community process. The following expectations of educators foster effective teaching and learning:

1. Collaborative Culture. All educators, regardless of assignment, are expected to actively participate in the professional learning community process. Essential questions that teams utilize to collaborate about student learning are: (1) What essential standards have students learned and why, (2) What evidence can the team show that students have learned it, (3) What are the specific names of the students who didn't get it, (4) what evidence do you have that your team intervened/extended, and (5) What evidence do you have that your team provided multiple opportunities for the student to demonstrate proficiency?
2. The Guaranteed and Viable Curriculum (GVC). Essential standards deemed by the team to be the absolute critical skills the student must demonstrate proficiency in order to be successful in the grade level or course. Effective school teams teach all of the standards within their discipline but engage in the work of identifying which of the standards and skills are so critical that every student must know. Teams then work to guarantee that every student will demonstrate proficiency in them.
3. Common Formative Assessments (CFA). Effective teams utilize common formative assessments to diagnostically assess a student's learning and determine which students were proficient in the guaranteed skill and those who weren't.
4. Immediate, Specific, and Directive Intervention. Effective teams use data to respond to students who did not demonstrate proficiency in a concept. That response should look like actions that revise instruction, provide interventions and/or extensions, and establish accommodations. All these actions have one clear objective, improve student achievement.

**G. Free Appropriate Public Education (FAPE).**

1. Washington County School District follows the requirements of the USBE SER.

- a. Students with disabilities ages 3 through 21 who attend school in a public school district and their parents have rights under Part B of the IDEA and the USBE SER.
  - b. Washington County School District is a Local Education Agency (LEA) that receives funding under IDEA Part B, and ensures that all of the requirements of Part B of the IDEA and USBE SER are met.
  - c. Washington County School District provides a Free Appropriate Public Education (FAPE) to all eligible students with disabilities in conformity with the requirements of the USBE SER and the United States Department of Education Final Regulations for the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), December 2008, and August 2006.
2. Free appropriate public education (FAPE). (USBE SER I.E.15)  
FAPE means special education and related services that:
- a. Are provided at public expense, under public supervision and direction, and without charge;
  - b. Meet the standards of the USOE and Part B of the IDEA;
  - c. Include preschool, elementary school, and secondary school education in Utah, and
  - d. Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of Part B of the IDEA and USBE SER.

**H. Full Educational Opportunity Goal (FEOG).**

Washington County School District hereby affirms the goal of providing a full educational opportunity to all students with disabilities determined eligible for special education or special education and related services under the IDEA and the USBE SER, of students between three and 22 years old, and in accordance with all of the timeline requirements of the IDEA with respect to the identification, location, evaluation, and provision of a free appropriate public education.

## II. IDENTIFICATION, LOCATION, and EVALUATION of STUDENTS SUSPECTED of HAVING DISABILITIES.

### A. Child Find System. (§300.109 and §300.111) (USBE SER II.A.)

Washington County School District has policies and procedures to ensure that all students with disabilities ages birth through 21 (including students who are highly mobile -- such as students who are migrant and homeless, students who have been suspended or expelled from school, students who have not graduated from high school with a regular high school diploma, those who are suspected of being a student with a disability and who are in need of special education or special education and related services even though they are advancing from grade to grade, and regardless of the severity of the disability, and home school students within the LEA's boundaries) are identified, located, and evaluated. The determination that a student is a "student with a disability" under these procedures must be made on an individual basis, by a team made up of the parent and school personnel determined by the student's LEA.

### B. Child Find Procedures.

Washington County School District conducts the following procedures to ensure that students suspected of having a disability are identified and located:

1. Finding students who have been receiving needed special education or special education and related services.
  - a. The registration form at each school includes questions about whether a student has received special education or special education and related services in the previous school or educational program.
  - b. Parents are asked during registration if the students received any services beyond the regular program in the previous school.
  - c. If parents respond in the affirmative, a phone contact is made with the previous school to locate the special education records.
  - d. Washington County School District follows all the procedures detailed on the In-State and Out-of-State Transfer Student Checklist of the USOE.



2. In identifying and locating students who are suspected of having a disability but have not been previously identified or determined eligible for special education or special education and related services, Washington County School District implements the following procedures:
  - a. Annual training of all staff on the Child Find obligation and how to be alert to observed behaviors that suggest a suspected disability.
  - b. Notice in a student or parent handbook and on the LEA web site of the referral procedures and of the availability of services for eligible students with disabilities.
  - c. LEA implementation and coordination of Child Find activities, including private schools within the LEA's jurisdiction (§300.131).
  - d. If a parent or staff member is concerned about a child under the age of three, information about the IDEA Part C Early Intervention Provider is given to the parent.
  
3. Washington County School District collaborates and coordinates with the local Department of Health, the Part C Early Intervention Provider, through an interagency agreement aligned with the Part C to Part B statewide interagency agreement of the USOE to ensure that students with disabilities are identified, located, evaluated, and have FAPE available by age 3.

**C. Referral.**

Either a parent or an LEA may initiate a request for an initial evaluation to determine if a student is a student with a disability under Part B of the IDEA and these procedures.

1. Procedure.

When a parent or school staff member suspects a student may have a disability, the following referral procedure is implemented:

- a. Teachers implement pre-referral interventions and provide documentation of the results to a Teacher Assistant Team, which includes a general education

teacher (see additional description of TAT in the SLD evaluation process in Section II of this Manual).

- b. Note: Pre-referral interventions may not be used to substantially delay an evaluation for eligibility.
- c. The referring person completes the referral form. If school personnel are making the referral, attach documentation of contacts with the parents about the concerns regarding the student's educational performance.
- d. The referral form is given to the building principal, who reviews existing data (including pre-referral intervention results and Teacher Assistant Team recommendations) on the student and determines if the referral should go forward for a full evaluation. If it is decided that the evaluation should take place, the principal assigns a staff member to oversee/conduct the evaluation. Written Prior Notice (WPN) is provided to the parent of the intent to conduct an evaluation. If the referral is not going to result in a comprehensive evaluation, the principal sends the parent a Written Prior Notice of Refusal to take the action of conducting an evaluation. An LEA, or their designee, must sign the referral form.

**D. Initial Evaluation. (§300.301)**

**1. Parental Consent. (§300.300)**

Prior to initiating a full and comprehensive individual evaluation, parental consent is required. The consent informs the parent that the evaluation is being proposed because the student is suspected of having a disability that affects his educational performance and that he/she may be eligible for special education or special education and related services. The consent indicates the areas in which the evaluation team will conduct tests or administer other assessment tools to the student. Consent for evaluation must not be construed as consent for provisions of special education services.

Reasonable efforts to obtain parental consent are made and documented. Washington County School District follows the requirements of USBE II.C.4 with respect to parents who cannot be located.

Parental consent is not required before administering a test or other evaluation that is given to all students, or before conducting a review of existing data.

2. Written Prior Notice.

The parent is given WPN that the evaluation will occur. (See Section IV.C of this Manual).

3. Initial Evaluation Timeline.

When the signed parental consent for evaluation is received at the school, the school secretary or special education teacher writes the date it was received on the form to document the beginning of the timeline for the evaluation. The school district completes all evaluations within 45 school days of receiving the written consent. The 45 school day timeline does not apply if the parent fails to produce the student for the evaluation. If the student enrolls in the LEA after the timeline has started in a previous LEA, the new LEA must make sufficient progress to ensure prompt compliance in accordance with a written agreement with the parent as to when the evaluation will be completed.

4. Evaluation Process.

a. Review of Existing Data.

When conducting an initial evaluation (when appropriate), the evaluation team considers existing data on the student's educational performance. This may include student records of grades, courses completed, statewide test results, LEA-wide test results, classroom assessments, teacher interviews, observations, notes in the student's cumulative file, parental input, and any other information available.

b. Administration of Additional Assessments.

