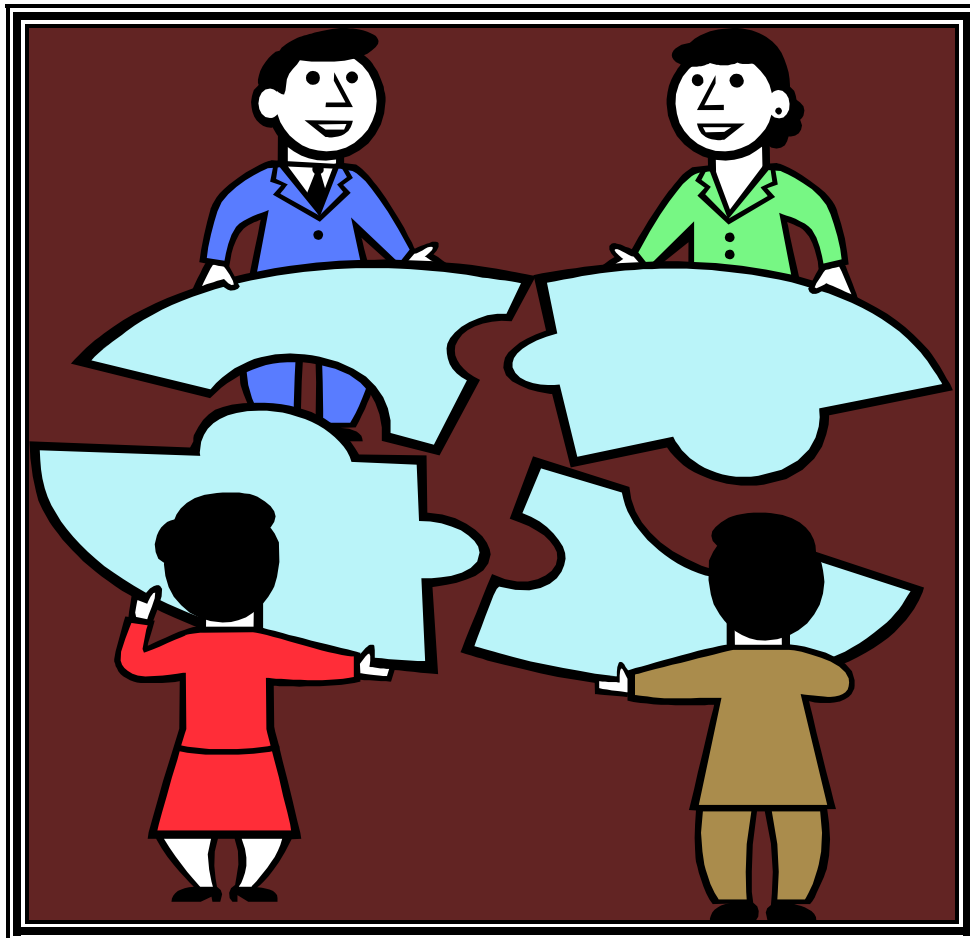
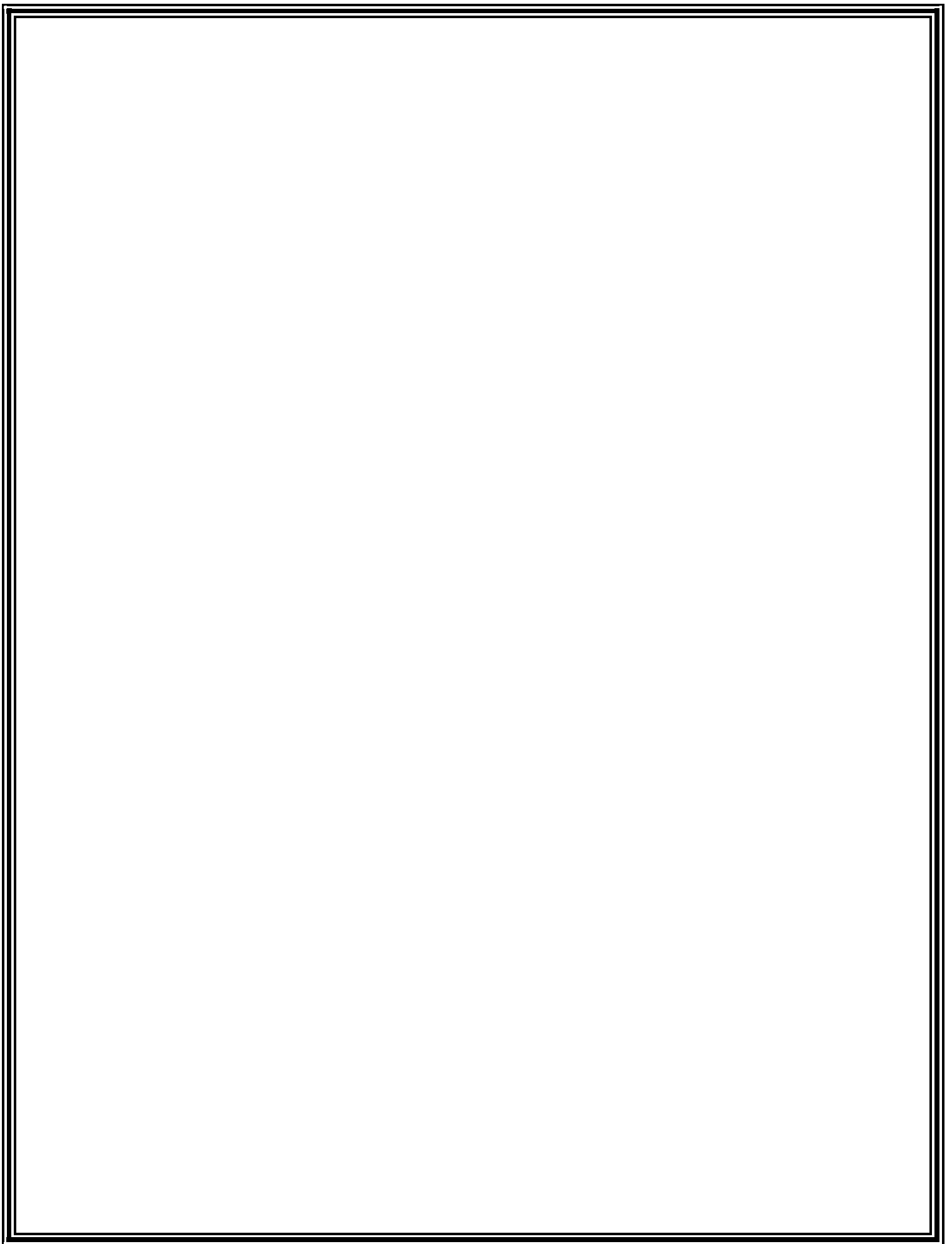


ARC Chairperson Training and Meetings Procedures



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ARC MEMBERSHIP AND RESPONSIBILITIES

