

Procedural Manual
For
Wabash Miami Area Program

Updated 10/21/2022

SECTION 1: Article 7

<http://www.doe.in.gov/specialed/laws-rules-and-interpretations>

Wabash-Miami Area Program for Exceptional Children

POLICIES AND PROCEDURES

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Section 2

Evaluation

Wabash Miami Area Program for Exceptional Children

The Evaluation Process

Educational Evaluation for School Age Students General Overview

An educational evaluation is conducted to determine whether or not the student meets Article 7 eligibility criteria and is in need of special education and related services. An educational evaluation is required before a case conference committee can determine whether or not a student is eligible to receive special education services.

The following activities and procedures are not considered to be a part of an individualized educational evaluation, and therefore are not subject to the procedures found in the special education rules (Article 7). However, the information may be used to develop an overall profile of the student.

- A test or other evaluation that is administered to all students
- A screening of students by a teacher or a specialist to determine appropriate instructional strategies for curriculum implementation
- A review of existing data regarding a student
- The collection of progress monitoring data when a student participates in scientific research-based interventions

General Requirements

A student's individualized evaluation includes many different activities, tests, and procedures such as:

- Observations
- Social and developmental history
- Individual assessments
- Interviews
- Medical information if appropriate
- Existing educational information and data

The evaluation is conducted to identify:

- The student's strengths

- The student's current performance level
- The student's educational needs

The evaluation must include assessments and other procedures which give a fair and complete picture of the student's abilities:

- Instruments that are technically sound to yield accurate information about the student
- Tests and procedures which are selected and administered so as not to be discriminatory on a racial or cultural basis
- Administered by trained and knowledgeable personnel in accordance with the testing guidelines provided by the producers of the assessment

The student will be assessed and/or information will be collected in all areas related to the suspected disability.

The public agency and state personnel are prohibited from requiring a parent to obtain a prescription for a medication for a student as a condition for attending school, receiving an educational evaluation, or receiving special education or related services (511 IAC 7-36-9(c)).

Initial Referral for Evaluation

An evaluation is considered an initial evaluation either when:

- A child has never before been evaluated for any kind of special services
- A student has been evaluated and found to be not eligible for special services
- A parent has revoked consent for services a child had been receiving and the child is being evaluated to determine eligibility again.

Re-Evaluation

Once a student is eligible for special education and related services, any subsequent evaluation of the student is re-evaluation, even if the student is being evaluated because a different or additional eligibility category is suspected. (511 IAC 7-40-8 (a)).

Wabash Miami Area Program for Exceptional Children

Child Find Responsibilities

Policy:

This public agency:

1. Establishes, maintains, and implements written procedures that ensure the location, identification, and evaluation of all students three (3) years of age, but less than twenty-two (22) years of age, who are in need of special education and related services, regardless of the severity of their disabilities, including students who:
 - a. Have legal settlement within the jurisdiction of the public agency;
 - b. Attend a nonpublic school, are served by an agency, or live in an institution located within the jurisdiction of the public agency;
 - c. Are homeless students as defined at 511 IAC 7-32-46;
 - d. Are wards of the state;
 - e. Are highly mobile students, including migrant students; and
 - f. Are suspected of being students with disabilities in need of special education even though they are advancing from grade to grade.

Procedure:

Furthermore, Wabash Miami Area Program for Exceptional Children, in meeting child find responsibilities,

1. Accepts referrals from parents,
2. Annually conducts speech screens for students at Head Start sites,
3. Accepts referrals from private schools, and
4. Annually provides referral information to local elementaries.

Wabash Miami Area Program for Exceptional Children

Transition from First Steps to Early Childhood Special Education Policy and Procedures

POLICY

First Steps is responsible to provide services to children with disabilities and 'at risk' children ages birth to 36 months. Wabash-Miami Area Program is responsible to provide services to children with disabilities at age 36 months.

PROCEDURE

In transitioning children to early childhood special education, the following procedures are in place:

Procedure at 18 months

First Steps administration will forward a child find list of children who are 18 months of age to the designated school based First Steps Preschool School Psychologist. This list will be forwarded in October and April each school year. This list serves as notification of upcoming preschoolers for planning purposes.

