



TO: Candy deCsipkes, Naomi Ledbetter

FROM: Cynthia Alexander

DATE: February 1, 2018

RE: Policy Review – February 2, 2018 Meeting

The Policy Sub-Committee is scheduled to meet on Friday, February 2, 2018 from 8:30 – 10:00 a.m. at the RSU5 Central Office.

**Agenda**

1. Class Size discussion
2. IHBAA-Referral and General Education Interventions
3. IHBA-Individualized Education Programs (IEPs)
4. IHBAI-Independent Educational Evaluations
5. IHBAL-Grievance Procedure for Persons with Disabilities

Regional School Unit No. 5

17 West St., Freeport, ME 04032 Telephone: 865-0928x5 E-mail: [mcmanusg@rsu5.org](mailto:mcmanusg@rsu5.org)

## REFERRAL AND GENERAL EDUCATION INTERVENTIONS POLICY

It shall be the policy of RSU No. 5 to refer all school-age students suspected of having a disability that requires special education to the IEP Team for an evaluation in all suspected areas of disability. Referrals of students to the IEP team may be made by parents at any time, and by professional school staff regardless of the results of the initial child find activities, but after completion of the general education intervention process. Other individuals or agency representatives (including representatives of the Department of Health and Human Services) with knowledge of the child may also make referrals. Any such referral should be made in accordance with procedures that may be approved by the Superintendent of Schools.

Regardless of the source of the referral, a referral will be considered received by the school unit on the date that the written referral is received by the office of the Director of Instructional Support. It shall be signed and dated by the Director of Instructional Support or designee, thereby indicating the date of the receipt of that referral.

The Superintendent of Schools, in consultation with the Director of Instructional Support, may develop procedures for referral and the use of general education interventions within the local school unit, and may from time to time amend those procedures as necessary.

References: Me. Dep't of Educ. Reg. ch. 101, §§ II(17), III, IV(2)(D), (E), V(4)(A) (July 2011).

Adopted: June 24, 2009  
Reviewed: April 25, 2012  
Revised: April 24, 2013

## INDIVIDUALIZED EDUCATION PROGRAMS (IEPs)

It shall be the policy of the RSU No. 5 School Department to maintain a complete individualized education program (IEP) for each student who has been identified with a disability and in need of special education services under state and federal special education laws, and who is in attendance in RSU No. 5. The RSU No. 5 School Department shall develop these IEPs in a manner consistent with the procedural requirements of state and federal special education laws.

Student IEPs shall be reasonably calculated to provide the identified student with educational benefits in the least restrictive educational environment. The school shall ensure that such IEPs are in effect as soon as possible following the development of the IEP and that such IEPs are reviewed at least annually, as prescribed by State and Federal special education laws.

Legal Reference:     20 USC §§ 1414(d)  
                          34 CFR § 300.340-.350 (Mar. 1999) TX, 3, B(2)(a)  
                          Me. Dept. of Education Regs. Ch. 101 § 1.4, 10.1-10.5 (May 2008)

Adopted:     June 24, 2009  
Reviewed:    April 25, 2012

## INDEPENDENT EDUCATIONAL EVALUATIONS

A parent of a student with disabilities has a right to obtain an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local school unit. An “independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the local school unit.

If a parent requests an independent educational evaluation at public expense to challenge an evaluation obtained by the local school unit, the school must provide a written response to that request within a reasonable period, not to exceed 30 days of the receipt of the request, and shall, without unnecessary delay, either (1) initiate a hearing with the Maine Department of Education to show that its evaluation is appropriate, or (2) ensure that an independent educational evaluation is provided at public expense, unless the local school unit demonstrates in a hearing with the Maine Department of Education that the evaluation obtained by the parent did not meet agency criteria.

If a parent requests an independent educational evaluation at public expense, the public agency may ask for the parent’s reason why he/she objects to the local school unit’s evaluation. However, the explanation by the parent may not be required, and the local school unit may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the local school unit’s evaluation.

If the independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the local school unit uses when it initiates an evaluation.

The local school unit shall provide to the parent, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained and information about the school’s criteria applicable to independent educational evaluations at public expense.

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the local school unit, if that evaluation meets the local school unit’s criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education for the child.

If the parent requests an independent evaluation at public expense when the parent does not disagree with an evaluation provided by the local school unit, or when the school has not recently provided an evaluation in the area requested, the parent request shall be referred without unnecessary delay to the PET to determine whether the PET should order an evaluation in the area requested.

Legal Reference:     34 CFR § 300.502 (March 1999)  
                              Ch. 101 §§ 9.19, 12.5 (Nov. 1999) (Me. Dept. of Ed. Rules)

Adopted:     June 24, 2009  
Reviewed:    April 25, 2012

## **GRIEVANCE PROCEDURE FOR PERSONS WITH DISABILITIES**

The RSU No. 5 Board of Directors has adopted this grievance procedure to provide a local avenue for persons with disabilities to raise concerns about whether the school unit is fully meeting its obligations under state and federal laws to protect persons with disabilities. This procedure is intended to meet the requirements of the federal Rehabilitation Act (34 CFR § 104.7(b)) and the federal Americans with Disabilities Act (28 CFR § 35.107(b)).

Questions about this grievance procedure should be directed to the ADA/504 compliance coordinator: 17 West Street, Freeport, Maine 04032.

### **Step One**

A person with an identifiable disability, or someone acting on that person's behalf, may file a written grievance regarding compliance with state or federal disabilities laws with the building principal where the grievance arose, or with the ADA/504 compliance coordinator. If filed with the ADA/504 compliance coordinator, that person shall forward it to the appropriate building principal. No grievance will be heard if it involves actions that occurred more than 60 days prior to the filing of the grievance.

The building principal, after consultation with the ADA/504 compliance coordinator, shall respond in writing to the grievance within 15 working days of its receipt. Extensions of 15 working days may be allowed if necessary to address fully the issues in the grievance. The principal's written request shall be forwarded to the grievant and to the ADA/504 compliance coordinator.

### **Step Two**

If dissatisfied with the response, the grievant may obtain a review by the Superintendent of the principal's decision.

The grievant must request that review within 15 working days of the decision by the principal. The Superintendent, after consultation with the ADA/504 compliance coordinator, shall respond in writing to the grievance within 15 working days. Extensions of 15 working days may be allowed when necessary to address fully the issues in the grievance. The Superintendent's written response shall be forwarded to the grievant and to the ADA/504 compliance coordinator.

Except for grievances regarding physical alterations to school buildings or grounds, the decision of the Superintendent shall be final. In the case of grievances regarding physical alterations to school buildings or grounds, a dissatisfied grievant may obtain a review by the Board of Directors of the Superintendent's decision.

The grievant must request that review within 15 working days of the decision by the Superintendent. The Board shall have a reasonable time to schedule a meeting on the grievance and to issue its decision.

Nothing in this grievance procedure in any way forecloses a person with a disability from seeking redress for their concerns at any time through other legal avenues, such as through the Office for Civil Rights, the Department of Justice, the Maine Human Rights Commission or the Maine Department of Education.

Questions about other legal avenues available for persons with disabilities to pursue compliance concerns under various disabilities laws should be directed to the ADA/504 compliance coordinator: 17 West Street, Freeport, Maine 04032 (207) 865-0928.

This notice is available in large print and on audiotape from the ADA/504 compliance coordinator.

Adopted: June 24, 2009

Revised: April 25, 2012