TITLE/ROLE	RESPONSIBILITIES
LEA Representative Administrator/Designee (Chairperson)	<ul style="list-style-type: none"> • Receive referral • Communicate with parents • Arrange for assistance to individuals completing a referral in accordance with local procedures • Identify other members of ARC • Schedule meetings • Provide resource materials • Provide fiscal and human resource information • Provide support for implementation • Facilitate ARC process • Organize collection of referral data • Coordinate committee activities • Explain rights and procedures to parents • Obtain parents' signatures as needed • Arrange for interpreter or translator as needed • Organize all forms and other materials • Facilitate group decision making • Supervise record keeping • Chair ARC meetings • Provide input in development of IEP and the placement decision • Monitor implementation of the IEP • Ensure provision of services as described on the IEP • Inform implementers of specific responsibilities related to implementing IEP
Parent	<ul style="list-style-type: none"> • Represent the child • Read parent rights and responsibilities to become better advocate for the child • Provide information regarding performance • Provide support for child evaluation, programming and placement • Provide input in development of IEP and placement decision • Provide informed written consent
Child	<ul style="list-style-type: none"> • Provide information regarding performance • Provide information regarding vocational, career, recreation and leisure interests • Provide input in development of IEP and placement decision • Represent self at age 18 or when emancipated • Provide informed written consent when 18 or emancipated
Regular/General Education Teacher	<ul style="list-style-type: none"> • Provide information on current performance and interventions provided • Provide classroom assessment data • Provide information on general education curriculum and content and peer group of child • Define range of performance for the child's peers

TITLE/ROLE	RESPONSIBILITIES
	<ul style="list-style-type: none"> • Answer questions related to instructional strategies • Provide input for evaluation plan • Provide input in development of IEP and placement decision • Implement the IEP • Maintain and report progress data
Teacher of Exceptional Children (Special Education Teacher)	<ul style="list-style-type: none"> • Provide input for evaluation plan • Conduct assessments as needed • Provide information on specific categories of disability • Provide input in development of IEP and placement decision • Implement the IEP • Maintain and report progress data
Child Evaluation Specialists	<ul style="list-style-type: none"> • Provide input for evaluation plan • Conduct assessment • Compile evaluation information • Provide written comparison and interpretation of evaluation results • Provide input based on evaluation results • Explain meaning of evaluation results • Assist in ongoing evaluation results • Provide input in development of IEP and placement decision
Others as requested (consulting specialists such as occupational therapists, assistive technology evaluators, rehabilitation counselors, etc)	<ul style="list-style-type: none"> • Provide comprehensive analysis of child within area of expertise • Provide input for evaluation plan • Conduct assessment • Provide input based on evaluation results • Explain meaning of evaluation results • Provide specific information regarding instructional planning • Provide input in development of IEP and placement decision
Implementers (Regular and special education teachers, specialists)	<ul style="list-style-type: none"> • Develop instructional plans • Provide services specified • Monitor child's progress • Maintain and report progress data
Referring Person (Parent, Teacher, Medical personnel, other agency staff, etc)	<ul style="list-style-type: none"> • Provide information on current performance and interventions provided • Provide child evaluation information • Answer questions related to interventions used and results • Provide input for evaluation plan
Recorder (Any member of ARC)	<ul style="list-style-type: none"> • Keep accurate records of meeting, such as dates, times, persons in attendance (by title and name), etc • Make written record of discussions and decisions reached during meeting

ARC FUNCTIONS (RESPONSIBILITIES) AND ASSOCIATED ACTIVITIES

FUNCTIONS	ARC ACTIVITIES
Act on Referrals	<ul style="list-style-type: none"> • Student representative determined • Parents informed of referral (action notice) and given copy of rights • Other ARC members designated • Parents informed of meeting and invited to attend (meeting notice) • Structure and agenda of meeting determined
Determine need to evaluate	<ul style="list-style-type: none"> • Meeting conducted to review referral and determine need to evaluate • Parents' rights explained • All available information examined • Identify what additional data, if any, are needed • Evaluation plan developed and responsibilities assigned for obtaining assessment data
Obtain consent to evaluate	<ul style="list-style-type: none"> • Notice of proposed or refused action provided • Consent obtained from parent or educational representative or emancipated if individual child evaluation is to be conducted
Conduct Evaluation	<ul style="list-style-type: none"> • Evaluations scheduled and completed • Evaluation summaries received and reviewed for appropriateness and completeness • Evaluation results synthesized into written report
Determine Eligibility	<ul style="list-style-type: none"> • Parents informed of meeting to review and discuss evaluation results and determine eligibility • All evaluation information made available to all ARC members, including parents • Meeting conducted to discuss all available information and evaluation report (written comparison and interpretation of evaluation results) • Parents' rights explained • All available information examined • Need for additional data determined <ul style="list-style-type: none"> ○ if additional information is needed, arrangements made to obtain the information and meeting ends ○ if not additional information is needed, meeting proceeds • Eligibility determined <ul style="list-style-type: none"> ○ child is eligible if evaluation data confirms child has a disability that adversely affects educational performance and specially designed instruction and related services are needed, or ○ child is not eligible if evaluation data does not confirm the existence of a disability that adversely affects educational performance to the extent that specially designed instruction and related services are needed; then, written notice is provided the parents - the ARC process ends here.
Develop IEP	<p>IEP developed by ARC that contains the following:</p> <ul style="list-style-type: none"> • present level of performance • consideration of special factors • measurable annual goals, including short-term objectives and/or

FUNCTIONS	ARC ACTIVITIES
Develop IEP	<ul style="list-style-type: none"> benchmarks • special education (specially designed instruction) and related services and supplementary aids and services • explanation of the extent, if any, to which the child will not participate with nondisabled children in regular classes • statement of any individual modifications to be provided in order to participate in state or district-wide assessment • projected beginning date and frequency, location and duration of services and modifications • methods to evaluate progress and inform parents of progress • schedule and procedures for annual review • statement of transition service needs (at age 14) • statement of needed transition services (at age 16) • statement of transfer of rights at age of majority(at age 17)
Determine Placement	<ul style="list-style-type: none"> • Placement determined based on consideration of: <ul style="list-style-type: none"> • IEP • least restrictive environment • neighborhood school • participation with nondisabled peers • Placement decision recorded in writing
Obtain consent for services	<ul style="list-style-type: none"> • Notice of proposed or refused action provided • Consent obtained from parent or educational representative or emancipated if individual child evaluation is to be conducted
Implement and monitor IEP	<ul style="list-style-type: none"> • Instructional planning developed by implementers • Child progress data collected, maintained, and reported by implementers
Review and revise IEP	<ul style="list-style-type: none"> • Parents informed of meeting to review and revise IEP and determine need for continued services • Meeting conducted to review and revise IEP and determine need to continue services • Parents' rights explained • All available information, including progress data, examined • IEP revised
Determine need for continuation or change in placement	<ul style="list-style-type: none"> • Placement determined based on consideration of: <ul style="list-style-type: none"> IEP least restrictive environment neighborhood school participation with nondisabled peers • Placement decision recorded in writing • Written notice provided parent
Obtain consent for reevaluation	<ul style="list-style-type: none"> • Meeting conducted to determine reevaluation needs • Parents' rights explained • All available information examined • Identify what additional data, if any, are needed • Reevaluation plan developed and responsibilities assigned for obtaining assessment data • Notice of proposed or refused action provided