Procedures at 30 months

At least 6 months prior to the child's 3rd birthday, the First Steps Service Coordinator will transmit the following information to the designated LEA First Steps Preschool School Psychologist. This is only completed with informed, written parental consent:

1. The Individual Family Service Plan (IFSP)
2. Family Service Plan Project
3. Most recent evaluation reports from appropriate sources
4. Progress Reports from Service Providers

The Service Coordinator will continue to provide the designated LEA First Steps School Psychologist with updated reports as they are received until the child's 3rd birthday.

Transition Meeting

The First Steps Service Coordinator will schedule, with approval of the family, a Transition Meeting between the family, Early Intervention Providers, the LEA, and any other community resource of the parent's choice.

1. The meeting will be held no more than 270 days and no less than 90 days before the child turns 3.
2. The purpose of the meeting is to:
 - a) review the child's community program options until the period of time when the child turns 3.
 - b) project services that may be needed at age 3.
 - c) determine what evaluation may be needed to establish eligibility for Part B services.

- d) determine time lines for implementation of the transition plan.
- e) take initial referral information for evaluation for services for LEA.

Local Educational Agency Responsibility through WMAP

The LEA (WMAP) shall be responsible for reviewing the documentation received through First Steps Coordinator (with informed, written consent) to determine if it is appropriate or contains sufficient data to assist in determining the eligibility of the child for special education and related services. The LEA First Steps School Psychologist will forward this information to the members of the evaluation team, and will schedule an evaluation meeting for the parent to bring the child in for the Arena Evaluation. This evaluation will consist of the appropriate team members (Early Childhood Special Education Teacher, Speech and Language Pathologist, School Psychologist, and any related service staff required).

This process consists of:

1. The LEA First Steps School Psychologist will complete the Preschool referral form at the Transition Meeting with the parent. An evaluation confirmation form will also be given to the parent with information about the evaluation along with the date and time of the evaluation. A packet of information will also be given to the parent for completion prior to the evaluation. The packet will consist of the following:
 - Transition Explanation Booklet
 - Developmental, Medical, and Social History form
 - Preschool Vision Questionnaire
 - Developmental Profile-3 questionnaire
 - ISTAR-KR questionnaire
 - Authorization for Release of Information
2. The LEA First Steps School Psychologist will scan and email the Preschool referral form to the team and STN and RT coordinators for the school district in which the child resides.

Evaluation and Case Conference of First Steps Preschooler

1. The team will review the First Steps data and services for the preschooler prior to the evaluation date.
2. The team will evaluate the student, interview the parent (along with utilizing the information in the packet completed by the parent), and schedule a Case Conference for the results.
3. The LEA First Steps School Psychologist will write the Multidisciplinary Team Report and include the data from all the team members in the report.
4. The Case Conference will be scheduled in order for any services to begin prior to or on the student's 3rd birthday.

Wabash Miami Area Program for Exceptional Children

Head Start Referral Process

PROCEDURE:

When Head Start is referring a student to AP for further evaluation based upon screening results or classroom progress, Head Start will contact the student's parents and request the parents contact AP Office to request an evaluation.

The Early Childhood School Psychologist will email Head Start staff when it receives each referral for evaluation that comes from a parent whose child is in the Head Start program.

The Early Childhood Preschool Teacher will email the Head Start staff notification of the conference date, time, and location, in which the evaluation results will be discussed.

Wabash Miami Area Program for Exceptional Children

PRESCHOOL EVALUATION PROCEDURES-CALL IN REFERRAL

Referral Procedure:

1. When a concern arises for a preschool child (ages 3-5) development, the parent may call Wabash-Miami Area Program to request an evaluation. The contact number is 260-563-8871

*If a child (ages 3-5) attends Head Start or a community preschool program, staff shall notify the parent of the concerns and give them Wabash-Miami Area Program contact information. The referral to Wabash-Miami Area Program will come from the parent, not the community preschool.