In addition, the LEA administers assessments in other areas as part of a comprehensive individual initial evaluation, as indicated on the Consent for Evaluation, in order to determine eligibility for special education and related services and the student's educational needs. The test administration follows all of the requirements of the USBER SER II.F-H, including:

- Use of a variety of assessment tools;
- Use of more than one procedure;
- Use of technically sound instruments;
- Selection of tools that are not discriminatory on a racial or cultural basis;
- Administration in student's native language or mode of communication;
- Use of assessments for the purposes intended and in accordance with the publisher's administration standards;
- Administration by trained and knowledgeable personnel;
- Use of tools that assess what they purport to measure and not just the student's disability;
- Assessment in all areas related to the student's suspected disability, and
- Comprehensive assessment, not just in areas commonly associated with the specific disability.

c. Evaluation Requirements.

Evaluations for students suspected of having a disability in any of the 13 categories of disability include the specific requirements for evaluation procedures and assessment of student performance as identified in USBE SER II.J.1-13.

E. **Reevaluation Procedures. (USBE SER II.G)**

1. Washington County School District conducts a reevaluation of each student with a disability at least every three years or if the student's parent or teacher requests a reevaluation.
2. Parental consent for reevaluations.
  - a. Washington County School District obtains informed parental consent prior to conducting any reevaluation of a student with a disability, if the reevaluation includes the administration of additional assessments to the student.
  - b. If the parent refuses to consent to additional assessments, the LEA may, but is not required to, pursue the reevaluation by using the consent override procedures provided in the procedural safeguards, and including mediation or due process procedures.

- c. The reevaluation may be conducted without parental consent if the school can demonstrate that it made reasonable attempts to obtain such consent and the student's parent has failed to respond. A written record of the attempts is maintained in the student's special education file.

**F. Additional Requirements for Initial Evaluation and Reevaluation Procedures. (USBE SER II.H)**

1. As part of any initial evaluation (if appropriate) and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must review existing evaluation data on the student. This review may be conducted without a formal meeting. The special education teacher/case manager may review and discuss the existing data with team members and the parent individually. Existing data may include evaluations and information provided by the parents of the student; current classroom-based, local or State assessments; classroom-based observations; observations by teachers and related services providers; grades; attendance, and other information regarding the student's current educational performance.
2. The IEP team and appropriate other qualified professionals, based on their data review and input from the student's parents, identifies what additional data, if any, are needed to determine whether the student is or continues to be a student with a disability and the educational needs of the student, and
  - a. The present levels of academic achievement and related developmental needs of the student;
  - b. Whether the student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services, and
  - c. Whether any additions or 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 education curriculum.

3. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine continuing eligibility and student needs, the parents are given WPN of that decision and of their right to request additional assessment. The LEA then prepares a new Evaluation Summary Report, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Eligibility Determination form is completed and signed by the team, and the parents are given WPN of that determination along with a copy of the Evaluation Summary Report and the Eligibility Determination documents.
4. If the parent requests additional assessment as part of the reevaluation, Washington County School District obtains consent for and then conducts assessment in the areas of educational functioning requested. When the additional assessment is completed, the LEA then prepares a new Evaluation Summary Report, including new and previous data as appropriate, and sends a Notice of Meeting for Eligibility Determination. A new Eligibility Determination form is completed and signed by the team, and the parents are given WPN of that determination along with a copy of the Evaluation Summary Report and the Eligibility Determination documents.
5. Evaluations before change in eligibility.
  - a. Washington County School District evaluates students with disabilities before determining that students are no longer eligible for special education or special education and related services. However, an evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular diploma, or due to the student's reaching age 22, as provided under State law.
  - b. For a student whose eligibility terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for FAPE under State law, Washington County School District provides the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting the student's postsecondary goals.

6. Parental consent is not required before:
  - a. Reviewing existing data as part of an evaluation or a reevaluation, or
  - b. Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

**G. Evaluation Timelines.**

1. An initial evaluation must be completed within 45 school days of the date the school receives written parental consent for the evaluation.
2. Upon completion of the evaluation or reevaluation, the IEP team and other appropriate professionals determine eligibility within a reasonable time.
3. A reevaluation:
  - a. May not be conducted more than once a year, unless the parent and the LEA agree otherwise, and
  - b. Must occur at least once every three (3) years, unless the parent and the LEA agree that a reevaluation is unnecessary.

**H. Eligibility Determination.**

1. Notice of Meeting.

Upon completion of the evaluation, the special education teacher (case manager) arranges a meeting of the eligibility team at a mutually agreeable time and place. A Notice of Meeting will be sent to the parent and other members of the team stating the meeting purposes, time, place, who is expected to be in attendance, and informing the parent that they may bring others who have knowledge of the student to the meeting.

2. Evaluation Summary Report.

The special education case manager collects all of the results of the evaluation, and writes a summary report of the

evaluation information. This Evaluation Summary Report is included in Washington County School District's Eligibility Determination document for each disability category.

3. Eligibility Team Membership.

The eligibility team shall include a group of qualified professionals and the parent. In the Washington County School District, this may include the school administrator (or his/her designee), special education teacher, regular education teacher, speech-language pathologist, school psychologist, occupational therapist, physical therapist, and others who have conducted parts of the evaluation, as appropriate.

4. Upon completion of the administration of assessments and other evaluation measures:

- a. A group of qualified professionals and the parent of the student determine eligibility under Part B of the IDEA and these procedures, including: (1) Whether that student is a student with a disability, and (2) The educational needs of the student.
- b. The LEA shall provide the parent with a copy of the evaluation report and the documentation of determination of eligibility.
- c. A student must not be determined to be a student with a disability if the determinant factor for that determination is:
  - (1) Lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency);
  - (2) Lack of appropriate instruction in math; or
  - (3) Limited English proficiency;
  - (4) If the student does not otherwise meet the eligibility criteria.



5. Procedures for determining eligibility and educational need.

- a. In interpreting evaluation data for the purpose of determining if a student is a student with a disability, and the educational needs of the student, each LEA must:

(1) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and

(2) Ensure that information obtained from all of these sources is documented and carefully considered.

- b. If a determination is made that a student has a disability and needs special education and related services, an IEP must be developed for the student within thirty (30) calendar days.

6. Eligibility Categories, Definitions, and Criteria.

The Washington County School District has adopted the definitions, evaluation requirements, and eligibility criteria in USBE SER.II.J.1-13.

I. **Specific Learning Disabilities.**

1. Definition (§300.8(c)(10))

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 do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, that affects a student's educational performance.

“Specific learning disability” does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

2. Procedures for Identifying a Student as a Student with a Specific Learning Disability. (§300.307)

An LEA may use one of the following methods for determining a student's eligibility under the specific learning disability category: (a) A process based on the student's response to scientific, research-based intervention. (b) Identification of a severe discrepancy between intellectual ability and achievement. **(c) A combination of (a) and (b).**

For the category of Specific Learning Disability (SLD) the Washington County School District has selected Method C: Combination of Response to Intervention (RTI) and Discrepancy Methods. The procedures include elements outlined for both Method A and Method B of the USOE Guidelines for SLD. Data from the RTI Method would be considered *in combination* with a documented severe discrepancy between aptitude and achievement (no cut score for severe discrepancy is required; instead, an eligibility team determines the severity of the discrepancy).