FUNCTIONS	ARC ACTIVITIES
	<ul style="list-style-type: none"> • Consent obtained from parent or educational representative or emancipated if individual reevaluation is to be conducted
Conduct reevaluation	<ul style="list-style-type: none"> • Reevaluation data collected • Reevaluation summaries received and reviewed for appropriateness and completeness • Reevaluation results synthesized into written report • Parents informed of meeting to review and discuss reevaluation results
Conduct reevaluation	<ul style="list-style-type: none"> • All evaluation information made available to all ARC members, including parents • Meeting conducted to discuss all available information and evaluation report • Parents' rights explained • All available information examined • Need for additional data determined <ul style="list-style-type: none"> ○ if additional information is needed, arrangements made to obtain the information and meeting ends ○ if no additional information is needed meeting proceeds • Need for continuing special education and related services determined

REPRESENTATIVE OF THE STUDENT

"Parent" means a biological or adoptive parent; a guardian; a person acting as in the place of a biological or adoptive parent (e.g., a grandparent or stepparent or other relative) with whom the student lives or a person who is legally responsible for the child's welfare; a foster parent if the biological or adoptive parents' authority to make educational decisions on the child's behalf has been extinguished, and the foster parent has an ongoing, long-term parental relationship with the student and no conflicting interests; or a surrogate parent appointed by the school district. The term *does not* include a guardian who is an employee of the Commonwealth if the student is a ward of the state.

A **"person acting in the place of a parent"** is a relative of the student or a private individual allowed to act as the parent of a student by the parent or guardian. This includes a grandparent, neighbor, governess, friend, or private individual caring for the student. An agency is *not* allowed to serve as a "person acting as a parent".

"Emancipated youth" means:

1. a youth who has reached the age of majority, eighteen (18), and no evidence exists that there is a court order or legal document showing the parent as the guardian or youth's representative in educational matters; or
2. a youth who is married (regardless of age).

No later than at the time of referral, the ARC Chairperson reviews records to determine if a child is:

1. emancipated, and therefore represents him/herself in educational decision-making; or
2. represented by an adult, such as a biological or adoptive parent, a guardian, a person acting as a parent, a foster parent, or a surrogate parent.

Biological or Adoptive Parents

Either parent, biological or adoptive, has parental rights unless there has been a judicial determination that limits or terminates their rights. Parents are considered available when a current residence or mailing address is identified by the ARC Chairperson.

If no parent is in residence, the ARC Chairperson obtains the name and address of either biological or adoptive parent, or any documents affecting the parent's legal status regarding educational decision-making including informal arrangements or the result of a State agency or court action.

Legal Guardian

If the ARC Chairperson determines the child is represented by a legal guardian, the ARC Chairperson obtains a copy of the court order from the guardian establishing the legal guardianship. The ARC Chairperson places a copy of the court order in the educational record of the child.

Person Acting As a Parent

If the ARC Chairperson determines there is no parent available and the person with whom the child resides is a family member, grandparent, stepparent, or other person with whom the parent has made an informal arrangement to care for the child without state agency or court intervention, the ARC Chairperson determines this is a person "acting as a parent" and as such has all the rights of a parent until the parent reappears to reclaim his or her rights.

Parent Assigned by State Agency or Court Action

If there is no parent available, and the person caring for the child is doing so as the result of State agency or court action, the ARC Chairperson requires this person to provide information regarding the legal status of the rights of the parent with respect to the child.

1. This person does not qualify as the educational representative unless the person is a private individual who can produce a court order that he or she has been granted guardianship of the child

2. Unless the person can produce a court order that he or she is a private (as opposed to state-appointed) guardian, such a person may not represent the child (e.g., sign permission or other due process forms) and absent written parental permission, is not allowed access to the educational records of the child.

Commitment to Cabinet for Families and Children or Department of Juvenile Justice

If the child has been committed to the Cabinet for Families and Children or the Department of Juvenile Justice and parental rights have not been terminated, the ARC Chairperson involves the biological or adoptive parent in education decision-making and no surrogate parent is assigned.

If the ARC Chairperson determines that the child is a ward of the State (i.e., parental rights have been terminated by the court), the ARC Chairperson contacts the DoSE and obtains a copy of the court order verifying that the child is a ward of the State. The ARC Chairperson files the copy of the court order into the educational record of the child. The DoSE appoints a surrogate parent.

Protective Custody

In instances that involve protective custody of the child, CFC may inform the ARC Chairperson that parents must not learn information regarding the whereabouts of their child. In such cases, the ARC Chairperson requires that the CFC representative provide a court order that prohibits parent involvement with the child. A copy of the order is filed in the child's records, and the DoSE appoints a surrogate because the child's parents are unavailable.

Foster Parent

The ARC Chairperson verifies that the child resides in a foster home or is otherwise in custody of a State agency. If the child is placed with foster parents, the ARC Chairperson determines if parental rights have been terminated. If parental rights have not been extinguished, the ARC Chairperson follows the procedures for **Biological or Adoptive Parents or Legal Guardian**. If no parent is known, their whereabouts cannot be determined, or parental rights have been terminated, the DoSE may assign the foster parent as a surrogate parent in accordance with procedures.

In the event parent's rights have been extinguished, the foster parent may act as parent without the need for appointment as surrogate parent under the following conditions:

1. the foster parent has an on-going, long-term parental relationship with the child;
2. the foster parent is willing to make the educational decisions required of parents under special education regulations; and
3. the foster parent has no interest that would conflict with the interests of the child.

Summary of Procedural Safeguards

GENERAL INFORMATION

Prior Written Notice

- ❑ At each ARC meeting, the district gives you a copy a written notice (this is the Conference Summary) before the district proposes, refuses, or changes the identification, evaluation, or placement of your child.
- ❑ For each action the district proposes or refuses to take, the notice describes the action and provides an explanation for taking the action, including the information used to make a decision; describes other choices the district considered and reasons for rejecting those choices; and the district makes sure you understand the procedural safeguards (Parent Rights) and know how to access resources to help you understand.

Native Language

- ❑ Native language and mode of communication means the language or communication normally used by the family and/or child.
- ❑ The district makes sure you get a copy of your rights in your native language, or in the mode of communication you use, unless it's clearly not feasible to do so.
- ❑ If your native language or mode of communication is not a written language, the district makes sure the notice is translated or provided in another mode of communication; you understand the notice; and documents that these requirements have been met.

Electronic Mail

- ❑ The district may offer to send the following documents by email: prior written notice (Conference Summary), Procedural Safeguards Notice (Parent Rights), and notices relating to a due process complaint.