2. The designated School Psychologist or a secretary at Wabash-Miami Area Program will complete the Preschool Referral Form when talking with the parent.

3. The designated School Psychologist will schedule the evaluation appointment with parent.

4. The designated School Psychologist will mail the evaluation packet to the parent. The packet will include the following:

- Developmental Profile-3
- ISTAR-KR checklist for parents
- Preschool Vision Checklist
- Speech-Language-Hearing Child History Form
- Authorization for Release of Information
- Developmental, Medical, and Social History Form
- Evaluation Confirmation Letter

5. The designated School Psychologist will scan the Preschool Referral form and email this information to the receiving Preschool Multidisciplinary Evaluation Team Members.

6. The team will evaluate the student, interview the parent (along with utilizing the information in the packet completed by the parent), and schedule a Case Conference to discuss the results.

Preschool Referral Form

	First	Middle	Last
Name			
Date of Birth			
Gender	Male _____ Female _____		
Ethnicity	Caucasian _____ Hispanic _____ African Amer _____ Asian American _____ Other: _____		
Parents	Father Name: _____ Mother Name: _____		
Parent Status	Biological _____ Adopted _____ Grandparent(s) _____ Foster _____ Guardian _____		
Address			
Phone #1			
Phone #2			
First Steps	Yes _____ No _____ Therapies: Developmental OT PT Speech Language Service Coordinator Name: _____ 10 day notice and Transition conference held Y/N Date: _____		
Preschool	Head Start Y/N Wabash Peru Manchester Typical Preschool Y/N if yes, Name: _____ Teacher's name: _____		
Parent Concerns	Speech _____ Language _____ Learning/Development _____ Social/Behavior/Emotional _____ Gross/Fine Motor _____ Self Help _____ Medical Concerns _____ Other concerns: _____		
Date	Request: _____	Notice: _____	
Eval Date/Time			
hool	Carpenter	Elmwood	Manchester

Dear Parent

This is to confirm our meeting for an evaluation for your preschool child.

Name	
Date of Eval	
Time of Eval	
School	

****Here is what you need to bring with you to our evaluation:**

- your child
- completed paperwork from the enclosed packet
- birth certificate
- immunization record

****The following staff will be working with your child:**

Carpenter Learning Center	1101 Colerain St. Wabash
	260-274-0721
	260-274-0722
	Early Childhood Special Education Teacher
	Speech and Language Pathologist
	School Psychologist
Elmwood Elementary	515 N. Wayne St. Peru
	765-473-7335
	Early Childhood Special Education Teacher
	Speech and Language Pathologist
	School Psychologist
Manchester Elementary	301 S. River Rd N Manchester
	260-982-7541
	Early Childhood Special Education Teacher
	Speech and Language Pathologist
	School Psychologist

If you have any questions, or need to reschedule your appointment, please contact your team at the number given above or contact Early Childhood School Psychologist:

260-563-8871

Evaluation Procedure for Early Childhood Students Transitioning to Kindergarten and for Early Childhood Students with a Developmental Delay Eligibility

1. The team will meet as a CCC during the beginning of second semester of the student's last year in preschool. At that meeting, discussion will take place concerning the student's eligibility.

Key points:

-Termination of eligibility as a student with a disability is a CCC decision.

-A reevaluation is required before the CCC can terminate eligibility or determine eligibility under a new category.

-A reevaluation is a process that:

**Requires the CCC to review existing eligibilities and data to determine if additional data is needed for educational programming, and for the CCC to make a determination on continued eligibility under an existing disability category or for the need for a new disability category, and*

**May or may not involve the administration of one or more formal assessments.*

2. The CCC must review existing information and determine if any additional data is needed or additional assessments need to be administered as part of the reevaluation. (See Data Review Criterion Checklist)

-If the CCC determines that no additional data is needed, the reevaluation process is complete, and the school is not required to conduct any additional assessments, unless requested by the parent. (See Data Review Criterion Checklist)

Developmental Delay Eligibility

Special Education Services for a student identified with a Developmental Delay who will be kindergarten eligible may not be terminated until the CCC has determined that the student is no longer eligible as a student with a disability.