3. Team members. (§300.308) The determination of whether a student suspected of having a specific learning disability is a student with a disability must be made by the student's parents and a team of qualified professionals, including:

- (a) The student's regular teacher; or
- (b) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or
- (c) For a student of less than school age; an individual qualified by the USOE to teach a student of his or her age; and
- (d) At least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, speech/language pathologist, reading teacher or reading specialist, or special education teacher.
- (e) At least one LEA, or designee by the LEA (authorized to allocate the resources of the school/district), such as the principal, assistant principal, staff developer,

Title 1/ special education coordinator, or school counselor.

4. Determining the existence of a specific learning disability. (§300.309) The team described may determine that a student has a specific learning disability if:
  - (a) When provided with age appropriate learning experiences, instruction, State-approved grade level standards, and data is recorded with regards to the student's response to such scientifically, researched based interventions (RTI); and the student does not achieve adequately, or make sufficient progress, for the student's **age** in one or more of the following areas:
    - (i) Oral expression;
    - (ii) Listening comprehension;
    - (iii) Written expression;
    - (iv) Basic reading skills;
    - (v) Reading fluency skills;
    - (vi) Reading comprehension;
    - (vii) Mathematics calculation;
    - (viii) Mathematics problem solving; and
  - (b) The student's scores demonstrate that a severe **discrepancy** exists between the student's achievement and intellectual ability in one or more of the areas of specific learning disability listed under (3)(a) in this section. The school team, including the parent, determines the severity of the disability:
  - (c) The group determines that its findings are not primarily the result of:
    - (i) A visual, hearing, or motor disability;
    - (ii) Intellectual disability;

- (iii) Emotional disturbance;
  - (iv) Cultural factors;
  - (v) Environmental or economic disadvantage; or
  - (vi) Limited English proficiency.
- (d) The learning disability must adversely affect the student's educational performance.
  - (e) The student with the learning disability must need special education and related services (§300.8(a)).
5. Evaluation. (§300.309(b-c))

Once a student is referred by a parent, staff member, or the Teacher Assistant Team (TAT) because he or she is suspected of having a specific learning disability, Washington County School District follows all of the procedures of the USBE SER for referral, initial evaluation, and eligibility.

In Washington County School District, an RTI approach will be used for interventions and additional data to support the discrepancy model. Parents are informed of the right to request an evaluation for eligibility if at anytime they contact a school official that they suspect their student has a disability.

Generally, consideration for a referral for SLD should be made after:

- (a) A student has been provided with scientifically research-based instruction with documented progress for a sufficient amount of time to student learning to occur.
- (b) Student participation in instruction has been reasonably consecutive and consistent. In addition to attendance, other interruptions in a child's participation in instruction (e.g., vacation or staff vacancies) have been taken into consideration.
- (c) Measures have been taken to modify the child's behavior and/or provide the child with incentives to increase the child's motivation to participate in the

general education classroom. Behavioral interventions should consider environmental changes that may affect the child's behavior.

- (d) The student has received appropriate learning experiences and instruction (Scientifically, researched based interventions and materials are used, personnel are qualified and have received appropriate training, and interventions are delivered with fidelity).
- (e) If students are not achieving adequately for the student's age or State-approved grade-level standards, or the student is not making adequate progress toward the grade level expectations, as evidenced by Response to Intervention (RtI) data, in one or more of the areas of specific learning disability, they are referred to a Teacher Assistant Team (TAT) that includes the LEA (A representative of the LEA must meet the LEA administrator standards, and have knowledge of the general education curriculum and of the availability of resources of the LEA), regular education teacher, a special education teacher. Other team members may be added (such as a school psychologist, a school counselor, a speech and language pathologist, and a social worker) when they are likely to provide expertise about the student in warranting a referral for a comprehensive evaluation for a suspected specific learning disability.
- (f) Informing and involving parents throughout the instructional process is important. This can be done through traditional methods such as parent-teacher conferences, regularly scheduled meetings, or other methods. When included in the decision-making process, parents can provide a critical perspective on students, thus increasing the likelihood that interventions will be effective. If a student is not making adequate progress after an appropriate period of time, as determined by the TAT, a referral for evaluation may be made.
- (g) A parental request for referral cannot be denied solely because the student has not completed a set number of interventions or a pre-referral process. Parents must receive notification about multi-tiered approaches in math and reading, including instructional strategies;

strategies for increasing the student's rate of learning; and assessment results. Parents are more likely to allow the continuing collection of data to determine the need for further evaluation when they:

- (1) Are informed of the school's overall instructional approach.
  - (2) Receive regular progress reports.
  - (3) Understand that trying interventions is not meant to delay evaluation.
  - (4) Understand that interventions are part of an effective instructional process.
- (h) When considering a referral for special education evaluation, the school problem-solving team (TAT) is responsible for considering whether or not a student should be referred for a **comprehensive evaluation** to determine whether that student has a disability at the point where unexplained underachievement and insufficient growth are documented. The team is responsible for collecting the student-centered data (progress monitoring data, classroom performance, observation, norm-referenced or standardized tests); and determining insufficient growth.
- (1) The first responsibility is to review the existing data and determine whether interventions have been implemented with fidelity and sufficient time has been provided for the specific intervention. However, a referral cannot be delayed just because a student has not completed all elements of an intervention.
  - (2) Indicators that would suggest that further evaluation is needed include unexplained underachievement, lack of growth, gaps in skills, and intensity of instructional need. Progress monitoring data for a targeted skill should be used for decision-making. The TAT may recommend, based on data presented at the meeting, additional Rtl data under the following conditions:
    - (a) Student performance/progress as evidenced by scores beyond grades (Title I targeted assistance, DIBELS, classroom targeted assessments, program-embedded assessments, and others).

- (b) Data must reflect how the student responded to targeted (address the areas of academic concern for which the student is being referred) scientifically-based interventions; that have been implemented with fidelity. The TAT may determine that two rounds of research-based instructional intervention are appropriate (this will be dependent upon the quality of the exiting data).
  - (c) Data must be documented over a period of time.
  - (d) Period of time depends on the reliability of existing Rtl (progress monitoring and common formative assessments) data about the student's area of academic concern. The TAT may determine that existing data is sufficient. However, if the TAT determines existing data is not sufficient they may require additional data that could be two to three weeks of data, four to six weeks of data, or six to eight weeks of data.
  - (e) Additional Rtl data may be collected simultaneously during evaluation using norm-referenced testing.
- (3) Washington County School District uses procedures for meeting all of the additional eligibility determination requirements required by IDEA and the Utah Special Education Rules, including a comprehensive evaluation process. This process includes using a variety of technically sound assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, **including information provided by the parent**. It is not permissible to use any single measure or assessment as the sole criterion for determining whether the child has a specific learning disability.
- (a) The LEA (authorized to allocate the resources of the LEA) signs a referral form and assigns a special education teacher as the case manager to proceed with an initial evaluation.

- (4) When making a determination of SLD, the evaluation team must consider all of the data and use the following to guide the decision:
- (a) Evidence of unexpected underachievement and insufficient growth.
    - (1) Evidence of underachievement can be made by documentation of classroom achievement data (beyond grades), state or district-wide assessment results, and the results of the achievement assessment used in the evaluation process.
    - (2) Insufficient growth is substantiated when the child's rate of growth over a period of time is below the national rate of expected growth. If a student's rate of growth is within the average range for the normed group, the child cannot be determined to be a child with a disability in the area of SLD.
  - (b) The student's growth requires resources not available in the general education setting.
  - (c) The student has been assessed using Utah State Office of Education recommended norm-referenced tests in both aptitude and identified areas of achievement.
  - (d) Washington County School District administers appropriate assessments that meet the criteria in Section II.4.b of this document. For SLD, the student must score above the intellectual disability range on a standardized norm-referenced individually administered cognitive ability measure. In addition, the team considers the relationship between the intelligence and ability achievement test as well as the tests' reliability to produce a severe discrepancy report. In determining eligibility, the discrepancy report is one data source that is considered along with all other evaluation data collected.
  - (e) The evaluation must assure, through signature or other appropriate means from the district representative responsible for supervising instruction, that core instructional programs and interventions were implemented with fidelity.