Parental Consent

- ❑ Consent means that you have been informed, in your native language or mode of communication, of everything the district is requesting to do for your child.
- ❑ The district asks for your written consent before the district initially evaluates your child or initially provides services to your child.
- ❑ The district asks you to give your written consent voluntarily; you may refuse or withdraw your consent at any time.
- ❑ Withdrawal of consent does not undo any action that has already been done.
- ❑ If you refuse or do not respond to a request for consent for initial evaluation, the district *may* ask for mediation or a due process hearing and resolution meeting.
- ❑ If you refuse or do not respond to a request for consent for initial services, the district *will not* ask for a due process hearing and resolution meeting.
- ❑ The district takes reasonable steps to obtain your consent for a reevaluation; however, if you do not respond, the district may provide a reevaluation of your child.
- ❑ If you refuse to provide consent for a reevaluation, the district *may*, but is not required to, ask for a due process hearing and resolution meeting.
- ❑ If your child is in a private (or home) school, and you do not provide consent for an initial or reevaluation, the district *may*, but is not required to, request a due process hearing.
- ❑ The district does not ask for consent when reviewing existing data as a part of your child's evaluation or reevaluation or when giving an evaluation to your child that is given to all children, unless consent is required from all parents of all children.

Independent Educational Evaluation

- ❑ If you disagree with the district's evaluation, you may ask for an independent educational evaluation at public expense.
- ❑ An independent evaluation is conducted by a qualified evaluator and meets the district's criteria for an evaluation, including qualifications of the examiner and location of the evaluation, consistent with the school's criteria for evaluations.

- ❑ The district may either provide an independent evaluation by a qualified examiner or file a request for a due process hearing to show the district's evaluation is appropriate.
- ❑ You are entitled to one independent educational evaluation at public expense each time the district conducts an evaluation of your child with which you disagree.
- ❑ If you obtain an independent evaluation at your own expense, the district must consider the results of the evaluation.

CONFIDENTIALITY OF INFORMATION

Notice to Parents

The Kentucky Department of Education (KDE) must provide notice in newspapers and/or other media before conducting any "Child Find" (identification, location, or evaluation) activities. The notice includes:

- ❑ A description of the extent of the notice, in the native language, to all populations in the state;
- ❑ A description of the children for whom confidential information is maintained, the types, methods of gathering the information, and uses of the information;
- ❑ A summary of policies and procedures that school districts and other agencies must follow; and
- ❑ A description of the rights of parents and children regarding this information and under the Family Education Rights and Privacy Act (FERPA).

Access Rights:

- ❑ You may see all of your child's educational records no later than 45 days after you ask to see them.
- ❑ The school presumes that both parents may see your child's records unless you, as the parent, give the school a court order or other legal document that revokes these rights.
- ❑ You have the right to:
 - ❑ have the records explained to you
 - ❑ ask for copies, for which the district may charge a fee
 - ❑ have someone else review the records
- ❑ The school keeps a record of everyone who obtains access to your child's records. The school does not keep a record of each time the record is accessed by you as the parent, or the school employees who work directly with your child.
- ❑ If any educational record contains information on more than one child, the parents of that child have the right to inspect and review information in that record pertaining only to their child.
- ❑ The district will provide you with a list of the types and locations of education records collected, maintained, and used by the district.
- ❑ The district may charge a fee for copies of records, as long as the fee does not prevent you from inspecting and reviewing the record.

Amendment of Records

- ❑ If you believe that any information in your child's records is wrong, misleading, or violates your child's privacy, you may ask for a record amendment.
- ❑ If the district refuses to change the information, you may ask for a hearing to challenge their decision.
- ❑ As a result of the hearing, the district either changes the information or does not change the information. If the information stays the same, you have a right to place an explanation in the record of the reason(s) you disagree with the decision.

Consent

- ❑ The district asks for your written consent before disclosing personally identifiable information about your child to parties other than officials of the participating agencies.
- ❑ The district asks for your written consent before releasing information to private school officials of the school in which your child attends if it is not located in the school district in which you live.
- ❑ The district asks for your, or the student, if 18 years or older, for written consent before releasing any information to officials of agencies who will be providing or paying for secondary transition services.
- ❑ The district notifies you when your child reaches the age of 18 that the rights under IDEA transfer to your child unless you have notified the district that you are your child's legal guardian.

Safeguards

- ❑ The district has a person responsible for ensuring the confidentiality of educational records at the stages of: collection, storage, disclosure, and destruction.
- ❑ All persons collecting or using confidential information receive training regarding the district's policies and procedures and according to the Family Education Rights and Privacy Act.
- ❑ The district keeps a record of the names and positions of the employees who may have access to confidential information.

Destruction

- ❑ The district provides notice to the parent and student who is age 18 or older, when confidential information is no longer needed to provide services.
- ❑ The district destroys the information at the request of the parent or student who is age 18 or older.
- ❑ The district may keep a permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year.

STATE COMPLAINT PROCEDURES

Complaints

- ❑ Any individual or organization may file a formal written complaint alleging a violation of any Part B (IDEA) requirement by a school district, KDE, or any other agency.
- ❑ The complaint must allege a violation that occurred one (1) year before KDE receives the complaint.
- ❑ Formal complaints result in an investigation and report, and may also result in mediation or a due process hearing.

Due Process Hearing

- ❑ You or the district may initiate a due process hearing about anything proposed or refused regarding the identification, evaluation, educational placement, or provision of a free appropriate public education to your child.
- ❑ The violation must have occurred not more than three (3) years before you knew or should have known about the alleged action.
- ❑ The district informs you of any free or low cost legal services if you request the information, or if you request a due process hearing.
- ❑ The request for a due process hearing is sent to the Kentucky Department of Education and they will provide a qualified hearing officer.

Mediation

- ❑ You and the district may request mediation services to settle differences about the identification, evaluation, educational placement, or provision of a free appropriate public education to your child.
- ❑ Mediation is voluntary and cannot be used to deny or delay your right to a due process hearing or other IDEA rights.
- ❑ The request for mediation is sent to the Kentucky Department of Education and they will provide an impartial mediator.

Child's Placement While the Due Process Request and Hearing are Pending (Stay Put)

- ❑ If your child is involved in any administrative (hearing or appeal) or judicial (court) proceeding, your child remains in his/her placement unless you and the district agree otherwise.

Resolution Process

- ❑ The district invites you to a meeting within 15 days of receiving notice of the due process request, and before the hearing begins, to try to resolve the issues.
- ❑ You may agree to use the Mediation process instead of the resolution process.
- ❑ You and the district may agree in writing to waive the resolution meeting.
- ❑ If the due process issues have not been resolved within 30 days of the hearing request, the due process hearing may occur.
- ❑ If you and the district agree on a resolution, then you and the district enter into a legally binding agreement.
- ❑ You and the district may void the resolution agreement within three (3) business days of the time you signed the agreement.

Appeals

- ❑ A decision made in a due process hearing is final, unless you or the school district appeals the decision to the Exceptional Children Appeals Board (ECAB).
- ❑ The decision made by the ECAB is final unless you or the school district brings a civil action.

Attorney Fees

- ❑ If you win in a due process hearing, appeal, or at Court, the District Courts of the United States may award reasonable attorneys' fees.

PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITES

- ❑ Your child may be removed from their current educational placement to an appropriate interim alternative educational setting as determined by the Admissions and Release Committee, another setting, or suspension for not more than 10 consecutive school days during a school year.
- ❑ If your child is removed from their current educational placement for more than 10 consecutive school days, the district must provide special education services according to the IEP and provide a functional behavioral assessment and behavior intervention plan.
- ❑ If your child violates the Student Code of Conduct and the behavior is not related to (a manifestation of) his/her disability, the district may apply the same disciplinary procedures as are applied to students without disabilities.
- ❑ Your child may be placed in an interim alternative educational setting for up to forty-five (45) school days if your child:
 - ❑ Carries a weapon or has a weapon at school or a school function;
 - ❑ Knowingly has or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function; or
 - ❑ Inflicts serious bodily injury on another person while at school, on school premises, or at a school function.
- ❑ If your child is removed from their current educational placement, the ARC will meet to review your child's IEP and placement.

Appeal

- ❑ You may file a due process hearing request if you disagree with the placement and/or manifestation decisions.
- ❑ The district may file a due process hearing request if they believe that maintaining the child's current placement may result in injury to the child or others.
- ❑ Unless you and the district agree otherwise, the child remains in the interim alternative educational setting until the hearing officer decision or the 45 school days is over.

Protections for Children Not Yet Eligible for Special Education and Related Services

- ❑ If your child has not been determined eligible for special education and related services and violates the Student Code of Conduct, you may assert protections under the IDEA if the district has knowledge that your child was a child with a disability before the behavior occurred.
- ❑ If the district does not have knowledge that your child is a child with a disability before taking disciplinary action, your child will be subject to the same disciplinary action as those applied to children without disabilities.
- ❑ If a request is made to evaluate your child during the time the disciplinary procedures are applied, the district will expedite the evaluation and your child will remain in an educational placement determined by school personnel pending the evaluation results.

Referral to and Action by Law Enforcement and Judicial Authorities

- ❑ The district is not prohibited from reporting a crime committed by a child with a disability to local authorities.
- ❑ If the district reports a crime committed by a child with a disability, the district follows the requirements of the Family Education Rights and Privacy Act in transmitting records.

Requirements for Unilateral Placement by Parents of Children In Private Schools as Public Expense

- ❑ The district is not required to pay for the cost of a private school education if a free appropriate public education was made available to your child and you decide to place your child in a private school.
- ❑ If you and the district disagree about the availability of a free appropriate public education, you may request mediation or a due process hearing.

DESCRIPTORS OF EXCEPTIONAL CHARACTERISTICS

Autism (AU): student has a developmental disability that significantly affects verbal and non-verbal communication and social interaction, generally evident before age three, which adversely affects educational performance. Characteristics of this disability include irregularities and impairments in communication, engagement in repetitive activities and stereotyped movements, resistance to environmental change in daily routines, and unusual responses to sensory experiences.

Deaf-Blind: student has both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that s/he can not be fully accommodated in special education programs designed solely for deaf or blind children.

Developmental Delay (DD): student is under nine (9) years of age; has not acquired skills or achieved performance expectations for his/her age in one (1) or more of the developmental areas of cognition (intelligence), communication, motor development, social-emotional development or self-help/adaptive behavior; and demonstrates a measurable difference between chronological age and current level of performance.

Emotional-Behavioral Disability (EBD): student, when provided with interventions to meet instructional and social-emotional needs, continues to exhibit one or more of the following, when compared to the child's peer and cultural reference groups, across settings, over a long period of time and to a marked degree:

- a. severe deficits in social competence or appropriate behavior which cause an inability to build or maintain satisfactory interpersonal relationships with peers or adults;
- b. severe deficits in academic performance which are not commensurate with the student's ability level and are not solely a result of intellectual, sensory, or other health factors but are related to the child's social-emotional problem;
- c. a general pervasive mood of unhappiness or depression; or
- d. a tendency to develop physical symptoms or fears associated with personal or school problems.

Hearing Impairment (HI): student exhibits a hearing loss ranging from mild to profound to such a degree that the child is impaired in the processing of language through hearing, with or without hearing aids or auditory devices. This loss is to such a degree that it adversely affects educational performance. This includes students who are hard of hearing and deaf.

Mild Mental Disability (MMD): student exhibits cognitive functioning (intelligence) and adaptive behavior deficits at least two (2) or more standard deviations below the mean (One standard deviation is 15 points and the mean of most intelligence tests is 100 points. Therefore to be eligible for MMD, the student would score a minimum of 30 points below 100, or from 55 - 70.) A severe deficit exists in overall academic performance including acquisition, retention, and application of knowledge; and is manifested during the developmental period.

Functional Mental Disability (FMD): student exhibits cognitive functioning (intelligence) and adaptive behavior deficits at least three (3) or more standard deviations below the mean (One standard deviation is 15 points and the mean of most intelligence tests is 100 points. Therefore to be eligible for FMD, the student would score a minimum of 45 points below 100, or below 55.) A severe deficit exists in overall academic performance including acquisition, retention, and application of knowledge; and is manifested during the developmental period.

Multiple Disabilities (MD): student exhibits a combination of two or more disabilities producing such severe learning, developmental, and/or behavioral problems that appropriate services cannot be provided in special education programs designed solely for students with one disability.

Orthopedic Impairment (OI): student exhibits a severe orthopedic impairment caused by congenital anomaly, disease, injury, or accident which adversely affects educational performance.

Other Health Impairment (OHI): student exhibits limited strength, vitality or alertness, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems that have an adverse effect on educational performance. (i.e. AD/HD, ADD, diabetes, Tourettes Syndrome).

Specific Learning Disability (SLD): student exhibits a disorder in one or more of the basic learning process involved in understanding or using spoken or written language which results in a severe discrepancy between the student's aptitude and the achievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, fluency, mathematics calculations, and/or mathematical reasoning. The student has average intelligence (i.e., IQ 85 - 115, or above).

The typical IQ tests used include the Wechsler Intelligence Scales for Children, 4th Edition (WISC-IV); Wechsler Adult Intelligence Scale, 3rd Edition (WAIS-III); and Kaufman Aptitude Battery for Children, 2nd Edition (KABC-II). The typical achievement tests used include the Woodcock-Johnson Tests of Achievement, 3rd Edition; Wechsler Individual Achievement Test, 2nd Edition (WIAT II); and other achievement measures specific to an area of disability. Once the scores from both the aptitude and achievement evaluations, the school psychologist and the ARC apply the criteria listed in the Aptitude/Achievement Discrepancy Tables from the *Kentucky Procedures and Criteria for Determining a Specific Learning Disabilities* to determine if the student has a specific learning disability.