- (f) The evaluation must rule out exclusionary conditions such as the effects of visual, hearing, or motor disability; cognitive disability; emotional disability; cultural factors; environmental or economic disadvantage; or limited English proficiency.
- (g) All components of required documentation for SLD eligibility must be evident a comprehensive evaluation process.

6. Determining Eligibility. (USBE SER II.)

- (a) Using the criteria for each category of disability as described above, the eligibility team shall determine:
  - (1) Whether the student has a disability that
  - (2) Adversely affects the student's educational performance, and
  - (3) Whether the student requires special education or special education and related services.

*Special education* is defined (USBE SER I.E.38) as specially designed instruction to meet the unique needs of a student with a disability and may include related services if they meet the definition of special education. *Specially designed instruction* (USBE SER I.E.39) is adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability, and to ensure access of the student to the general curriculum, so that the student can meet educational standards of the school district that apply to all students.

- (b) Disclaimers. (USBE SER II.I.3(a)) A student must not be determined to be a student with a disability if the determinant factor is:
  - (1) Lack of appropriate instruction in reading, including the essential components of reading instruction

(phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency);

- (2) Lack of appropriate instruction in math, or
  - (3) Limited English proficiency.
- 
- (c) The determination of eligibility is documented on the appropriate Eligibility Determination Form with signatures of team members.
  - (d) If the disability is determined to be a Specific Learning Disability, any team member who disagrees with the rest of the team's decision may put the team member's reasons in writing.
  - (e) Parents are provided with a copy of the Team Evaluation Summary Report and WPN of Eligibility Determination document.

### **III. IEP DEVELOPMENT and SERVICE DELIVERY.**

Washington County School District implements the following policies and procedures to address the IEP requirements of USBE SER III.I-U.

#### **A. IEP Team Meeting.**

Within 30 calendar days of the determination of eligibility, the special education teacher/case manager arranges a meeting of the IEP team to develop an IEP at a place and time that is mutually convenient to the parent and school personnel. A Notice of Meeting will be sent to the parent and other members of the team stating the purpose(s), time, place, who is expected to be in attendance, and that the parent or school may bring others who have knowledge or special expertise about the student to the meeting. The determination of knowledge or expertise of the invited person is made by the party who invited that person.

#### **B. Parental Opportunity to Participate.**

- 1. Parents are expected to be participants along with school team members in developing, reviewing, and revising the IEP. This includes providing critical information about needs and strengths of their student, contributing to discussions about the student's needs for special education, determining how the

student will be involved and make progress in the general curriculum, deciding how the student will participate in the state- and district wide assessments, and deciding what services the Washington County School District will provide and in what settings.

2. Washington County School District documents in writing its attempts to get parental participation in IEP meetings. If the parent cannot attend, participation by other means such as teleconference may be used. Parents must be given whatever help they need to understand the proceedings of the IEP meetings, such as sign language or non-English interpreters. If the LEA cannot obtain parental participation, it proceeds with the development of the IEP as required by Part B of the IDEA and USBE SER.

**C. IEP Team.**

The team shall consist of the parent, the special education teacher and regular education teacher of the student, a representative of the LEA, a person who can interpret the results of the evaluation, and the student, when appropriate. Other team members may be added when they are likely to provide services to the student. The representative of the LEA must meet the LEA administrator standards, and have knowledge of the general education curriculum and of the availability of resources of the LEA.

**D. IEP Team Attendance. (USBE SER III.F)**

1. A required member of the IEP team is not required to attend all or part of a particular IEP team meeting if the parent of a student with a disability and the representative of the LEA 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.
2. A required member of the IEP team may be excused from attending all or part of a particular IEP meeting when the meeting does not involve a modification to or discussion of the member's area of the curriculum or related services, if the parent and the representative of the LEA consent to the excusal in writing, and the member submits written input into the development of the IEP to the parent and the IEP team prior to the meeting.

**E. IEP Timelines.**

1. An IEP is in effect for each identified student with a disability prior to the beginning of the school year.
2. Each student's IEP is reviewed and revised at least annually. The IEP Team reviews the IEP to determine whether the annual goals for the student are being achieved. The Team may decide to meet more frequently at the request of the parent or other IEP Team member to revise the IEP to address lack of expected progress toward annual goals and/or lack of progress in the general curriculum, the results of any reevaluation, additional information about the student provided to or by the parents, the student's anticipated needs, or other matters.
3. An IEP is developed within 30 calendar days of initial determination that a student is an eligible student with a disability.
4. Parental consent for initial placement in special education services is obtained before the student receives any special education or related services under the IEP. Once parental consent for the initial provision of special education or special education and related services is obtained, the special education services, related services, and supplementary aids and services are provided as soon as possible.

**F. Transfer Students.**

Washington County School District provides a student transferring from another LEA in or out of the state with comparable services to those listed on an existing IEP while it determines next steps in accordance with the In-State and Out-of-State Transfer Student Checklists of the USOE.

**G. IEP Development and Content.**

1. The IEP Team develops an IEP that is reasonably calculated to confer a free appropriate public education for the student.
2. In developing the IEP, the IEP team must consider the student's strengths, parental concerns, evaluation results, academic development and functional needs, and special factors.

3. The IEP must include:
  - a. A statement of the student's present level of academic achievement and functional performance, including baseline data on the student's achievement and how the disability affects the student's involvement and progress in the general curriculum for the student's age or grade level (Utah Core Standards). For preschool, the statement includes how the disability affects involvement and progress in appropriate activities and involvement and progress in the State Early Childhood Core Standards.  
(<http://www.schools.utah.gov/CURR/preschoolkindergarten/Early-Childhood-Core-Standards.aspx>)
  - b. Measurable annual goals based on the present level statement that enable the student to be involved in and make progress in the general education curriculum and addressing each of the student's educational needs resulting from the student's disability. Short term objectives are included for students who will participate in a statewide alternate assessment, such as the Dynamic Learning Maps (DLM) or the Utah's Alternate Assessment (UAA), and for other students if determined needed by the IEP Team.
  - c. How progress on the goals will be measured and reported to the parents on a periodic basis.
  - d. The special education and related services, and the supplementary aids and services, the student needs to address the goals and make progress in the general curriculum. The services are based on peer-reviewed research to the extent practicable.
  - e. Program modifications and supports for the student and the teacher in the regular education classroom.
  - f. The dates that services, accommodations, and program modifications will begin and end (no more than one year from the date of the IEP); and the frequency, location, and amount of each service listed. Services listed must be specific, such as "reading comprehension," not "resource."
  - g. Consideration of special factors as follows:

- (1) In the case of a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP;
- (2) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;
- (3) Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;
- (4) Consider whether the student needs assistive technology devices and services, and if that need exists, whether the assistive technology device is needed at home, and
- (5) In the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
  - (A) When making decisions on behavioral interventions, the IEP team must refer to the *USOE Least Restrictive Behavior Interventions (LRBI) Guidelines* for information on research-based intervention procedures in order to protect the safety and well-being of students with disabilities, provide protection for students, teachers, other school personnel, the LEA, and the USOE, and ensure that parents are

involved in the consideration and selection of behavior interventions to be used with their students.

(i) Definition of Emergency: When an emergency situation occurs that endangers the student, staff or other students and therefore requires the immediate use of moderately or highly intrusive interventions to protect the student or others from harm, the staff shall complete and submit the emergency contact information to the special education director or building principal and notify the student's parents within 24 hours.