Speech or language impairment: student exhibits a communication disorder, including stuttering, impaired articulation, a language impairment, a voice impairment, delayed acquisition of language, or an absence of language that adversely affects educational performance.

Traumatic Brain Injury (TBI): student has an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. Traumatic brain injury means open or closed head injuries resulting in mild, moderate, or severe impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

Visual Impairment (VI): student exhibits a visual acuity of 20/70 in the better eye after correction and/or has a visual disability which, even after correction, adversely affects educational performance. This includes students who are blind and partially sighted.

ARC Referral Meeting Process

Bring to the ARC Meeting

Due Process Folder
Cumulative File
Completed Referral
Referral Checklist
<C:\Users\Francisb\Desktop\Referral checklist 13.docx>
Documentation of Instruction
Assessment data/information
RTI Progress Data

Forms to Have on Hand:

Determination of Student Representative
Parent Rights
Conference Summary
Consent for Evaluation Services

Introductions and Roles

- ◆ If someone not listed on the Notice of Meeting attends, ask for parent approval and document this on the Conference Summary.
- ◆ If an ARC Member cannot attend the meeting, the ARC Chairperson requests consent from the parent prior to the ARC Meeting and shares, as appropriate, the written report from the absent member.

Parent Rights <C:\Users\Francisb\Desktop\Procedural Safeguards Summary.doc> (summary)

Give a copy of the *Parent Rights* and summarize the major sections. Ask if they have questions or need further explanation in any area. For areas of further explanation, refer to your Policies and Procedures. <C:\Users\Francisb\Desktop\Procedural Safeguards Notice.doc> (complete document)

Description of the ARC Process

1. The ARC uses consensus to reach decisions.
2. Each member has an opportunity to share information.
3. Members discuss and consider information prior to making a decision.
4. If data is insufficient to make a decision, the meeting is rescheduled for a time when all data are collected.
5. Each member has an equal and active role in the ARC process.

A. Review the Referral

- Step 1 The ARC reviews the referral; student performance information, including the student's response to instruction; and any additional information.
- Step 2 Compare the student's abilities to their peer group in each area and determine if the student's performance is significantly different from peers in any area.
- Step 3 Ensure the implemented instructional interventions included:
- a. Designed research-based instruction for each area of concern;
 - b. Implementation in regular education classrooms by qualified personnel;
 - c. Data-based documentation of repeated assessments or measures of behavior at regular intervals.
- Step 4 Sufficient information is available to determine if there is a need for evaluation.

If the referral and student performance information does not indicate the possibility of a disability, the ARC ends the process at this point.

Suspect a Disability

Step 5 If the referral and student performance information indicates the possibility of a disability, the ARC specifies the suspected disability and the need to initiate a full and individual evaluation. The ARC eliminates the disability areas where there is no match or alignment with the concerns identified in the referral process. The ARC may consider more than one disability area.

If the student is experiencing problems in:	You may want to consider assessment for:
Communicating with others	Communication Disorder; Autism
Speech and Language	Communication Disorder
Academics	Specific Learning Disability
Behaviors and Emotions	Emotional Behavioral Disability
Child development areas (up to age 9)	Developmental Delay
Cognition (thinking and problem solving)	Autism; Mental Disability
Health	Other Health Impaired
Physical areas	Physical Disability
Vision	Visual Impairment; Deaf Blind
Hearing	Hearing Impairment; Deaf Blind
Issues due to an old or recent accident	Traumatic Brain Injury

B. Identification of Evaluation Areas

Step 6 The ARC identifies the general areas needed for assessment of the suspected disability to ensure a comprehensive evaluation is completed. The ARC members document the decisions on the Consent for Evaluation form.

C. Request Consent for Evaluation

Step 7 If the ARC requests an evaluation, the ARC Chairperson gives the parent the Request for Consent for Evaluation form.

D. End of Meeting

1. Review the minutes and summarize the decisions documented on the forms.
2. Ensure all forms have been completed, signed and distributed to appropriate parties.
3. Give the parent a copy of the Conference Summary, and if appropriate, Consent for Evaluation.

**ARC Meeting Process to
Review the Evaluation, Determine Eligibility,
Develop the IEP, and Make the Placement Decision**

Bring to the ARC Meeting

Due Process Folder
Individual Learning Plan (ages 14 & older)
Assessment data/information
Written Assessment Report

Forms to Have on Hand:

Parent Rights
Conference Summary
IEP forms with extra pages
Eligibility Report
Consent for Services

Introductions and Roles

- ◆ If someone not listed on the Notice of Meeting attends, ask for parent approval and document this on the Conference Summary.
- ◆ If an ARC Member cannot attend the meeting, the ARC Chairperson requests consent from the parent prior to the ARC Meeting and shares, as appropriate, the written report from the absent member.

Parent Rights

Ask the parent if they have questions or need further explanation in any area of the Parent Rights. For areas of further explanation, refer to the district Policies and Procedures.

Description of the ARC Process

- a. The ARC uses consensus to reach decisions.
- b. Each member has an opportunity to share information.
- c. Members discuss and consider information prior to making a decision.
- d. If data is insufficient to make a decision, the meeting is rescheduled for a time when all data are collected.
- e. Each member has an equal and active role in the ARC process.

Review the Evaluation to Determine Eligibility

The ARC reviews evaluation and student performance information to determine eligibility for a disability and completes the Eligibility Report Form.

- Step 1 The ARC reviews and analyzes the evaluation and student performance information.
- Step 2 Sufficient information is available to determine if there is a disability.
- Step 3 The ARC compares evaluation information to eligibility criteria and determines if the child meets eligibility for a disability.
- Step 4 The student's lack of progress in the general curriculum is not caused or explained by the student's limited English proficiency; lack of appropriate instruction in the essential components of reading; or lack of appropriate instruction in math.
- Step 5 The student's disability adversely effects progress, interferes with acquiring skills needed to be included in and progress in the general curriculum, and affects the student to such a degree that special education and related services are needed in order to benefit from education.

If the ARC determines the student does not have a disability, the ARC follows the process for ending the meeting.



Developing the IEP (USING THE IEP GUIDANCE DOCUMENT)

Based on the evaluation information and progress data, the ARC develops an IEP.