(ii) Pattern of Behavior: If a behavior requiring emergency procedures occurs more than once per week, two times in a month, or four times in a year, it is a pattern that must be addressed in the IEP and/or a behavior intervention plan.

(iii) Appeals: Parents may appeal a determination of emergency or implementation of emergency procedures by a written request to a designated LEA representative of Washington County School District. The LEA representative and two other staff members with knowledge of the incident will review the determination or implementation and make a final decision that will be provided to the parent in writing.

(iv) Training: Washington County School District ensures that all appropriate staff members receive the training necessary to effectively implement a continuum of behavioral interventions and supports.

(v) Oversight: Washington County School District has established a Human Rights Committee to monitor its policies for disciplinary plans, actions and behavioral intervention procedures, protections and safeguards. This Committee reviews the use of highly intrusive interventions as well as the effectiveness of and need for additional staff

training. The Committee is composed of a school administrator, a parent, and two other members of the professional staff.

- (B) As appropriate, the student should receive a functional behavioral assessment and behavior intervention services and modifications that are designed to address the behavior.
- (h) If the IEP team, in considering the special factors described above, decides that a student needs a particular device or services for educational purposes, which could be an intervention, accommodation, or other program modification in order to receive a FAPE, the team must include these in the IEP.
- (i) How the student will participate in LEA-wide and statewide assessments, such as the Student Assessment of Growth and Excellence (SAGE). While every student with a disability must participate, an individual student may be determined to participate with some accommodations based on the student's disability, or with modifications. Students who have the most significant cognitive disabilities and meet other criteria listed in the USOE Assessment Participation and Accommodation Policy may be assessed with alternate assessments such as the DLM or UAA as required by the USOE. The IEP Team must indicate this on the IEP Assessment Addendum, along with the reason that the student cannot otherwise participate in the Utah Comprehensive Accountability System (UCAS).
- j. In addition to the required elements of the statewide assessment program, Washington County School District administers the following schoolwide assessments: DIBELS in grades K-3, CBM in grades 4-8, and Unit/Benchmark Tests in grades K-5 for literacy and math, Guaranteed Viable Curriculum (GVC) skills tests in grades 6-12. All students, including students with identified disabilities, are included in these assessments. Students with disabilities may participate in the assessments with appropriate accommodations and modifications as determined by the IEP Team and documented in the student's IEP. As determined by the student's IEP Team and documented in the student's IEP, alternate assessments for individual students are



provided for students who cannot participate in the schoolwide assessment in any other way.

- k. How the student will participate in physical education services, specially designed or adapted if necessary.
- l. Each IEP team must determine whether the student will need Extended School Year (ESY) services in order to receive a free appropriate public education.
  - (1) This determination in the Washington County School District will be based on regression and recoupment data collected over at least two breaks in the school year consisting of 4 or more weekdays when there is no school.
  - (2) If the student's recovery from measured regression on pinpointed skills directly related to the IEP goals takes so long that he would not receive FAPE without services during the summer or other school break, the IEP Team must find him eligible for ESY services.
  - (3) Other factors are also considered in determining if the student needs ESY in order to receive FAPE. These includes but are not limited to rate of progress on IEP goals, emerging skills, vocational and transition needs, availability of alternative resources, information from parents and other caregivers, and other available data.
  - (4) The IEP Team shall develop a written document that indicates which IEP goals the student will work on during the ESY, what services will be provided, how long and how often the ESY services will be provided, and the setting(s) in which the services will be provided.
  - (5) Parents receive WPN of the ESY decision and, if the student requires ESY, the goals, services, schedule, and setting(s) for ESY.
- m. Assistive Technology. Washington County School District makes assistive technology devices or assistive technology services, or both, available to a student with a disability if required as part of the student's special

education, related services, or supplemental aids and services. School-purchased assistive technology devices may be used in the student's home, if the IEP Team determines, on a case-by-case basis, that assistive technology in the home is required for the student to receive a FAPE.

**H. IEP Team Access to IEP Information.**

1. The Washington County School District makes the student's IEP accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. Each teacher and provider is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.
2. Washington County School District prepares a summary of the present level of academic achievement and functional performance, goals, services, and program modifications and supports for each teacher of the student. This summary is provided to the teacher prior to the time of initial implementation of the IEP, as well as when annual or other updates are made.

**I. Placement in the Least Restrictive Environment (LRE). (USBE SER III.P)**

1. Placement decisions are made by a group of persons, including the parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. This group may be the IEP Team, including the parent. The group determines the placement on the continuum of placement options where the student will receive special education or special education and related services.
2. Washington County School District ensures that the parents of each student are members of any group that makes decisions on the education placement of their student. If unable to get the parents to participate, after repeated and documented attempts, the team may need to proceed with a placement decision. However, no initial placement and provision of services may be put in place without written parental consent.

3. Placement is determined at least annually, based on the student's present levels of performance, goals, services, and program modifications as detailed in the IEP.
4. Identified students with disabilities shall receive the special education or special education and related services in the Least Restrictive Environment to the maximum extent appropriate to meet the student's needs. This means that the student will not be removed from the regular education classroom, with regular education peers, unless the IEP Team determines that due to the nature and severity of the disability, the student's educational needs cannot be addressed satisfactorily in the regular education environment, even with the use of supplementary aids and services.
5. The Washington County School District provides the IDEA required range of placement options, including placement in the regular education classroom, with or without itinerant services; placement in a special class; placement in a special school; placement in a residential program, and homebound or hospitalized placement.
6. Washington County School District provides supplementary services, such as resource or itinerant instruction, in conjunction with placement in the regular education classroom, when needed.

**J. Nonacademic Settings, Activities, and Services. (USBE SER III.U-V)**

1. The Washington County School District ensures that each student with a disability participates with nondisabled students in the extracurricular services and activities to the maximum extent appropriate to the student's needs. This includes meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, referrals to agencies that provide assistance to individuals with disabilities and employment of students, and other activities and services of the school district.
2. Washington County School District ensures that each student with a disability has the supplementary aids and services determined by the student's IEP Team to provide the nonacademic and extracurricular services and activities in

such a way that students with disabilities are given an equal opportunity to participate.

**K. Parental Consent for Initial Placement and Provision of Services. (USBE SER III.T)**

1. In order for the IEP to be implemented and the special education services the team has decided on to begin, written parental consent must be obtained. If the parent refuses consent for the provision of those services, the LEA may not implement the IEP and may not access due process procedures.
2. Washington County School District does not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of the LEA, or to fail to provide a student with a FAPE.
3. If, at any time subsequent to the initial provision of special education and related services, the parent of a student with disabilities revokes consent in writing for the continued provision of special education and related services, the Washington County School District:
  - a. Does not continue to provide special education and related services to the students, and provides WPN to the parent before ceasing the provision of special education and related services;
  - b. May not use the due process procedures in order to obtain agreements or a ruling that the services may be provided to the student;
  - c. Will not be considered in violation of the requirement to make FAPE available to the student, and
  - d. Is not required to convene an IEP team meeting or develop an IEP for the student.
  - e. Consent means that the parent(s) understand that the granting of consent is voluntary on the part of the parent and may be revoked at any time. (§300.9) If a parent revokes consent, that revocation is not retroactive, that is, it does not negate an action that occurred after initial consent was given and before the consent was revoked.