- Step 1 **Determine Present Level of Academic Achievement and Functional Performance** and **significantly and consistently adversely effect (impact)** the progress in the general curriculum compared to same age peers.
- a. Develop the Statement of Transition Service Needs/Needed Transition Services
- Step 2 **Consider Special Factors for IEP development:**
- Behavior i.e. (Behavior Intervention Plan)
(Development of a Behavior Management plan for students who have difficulty managing their behaviors)
 - Limited English Proficiency
 - Blind or Visually Impaired i.e. (Use of Braille)
 - Communication
i.e. (Use of a communication device for students who are language or hearing impaired)
 - Use of Assistive Technology (AT evaluation?)
- Step 3 **Determine priority areas and document discussion on Conference Summary**
- Step 4 **Develop Annual Goals, Benchmarks and/or Objectives**
- Step 5 **Determine method for evaluating progress toward goals, benchmarks/objectives**
- Curriculum Based Measurements
 - Direct Measures,
 - Indirect Measures
 - Authentic Assessment
- Step 6 **Determine when parents will receive reports of progress the child is making toward meeting annual goals** (usually same time as General Ed.)
- Step 7 **Determine Services**
- a. Specially Designed Instruction (SDI) “**what the teacher does**”
- b. Supplementary Aids and Services (SAS) “**what the student needs**”
(not needed or as needed are not acceptable) cannot be left blank.
- Step 8 **Accommodations for Administration for Participation in State Assessments and Assessments in the Classroom.**
- Step 9 **Program Modifications/Supports for school personnel that will be provided.**
- Step 10 **Least Restrictive Environment (LRE)** the maximum extent appropriate, students with disabilities must be educated with children who do not have disabilities.
- Step 11 **Special Education Services**
- a. Determine Amount of Services
 - b. Beginning Dates
 - c. Duration
 - d. Service Provider (do not use teacher names only positions)
 - e. Frequency
 - f. Location

Step 12 **Related Services**

- a. Type of service (physical therapy, occupational therapy, Speech/Lang, Special Transportation)
- b. Minutes, Frequency, Period
- c. Start date/End Date
- d. Provider
- e. Location

Step 13 **ESY** (Are extended school year services required for this student?)

Step 14 **Transition Service Needs**(Beginning in the child's 8th grade year or when the child has reached the age of 14 and thereafter).

Step 15 **Postsecondary Goal(s)**

(By age 16, or younger if appropriate, and thereafter).

Step 16 **Transition Service** (i.e. Multi-year course of Study, ILP)and Agency responsible

Step 17 **Transfer of Rights at Age of Majority** (age 18) Inform Parents of rights if student is reaching age of majority (age 18)

Set date for Annual Review



Make a Placement Decision

Based on the IEP, evaluation information, and student performance data, the ARC determines where the IEP and services will be implemented.

- Step 1 The IEP is current and complete.
- Step 2 Select a placement option (the ARC begins with Full time General Education as the first proposed placement option).
 - a. Can all components of the IEP be implemented in the proposed placement option?

Placement Option	Description of Placement Option
Full time General Education	Participation only in the general education classroom/environment. This includes Collaboration.
Part time General Part time Special Education	Participation in both regular and special education classroom/environments. This is for any time the student is pulled out of general education, regardless of the amount of time.
Full time Special Education	Participation only in the special education classroom.* This includes a school environment where the student does not participate with people who do not have disabilities.

(*There *should not be* a special education environment outside of a classroom!)

- Step 3 Are there harmful effects of the placement on the student or quality of services?
- Step 4 Is the facility selected the school the child would attend if not disabled?
- Step 5 Are there opportunities for student participation in academic, nonacademic, and extracurricular activities with similar aged students who do not have disabilities?

E. Request Consent for Special Education and Related Services

If the student meets eligibility and an IEP was developed, the ARC Chairperson gives the parent the Consent for Special Education and Related Services form.

F. End of Meeting

- 4. Review the minutes and summarize the decisions documented on the forms.
- 5. Ensure all forms have been completed, **signed**, and distributed to appropriate parties.
- 6. Give the parent a copy of the Conference Summary, Written Evaluation Report(s), Eligibility form(s), IEP, and if appropriate, Consent for Special Education and Related Services form.

30 school days before the annual review date:

- ✓ Complete the Notice of ARC Meeting
- ✓ Document second method of contact

ARC Annual Review Meeting Process

Bring to the ARC Meeting

Due Process Folder
Individual Learning Plan (ages 14 & older)
Current IEP and progress data
Assessment data/information

Forms to Have on Hand:

Parent Rights
Conference Summary
IEP forms with extra pages
Consent for Evaluation Services

Introductions and Roles

- ◆ If someone not listed on the Notice of Meeting attends, ask for parent approval and document this on the Conference Summary.
- ◆ If an ARC Member cannot attend the meeting, the ARC Chairperson requests consent from the parent prior to the ARC Meeting and shares, as appropriate, the written report from the absent member.

Parent Rights

Ask parents if they have questions or need further explanation in any area of *Parent Rights*. For areas of further explanation, refer to the district Policies and Procedures.

Description of the ARC Process

- e. The ARC uses consensus to reach decisions.
- f. Each member has an opportunity to share information.
- g. Members discuss and consider information prior to making a decision.
- h. If data is insufficient to make a decision, the meeting is rescheduled for a time when all data are collected.
- i. Each member has an equal and active role in the ARC process.

G. Review of Student Progress

The ARC reviews student performance data, evaluation information, and progress data and considers the following:

1. the degree to which the student has made expected progress toward academic achievement and functional performance in the general curriculum;
2. the results of any reevaluations;
3. information about the child provided by or to the parents;
4. the child's anticipated needs; and
5. other matters as determined by the ARC.

The ARC members develop a new IEP (see **F. Develop the IEP**) or release the student from special education (see **G. Release the Student from Special Education**).

Consent for Evaluation (For additional evaluations or reevaluation)

If the ARC determines a need for additional evaluation **OR** the student is due for a three-year reevaluation, the ARC reviews the information and determines the areas in which the student will be tested, and documents the decisions on the Consent for Evaluation form.

Suspect a Disability Determine the disability for which the student will be tested.

If the student is experiencing problems in	You may want to consider assessment for
Communicating with others	Communication Disorder; Autism
Speech and Language	Communication Disorder
Academics	Specific Learning Disability
Behaviors and Emotions	Emotional Behavioral Disability
Child development areas (up to age 9)	Developmental Delay
Cognition (thinking and problem solving)	Autism; Mental Disability
Health	Other Health Impaired
Physical areas	Physical Disability
Vision	Visual Impairment; Deaf Blind
Hearing	Hearing Impairment; Deaf Blind
Issues due to an old or recent accident	Traumatic Brain Injury

Developing the IEP USING THE IEP GUIDANCE DOCUMENT

Based on the evaluation information and progress data, the ARC develops an IEP.

- Step 8 **Determine Present Level of Academic Achievement and Functional Performance** and significantly and consistently impact the progress in the general curriculum compared to same age peers.
- a. Develop the Statement of Transition Service Needs/Needed Transition Services
- Step 9 **Consider Special Factors for IEP development:**
- Behavior i.e. (Behavior Intervention Plan)
(Development of a Behavior Management plan for students who have difficulty managing their behaviors)
 - Limited English Proficiency
 - Blind or Visually Impaired i.e. (Use of Braille)
 - Communication
i.e. (Use of a communication device for students who are language or hearing impaired)
 - Use of Assistive Technology (AT evaluation?)
- Step 10 **Determine priority areas and document discussion on Conference Summary**
- Step 11 **Develop Annual Goals, Benchmarks and/or Objectives**

Step 12 **Determine method for evaluating progress toward goals, benchmarks/objectives**

- Curriculum Based Measurements
- Direct Measures,
- Indirect Measures
- Authentic Assessment

Step 13 **Determine when parents will receive reports of progress the child is making toward meeting annual goals** (usually same time as General Ed.)