**L. Documentation of Participation.**

1. All members of the IEP team may sign the IEP document indicating that they participated in the development of the IEP. A parent's signature on the IEP does not mean that the parent is in full agreement with the content of the IEP and does not abrogate the parental right to access the Procedural Safeguards of the IDEA.
2. If the school, despite at least two documented attempts, is unsuccessful in having parental attendance at the meeting, the rest of the IEP team shall proceed with the meeting.
3. Parents may participate via telephone conference or video conference.
4. Parents will be provided with a copy of the completed IEP, and WPN of the LEA's intent to implement the program and services in the IEP. If the LEA refuses to include in its offer of FAPE as detailed on the IEP any services or program modifications that the parent has requested, a WPN of that refusal is provided to the parent.

**M. Changes to the IEP.**

1. Changes to the IEP may be made at the request of any member of the IEP Team in a meeting or by amendment to the existing IEP.
2. Changes may be appropriate if there is new information about the student's performance or needs.
3. Amendments to the IEP without a team meeting may be made only with the agreement of the LEA representative and the parent.
  - a. Amendments such as a change in the amount of a special education or related service that is no more than 30 minutes per week, a change of location that is no more than 60 minutes per week, or a goal change that is the next logical step forward or backwards and is based on the student's progress may be made without a team meeting.
  - b. If the change involves a move on the continuum of Least Restrictive Environment placement options, or the

amount of services to be changed is more than indicated above, or a service is to be added, an IEP Team meeting is held with a Notice of Meeting to all team members.

4. The parent will be provided with a copy of the amended IEP including WPN that these additional actions or changes in actions will be implemented.

**N. Transition from Part C to Part B. (USBE SER VII.A)**

1. For students ages 3-5, the Washington County School District follows these policies and procedures:
  - a. Every eligible student has an IEP developed and being implemented by the student's third birthday;
  - b. If a student's third birthday occurs after the end of the school year, the student's IEP team determines the date in the next school year when services under the IEP will begin, unless the IEP team determines that ESY services are needed, and
  - c. A representative of the LEA participates in transition planning conferences arranged by the designated lead agency for Part C.
  - d. In developing the IEP for a student with a disability ages 3 through 5 or, at the discretion of the LEA, a two-year-old student with a disability who will turn age 3 during the school year, the IEP team must consider the contents of the Part C Individual Family Services Plan (IFSP).
  - e. In the case of a student who was previously served under Part C of the IDEA, the parent may request that an invitation to the initial IEP meeting be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services. Upon such request, Washington County School District shall provide the Notice of Meeting to the Part C representative.

**O. Transition from School to Post-School Settings. (USBE SER VII.B)**

1. For a student with a disability beginning not later than the first IEP to be in effect when the student turns 16 (such as in an

IEP meeting conducted when the student is 15 years old), or younger if determined appropriate by the IEP Team, the Notice of Meeting indicates that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the student, that the Washington County School District will invite the student, and identifies any other agency that will be invited, with the consent of the parents or student age 18 or older, to send a representative.

- a. If the student does not attend the IEP meeting, Washington County School District takes other steps to ensure that the student's preferences and interests are considered.
2. Transition services. Beginning not later than the first IEP to be in effect when the student turns 16 (such as in an IEP meeting conducted when the student is 15 years old), or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP includes:
    - a. Appropriate measurable postsecondary goals, including academic and functional goals, based upon age-appropriate transition assessments related to training or education, employment, and, where appropriate, independent living skills;
    - b. The transition services, including courses of study, needed to assist the student in reaching the student's post-secondary goals.
  3. Transfer of rights at age of majority.
    - a. Beginning not later than one year before the student reaches the age of majority (age 18), the IEP must include a statement that the student and the student's parents have been informed of the student's rights under Part B of the IDEA that will transfer to the student on reaching the age of majority (except for a student with a disability who has been determined to be incompetent by a court). These rights include:
      - (1) An adult student has the right to approve the student's own educational placement and Individualized Education Program (IEP) without help from parents, family, or special advocates.

- (2) An adult student has the right to allow parents, family, or special advocates to help if the student so desires.
  - b. Washington County School District provides any notice required by Part B of the IDEA and these Rules to both the student and the parents.
  - c. All rights accorded to parents under Part B of the IDEA transfer to the student.
  - d. All rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution.
4. If a participating agency, other than the LEA, fails to provide the transition services described in the IEP, Washington County School District must reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

**P. Graduation. (USBE VII.C)**

1. Washington County School District is not obligated to make FAPE available to students with disabilities who have graduated from high school with a regular high school diploma.
  - a. The exception above does not apply to students that have graduated from high school but have not been awarded a regular high school diploma, even if they have received an alternative degree that is not fully aligned with the State's academic standards, such as a certificate of completion or a general educational development credential (GED).
  - b. Graduation from high school with a regular high school diploma is a change in placement, requiring WPN, containing all the requirements of WPN, and is given a reasonable time before the LEA proposes to terminate the student's eligibility under the IDEA by issuing the student a diploma.
2. The IEP Team may amend graduation requirements and must document in the IEP the nature and extent of any



modifications, substitutions, and/or exemptions made to accommodate the needs of a student with disabilities.

3. The IEP teams at the Washington County School District refer to the USOE Special Education Graduation Guidelines for additional information.

**Q. Least Restrictive Behavior Interventions (LRBI).**

Washington County School District follows all parts of the USOE LRBI Guidelines as written.

**IV. PROCEDURAL SAFEGUARDS.**

The Washington County School District, consistent with the requirements of Part B of the IDEA and the USBE SER, has established, maintains, and implements Procedural Safeguards for students with disabilities and their parents.

**A. Opportunity for Parental Participation in Meetings.**

The Washington County School District affords parents the opportunity to participate in all decisions related to the location, identification, evaluation, and provision of FAPE for their student, including decisions related to the Discipline requirements of Part B of the IDEA. This includes arranging meetings at a mutually convenient time and place, providing Notice of Meeting at least one week prior to a scheduled meeting, and making at least two documented attempts to obtain parent participation in meetings.

**B. Independent Educational Evaluation (IEE). (USBE SER IV.C)**

1. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the student in question.
2. Washington County School District has established and implements the following policies and procedures related to independent educational evaluation that meet the requirements of Part B of the IDEA and the USBE SER.
  - a. The parents of a student with a disability have the right to obtain an independent educational evaluation of the student at public expense if they disagree with an evaluation obtained by the LEA.

- b. The LEA provides to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the LEA's criteria applicable for independent educational evaluations. Washington County School District has available a list of persons and/or agencies where an IEE may be obtained by the parent. In addition, the Washington County School District considers any other evaluator or agency proposed by the parent to conduct the IEE if the examiner and the evaluation meet the LEA's criteria. A qualified examiner is one who meets the USOE criteria for qualified personnel as a special education teacher, school psychologist, psychologist with expertise in administration and analysis of assessments, or other equivalent qualifications as determined by the LEA. Criteria for the evaluation are that the evaluation procedures meet all of the same standards as those listed in Section II.D-H of this Policy and Procedures Manual. The Washington County School District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
      - c. The Washington County School District ensures that when a parent requests an IEE, either the LEA files a due process complaint to request a hearing to show that its evaluation is appropriate, or that the independent educational evaluation is provided at public expense, unless the evaluation obtained by the parent does not meet the LEA criteria as described above. If a due process complaint decision finds the LEA evaluation was appropriate, an IEE obtained by the parent is considered by the team, but is not provided at public expense.
      - d. Additional protections for the parent of a student with a disability and for the LEA are followed as written in USBE SER IV.C.3(c-h).
    - 3. An independent educational evaluation conducted at the LEA's expense becomes the property of the LEA, in its entirety.
- C. Written Prior Notice (WPN).**

Washington County School District provides WPN to parents a reasonable time before it proposes to initiate or change, or refuses to

initiate or change, the identification, evaluation, or provision of a free appropriate public education to the student.