Step 14 **Determine Services**

- c. Specially Designed Instruction (SDI) “**what the teacher does**”
- d. Supplementary Aids and Services (SAS) “**what the student needs**”
(not needed or as needed are not acceptable) cannot be left blank.

Step 8 **Accommodations for Administration for Participation in State Assessments and Assessments in the Classroom.**

Step 9 **Program Modifications/Supports for school personnel that will be provided.**

Step 10 **Least Restrictive Environment (LRE)** the maximum extent appropriate, students with disabilities must be educated with children who do not have disabilities.

Step 11 **Special Education Services**

- g. Determine Amount of Services
- h. Beginning Dates
- i. Duration
- j. Service Provider (do not use teacher names only positions)
- k. Frequency
- l. Location

Step 12 **Related Services**

- a. Type of service (physical therapy, occupational therapy, Speech/Lang, Special Transportation)
- b. Minutes, Frequency, Period
- c. Start date/End Date
- d. Provider
- e. Location

Step 13 **ESY** (Are extended school year services required for this student?)

Step 14 **Transition Service Needs**(Beginning in the child’s 8th grade year or when the child has reached the age of 14 and thereafter).

Step 15 **Postsecondary Goal(s)**

(By age 16, or younger if appropriate, and thereafter).

Step 16 **Transition Service** (i.e. Multi-year course of Study, ILP)and Agency responsible

Step 17 **Transfer of Rights at Age of Majority** (age 18) Inform Parents of rights if student is reaching age of majority (age 18)

Release the Student from Special Education

Prior to releasing a student from special education, the ARC conducts a reevaluation of the student. The ARC determines that the child may be released when the child:

1. can function in the general education program without special education and related services; **and**
2. has reached an educational achievement level which falls within the expected performance range for similar age peers who do not have disabilities; **or**
3. is no longer identified as educationally disabled.

The ARC documents on the Conference Summary any services and accommodations needed, and the person(s) responsible for implementation.

Make a Placement Decision

Based on the IEP, evaluation information, and student performance data, the ARC determines where the IEP and services will be implemented.

- Step 1 The IEP is current and complete.
- Step 2 Select a placement option (the ARC begins with Full time General Education as the first proposed placement option).
 - a. Can all components of the IEP be implemented in the proposed placement option?

Placement Option	Description of Placement Option
Full time General Education	Participation only in the general education classroom/environment. This includes Collaboration.
Part time General Part time Special Education	Participation in both regular and special education classroom/environments. This is for any time the student is pulled out of general education, regardless of the amount of time.
Full time Special Education	Participation only in the special education classroom.* This includes a school environment where the student does not participate with people who do not have disabilities.

(*There *should not* be a special education environment outside of a classroom!)

- Step 3 Are there harmful effects of the placement on the student or quality of services?
- Step 4 Is the facility selected the school the child would attend if not disabled?
- Step 5 Are there opportunities for student interaction in academic, nonacademic, and extracurricular activities with similar aged students who do not have disabilities?

H. Request Consent for Evaluation

If an evaluation was requested (for additional or reevaluation purposes), the ARC Chairperson gives the parent the Consent for Evaluation form.

I. End of Meeting

7. Review the minutes and summarize the decisions documented on the forms.
8. Ensure all forms have been completed, signed and distributed to appropriate parties.
9. Give the parent a copy of the Conference Summary, IEP, and if appropriate, Consent for Evaluation.

CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

1. PL 93-380 - Family Education Rights and Privacy Act (FERPA), also known as the Buckley Amendment, applies to ALL students; gives the parents/students over age 18 the right to see, correct, control access to their educational records.

PL 105-17 - Individuals with Disabilities Education Act (IDEA), assures that a free and appropriate public education is given to students with disabilities. IDEA reinforces confidentiality rights for students with disabilities. Any education agency receiving federal funds must follow the confidentiality requirements.
2. Confidentiality means the protection of all personally identifiable data, information and records collected, used or maintained by any school or institution. "Personally identifiable" includes information relating to a specific student including the name; name of parent or other family members; address; personal identifiers such as social security number or student number; list of personal characteristics or traits which would make identity easily traceable; or other information which would make identity easily traceable.
3. The district may release directory information on individual students to news media, athletic associations, scholarship or college entrance committees, or official organizations whose need for data is connected with student help activities. Directory information includes the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended. You may request that all or part of the directory information be withheld.
4. Districts must have policies and procedures which include:
 - a. Annual Notice
 - b. Review/Inspection rights
 - c. Consent before release
 - d. Access Rights
 - e. Disclosure of Information
 - f. Record of Disclosure maintained
 - g. "Directory Information"
 - h. Amendment of Records
5. Districts must provide Annual Notification to parents in the primary language of the home, informing them of their rights under the Act. This must be done publicly and individually.
6. Records that the parents may see are any records, documents, and information directly relating and pertaining **only** to their child. When a parent makes a request to inspect a record, the district must provide the record within 45 calendar days of the request. Records parents may not see are notes or documents in the sole possession of the creator, provided the creator has not communicated the existence or the contents of the note to anyone except a long term substitute.
7. Record of Access/Log of Disclosure is maintained with the educational record, and lists the name of the party, date access was given, and the purpose for access for anyone inspecting the student record.
8. Parents must give signed, written consent stating the purpose and to whom the record is to be disclosed prior to disclosing the record to anyone who does not have a "legitimate educational interest".
9. Those who may inspect student records without parent consent are school officials with a "legitimate educational interest", state and federal agencies, those with court orders, accrediting/research agencies assisting the district, the receiving district when a student transfers, and anyone to whom schools must report information required by state statutes.

10. Persons who inspect or review records must be notified of the procedures for disclosing personally identifiable information, and may only use the information for the purposes it was originally disclosed.
11. If a parent feels that information contained in a student record is inaccurate, misleading, or in violation of a student's rights of privacy, they may ask the district to amend the record.
12. The parent of a student with a disability may request from the district a list of types and locations of information kept on a student.
13. Students with disabilities are assured safeguards in the protection of confidentiality during collection, storage, disclosure, and destruction of information; through a person assigned by the district to be in charge of confidentiality; through training those employees who are using confidential information; and by having a "List of Access" by name and position of persons having access to confidential records.
14. The records of a student with a disability are destroyed upon parent request, 5 years after they are no longer needed for educational purposes, unless there is an outstanding request to review them. The district may retain a permanent record of the student's name, address, phone number, grades, attendance record, classes taken, grade level completed, and year completed.
15. If a student transfers to another school district or receives services in another district, the sending district sends copies of the records to the receiving district. The parent is notified of the transfer of the record except if the parent initiated the transfer, or if the Annual Notice states that the district automatically sends student records upon request by the receiving district for the records.
16. Students who are 18 years of age or older must be notified by the district that the rights of the parent regarding confidentiality transfer to them.