The notice includes:

1. A description of the action proposed or refused,
2. An explanation of reasons for the proposal or refusal,
3. A description of evaluations or other information the proposal or refusal is based on,
4. A statement that the parents and eligible student have protection under the Procedural Safeguards and how to obtain a copy of the Safeguards,
5. Sources of assistance to understand Part B of the IDEA,
6. A description of other options the IEP Team considered and why the other options were rejected, and
7. A description of other relevant factors to the proposal or refusal.
8. The WPN is provided in understandable language and in the parents' native language or other mode of communication.

**D. Procedural Safeguards Notice.**

A copy of the Procedural Safeguards is given to the parent once a year at the annual IEP review, except that a copy also is given to the parent upon initial referral or parental request for evaluation, upon receipt of the first State complaint or due process complaint in that school year, and upon request by the parent at any time. Washington County School District uses the USOE Procedural Safeguards Notice that is posted on the USOE website, [www.schools.utah.gov](http://www.schools.utah.gov). The special education teacher/case manager provides a brief explanation of the main provisions of the Procedural Safeguards to the parents at consent for evaluation, eligibility determination, and annual IEP meetings.

This notice contains an explanation of the procedural safeguards related to independent educational evaluations, written prior notice, parental consent, access to educational records, opportunity to present and resolve complaints through State complaint or due process complaint procedures, opportunity for the LEA to resolve the complaint, availability of mediation, student's placement during

pendency of hearings, procedures for students placed in an interim alternative educational setting, requirements for unilateral placement of student in private schools at public expense, hearings on due process complaints, civil actions, attorney's fees. This notice is in language understandable to the parents.

**E. Parental Consent.**

Informed written parental consent is obtained for evaluation and reevaluation, initial placement/provision of special education, and for release of records to certain parties. Efforts to obtain consent are documented in writing. No student receives special education or special education and related services without the signed initial consent for placement in the student file. Other relevant parental consent requirements are addressed in Sections II and III of this Policies and Procedures Manual.

**F. Dispute Resolution.**

The Washington County School District follows the Dispute Resolution requirements of the USBE SER described in IV.G-U as written. These include the procedures for State Complaints, Mediation, Due Process Complaints, Resolution Process, Due Process Hearings, Civil Actions, Attorney's Fees, and Student's Status during Proceedings.

**G. Surrogate Parents.**

The Washington County School District assigns a surrogate parent for a student when the parent cannot be identified or cannot be located, the parent's rights to make educational decisions has been taken away by a court, the student is a ward of the state, or the student is an unaccompanied homeless youth. The surrogate parent meets the requirements of USBE SER IV.V.5-8. Washington County School District contacts the Utah Parent Center for assistance in obtaining names of trained surrogates, and maintains a list of surrogate parents who are available when needed.

**H. Transfer of Rights.**

When a student reaches age 18, the age of majority in Utah, and has not been determined incompetent under State law, all rights accorded to parents under Part B of the IDEA and USBE SER transfer to the student. The Washington County School District provides written notice of this transfer of rights at least one year prior to the student's 18th birthday.

I. **Confidentiality of Information. (USBE SER IV.X)**

The Washington County School District takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records it collects or maintains related to Part B of the IDEA.

1. Definitions. As used in these safeguards:
  - a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
  - b. *Education records* means the type of records covered under the definition of “education records” in 34 CFR 99, implementing regulations for the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g (FERPA).
  - c. *Participating agency* means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.
  
2. Access rights.
  - a. Washington County School District permits parents to inspect and review any education records relating to their student that are collected, maintained, or used by the LEA. Washington County School District complies with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing, or resolution session, and in no case more than 45 calendar days after the request has been made.
  - b. The right to inspect and review education records includes the right to:
    - (1) A response from the LEA to reasonable requests for explanations and interpretations of the records;
    - (2) Request that the LEA provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(3) Have a representative of the parent inspect and review the records.

c. Washington County School District may presume that the parent has authority to inspect and review records relating to the parent's student unless the school has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

3. Record of access.

Washington County School District keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the LEA) in each student's special education file, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. If any education record includes information on more than one student, Washington County School District ensures that the parents of a student has the right to inspect and review only the information relating to their student or to be informed of that specific information.

4. List of types and locations of information.

On request, Washington County School District provides parents with a list of the types and locations of education records collected, maintained, or used by the district. This list is maintained in the main office at Washington County School District.

5. Fees.

Washington County School District may charge a fee for copies of records that are made for parents under Part B of the IDEA if the fee does not effectively prevent the parents from exercising their right to inspect and review those records; however, it may not charge a fee to search for or to retrieve information under Part B of the IDEA.

6. Amendment of records at parent's request.

a. A parent who believes that information in the education records collected, maintained, or used under Part B of

the IDEA is inaccurate or misleading or violates the privacy or other rights of the student may request the LEA that maintains the information to amend the information. The school district must decide whether to amend the information within a reasonable period of time of receipt of the request. If the LEA decides to refuse to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing on the matter.

- b. The LEA, on request, provides an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

If, as a result of the hearing, the LEA decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must inform the parent of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the district. Any explanation placed in the records of the student under this section must be maintained by the district as part of the records of the student as long as the record or contested portion is maintained; and if the records of the student or the contested portion is disclosed by the LEA to any party, the explanation must also be disclosed to the party. Washington County School District follows the hearing procedures described in USBE SER IV.12 as written.

- c. If the parent revokes consent in writing for the student's receipt of special education and related services, the LEA is not required to amend the student's education record to remove any references to the student's receipt of special education and related services because of the revocation of consent.

7. Release and disclosure of records.

Parental consent is not required for disclosure of records to officials of agencies collecting or using information under the requirements of Part B of the IDEA, to other school officials, including teachers within the school who have been determined by the LEA to have legitimate educational

interests, to officials of another school or school site in which the student seeks or intends to enroll, or for disclosures addressed in referral to and action by law enforcement and judicial authorities, for which parental consent is not required by 34 CFR 99.

(All Utah LEAs include in the annual Procedural Safeguards notice that it is their policy to forward educational records of a student with disabilities without parental consent or notice to officials of another school or school district in which a student seeks or intends to enroll.)

Written parental consent is obtained prior to releasing any records to any other person or agency not addressed above.

8. Safeguards.
  - a. Washington County School District protects the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
  - b. The Superintendent of Washington County School District assumes responsibility for ensuring the confidentiality of any personally identifiable information.
  - c. Staff members at Washington County School District who collect or use personally identifiable information receive training or instruction regarding the State's policies and procedures in USBE SER IV.X and 34 CFR 99 on an annual basis.
  - d. Washington County School District maintains, for public inspection, an Access Authorization List, that is, a current listing of the names and positions of those employees within the school who may have access to personally identifiable information on students with disabilities. This list is posted on the locked cabinet in which students' special education files are maintained. The list is updated annually.

9. Destruction of information.

The Washington County School District informs parents or the student age 18 or older when personally identifiable information collected, maintained, or used under Part B of the IDEA is no longer needed to provide educational services to



the student. Information no longer needed must be destroyed at the request of the parents or student age 18 or older. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. Each student's records may be considered "no longer needed to provide educational services" and may be destroyed three (3) years after the student graduates or three (3) years after the student turns 22.

10. Students' rights.

The rights of privacy afforded to parents are transferred to the student who reaches the age of 18, providing the student has not been declared incompetent by a court order, including the rights with regard to education records.

**V. DISCIPLINE.**

The Washington County School District follows the Discipline requirements and procedures described in USBE SER V.A-K as written.

**VI. STUDENTS WITH DISABILITIES IN OTHER SETTINGS.**

**A. PRIVATE SCHOOL PLACEMENTS BY LEAs. (§300.325)**

1. Developing IEPs.
  - a. Before an LEA places a student with a disability in, or refers a student to, a private school or facility, the LEA must initiate and conduct a meeting to develop an IEP for the student in accordance with Part B of the IDEA and these Rules.
  - b. The LEA must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the LEA must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.
2. Reviewing and revising IEPs.
  - a. After a student with a disability is placed in a private school or facility, any meetings to review and revise the student's

IEP may be initiated and conducted by the private school or facility at the discretion of the LEA.

- b. If the private school or facility initiates and conducts these meetings, the LEA must ensure that the parents and an LEA representative:
  - (1) Are involved in any decisions about the student's IEP; and
  - (2) Agree to any proposed changes in the IEP before those changes are implemented.
3. Even if a private school or facility implements a student's IEP, responsibility for compliance with this part remains with the LEA and the USOE.
4. Residential placement. (§300.104)

If placement in a public or private residential program is necessary to provide special education and related services to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

**B. STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS WHEN FAPE IS NOT AT ISSUE. (UNILATERAL PLACEMENT) (§300.130)**

1. Washington County School District follows the required procedures for Child Find, evaluation, provision of services, proportionate share expenditures, consultation, written affirmation, determination of equitable services, location of services, due process and State complaints, funds not to benefit a private school, use of personnel, separate classes prohibited, and use of property, equipment, and supplies.
2. Washington County School District for those private schools, including religious, elementary schools and secondary schools, located within its boundaries, in conducting the Child Find requirements, includes parentally placed private school students who reside in a state other than the state in which the private schools that they attend are located.
3. Washington County School District maintains in its records, and can provide to the USOE, the following information related to parentally placed private school students:

- (1) The number of students evaluated;
- (2) The number of students determined to be students with disabilities, and
- (3) The number of students served.

**C. STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS WHEN FAPE IS AT ISSUE. (§300.148)**

1. An LEA is not required to pay for the cost of education, including special education and related services, of a student with a disability at a private school or facility if that LEA made a FAPE available to the student and the parents elected to place the student in a private school or facility. However, the LEA must include that student in the population whose needs are addressed consistent with Rule VI.B.
2. Disagreements between the parents and an LEA regarding the availability of a program appropriate for the student, and the question of financial reimbursement, are subject to the State complaint and due process procedures in Rule IV.G-V.
3. If the parents of a student with a disability, who previously received special education and related services under the authority of an LEA, enroll the student in a private preschool, elementary school, or secondary school without the consent of or referral by the LEA, a court or a hearing officer may require the LEA to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the LEA had not made a FAPE available to the student in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by the USOE and LEAs.
4. The cost of reimbursement may be reduced or denied if:
  - a. At the most recent IEP team meeting that the parents attended prior to removal of the student from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the LEA to provide a FAPE to their student, including stating their concerns and their intent to enroll their student in a private school at public expense; or
  - b. At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the student

from the public school, the parents did not give written notice to the LEA of the information described in VI.C.4.a;

- c. Prior to the parents' removal of the student from the public school, the LEA informed the parents, through the written prior notice requirements of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation; or
  - d. Upon a judicial finding of unreasonableness with respect to actions taken by the parents.
5. Notwithstanding the requirements for parents to provide notice to the LEA prior to removal of the student, the cost of reimbursement:
- a. Must not be reduced or denied for failure to provide the notice if:
    - (1) The school prevented the parents from providing the notice;
    - (2) The parents had not received written prior notice of the notice requirement in VI.C.4.a-b; or
    - (3) Compliance with the notice requirements in VI.C.4.a-b would likely result in physical harm to the student; and
  - b. May, in the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if:
    - (1) The parents are not literate or cannot write in English; or
    - (2) Compliance with VI.C.4.(a-b) would likely result in serious emotional harm to the student.

## **VII. TRANSITIONS.**

Washington County School District follows the relevant transition requirements and procedures described in USBE SER VII as written.

## **VIII. RESPONSIBILITIES OF THE UTAH STATE OFFICE OF EDUCATION.**

Washington County School District provides data as required for State and Federal reports and other State functions.

## **IX. LEA ELIGIBILITY and RESPONSIBILITIES.**

### **A. Participation in assessments and reporting of assessment results.**

All students enrolled in the Washington County School District, including students with disabilities, participate in the statewide testing program and the LEA- and school-wide testing program. Participation requirements in the USOE Assessment Participation and Accommodation Policy are followed. The IEP Team determines how a student with disabilities will participate and accommodations needed, if any. Results of statewide assessments are posted on the USOE website annually.

### **B. Public participation in policies and procedures development.**

This Policy and Procedures Manual, as well as any future changes to the contents, are presented to the Washington County School District Board in a public meeting for review and input. The agenda for Washington County School District board meetings is posted at least 1 week prior to each meeting as required by State law.

### **C. Public posting of USOE monitoring results.**

Results of from Utah's Results Driven Accountability and Program Improvement Planning System are posted on the USOE website annually, as appropriate.

### **D. Methods of ensuring services.**

The Washington County School District ensures that each eligible student with disabilities enrolled in the school receives the services included in the IEP through a systematic process of review of IEPs and monitoring of service delivery by LEA personnel and contracted service providers.

### **E. Supervision.**

All personnel of the Washington County School District are supervised by appropriately qualified staff members who meet the USOE's Educator Quality Standards for Licensure in Utah.

### **F. Use of Part B funds.**

The Washington County School District follows the requirements of USBE SER IX.B in ensuring the appropriate use of funds under Part B of the IDEA. This includes following the requirements for students with disabilities who are covered by public benefits or insurance as written. Washington County School District participates in the single audit process required by State law that includes an audit of Part B funds.

**G. Personnel standards.**

All special education and related services personnel of the Washington County School District meet the educator licensing requirements of the USOE for the positions in which they work, as described in the USBE SER IX.H and the Highly Qualified requirements of the USOE State Plan under No Student Left Behind and Educator Licensing – Highly Qualified Assignment (Administrative Rule R-277-510-1 through 11). All personnel necessary to carry out Part B of the IDEA are appropriately and adequately prepared, subject to the requirements related to personnel qualifications and Section 2122 of the ESEA. Washington County School District provides a program of professional development for all special education personnel, based on the identified skill and knowledge needs of teachers, assistants, related service providers, and others, and including targeted training for persons working with students with specific and individual needs for academic and social behavior instruction.

**H. Performance goals and indicators in the State Performance Plan.**

The Washington County School District participates in additional procedures and collects and provides additional information which the USOE may require in order to meet Federal reporting requirements, including suspension and expulsion rates, LRE environments, disproportionality data, and others. (USBE SER X.A.2)

**I. Early Intervening Services.**

The Washington County School District uses not more than 15 percent of the amount it receives under Part B of the IDEA for any fiscal year, in combination with other amounts to develop and implement coordinated early intervening services for students who are not currently identified as needing special education or special

education and related services, and who need additional academic and behavioral support to succeed in a general education environment. These funds are used to carry out activities including professional development that enables school personnel to deliver scientifically based academic and behavioral interventions, as well as educational and behavioral evaluations, services, and supports.

The Washington County School District provides any and all required data on its Early Intervening Services to the USOE annually.

**J. Caseload Guidelines.**

Washington County School District follows the USOE Caseload Guidelines in overseeing the caseload of each special educator, including related service providers, to ensure that a FAPE is available to all eligible students with disabilities.

**K. Enforcement.**

The confidentiality requirements of Part B of the IDEA are reviewed and approved as part of the LEA eligibility process.

**L. Routine checking of hearing aids and external components of surgically implanted medical devices.**

Washington County School District must ensure that hearing aids worn in school by students with hearing impairments, including deafness are functioning properly. Washington County School District must ensure that external components of surgically implanted medical devices are functioning properly.