1. The CCC requests a reevaluation to determine that:

**The student no longer meets the criteria to be identified as a student with a disability OR*

**The student is eligible under a new/different primary disability.*

2. As part of the reevaluation process, the CCC must review all existing data, including information from the parent, and answer the following question:

**Do we need additional data to determine that the student no longer meets the criteria to be identified as a student with a disability?*

**If another disability category is suspected, do we need additional data to determine that the student is eligible under a different disability category?*

3. If the CCC determines that additional data is needed, the school must take the appropriate steps to obtain the additional data in accordance with 511 IAC 7-40-8(o) – *Reevaluation process*

4. When the additional data is obtained, the CCC must reconvene to review the additional data and:

-Terminate the student's eligibility as a student with a Developmental Delay, OR

-Determine the student eligible under a new disability category.

5. If the CCC determines that the student continues to demonstrate academic and/or functional difficulties, but is not eligible under any disability category, the student is not eligible as a student with a disability under Article 7.

TRANSITION TO KINDERGARTEN

DATA Review Criterion Checklist

Name: _____

Date: _____

Preschool: _____

Can identify the following colors:

red blue yellow green pink purple white orange black brown

Can identify these shapes:

triangle square circle rectangle

Can identify the following numerals:

1 2 3 4 5 6 7 8 9 10

Can rote count to 10: yes/no can count objects to 10: yes/no

Can match numeral to group of objects to 10: yes/no

Understands less/fewer and more to 5: yes/no

Knows these upper case alphabet letters:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Recognizes printed name: yes/no

Is able to identify the letters in first name: yes/no

Can recite (not sing) the alphabet: yes/no

Understands that letters and numbers are different: yes/no

Writing Skills & Work Habits

Holds pencil correctly yes/no

Traces simple lines yes/no

Uses scissors correctly yes/no

Works without disturbing others yes/no

Cares about work product yes/no

Follows directions yes/no

Draws a person yes/no

Draws a house yes/no

Self Help

uses bathroom independently	yes/no	knows phone number	yes/no
washes hands independently	yes/no	recites address	yes/no
knows own age	yes/no	knows birthday	yes/no

Academics

big/little	yes/no	first/last	yes/no
long/short	yes/no	over/under	yes/no
same/different	yes/no	opposites	yes/no
in front/behind	yes/no	rhyming words	yes/no
same/different	yes/no		

Classroom Etiquette

takes turns speaking/listening	yes/no	displays impulse control	yes/no
sits & listens to a story/instruction	yes/no	follows teacher directives	yes/no
participates in activities	yes/no	follows classroom rules	yes/no
understands & respects authority	yes/no	walks appropriately in line	yes/no
answers simple questions about a story	yes/no		

Does the child demonstrate any of the following behaviors (*):

Oppositional	yes/no	Defiant:	yes/no
Meltdowns	yes/no	Refusals	yes/no
Angry	yes/no	Limited peer interaction	yes/no
Apathetic	yes/no	Items in mouth	yes/no

Comments:

Completed by: _____

IF THE STUDENT IS MISSING MORE THAN 8 ITEMS OR DISPLAYS ANY OF THESE (*) BEHAVIORS, A REFERRAL FOR TESTING SHOULD BE MADE TO THE SCHOOL PSYCHOLOGIST.

Wabash Miami Area Program for Exceptional Children

Procedures for Pre-Referral

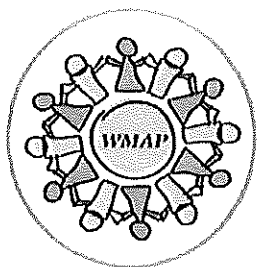
1. Struggling students should be referred to the building level general education intervention team when classroom interventions are not working.
2. Recommendations for interventions and/or formal assessment will come from the general education intervention team.

Wabash Miami Area Program for Exceptional Children

Procedure for Requesting an Initial Evaluation

Once a request for an evaluation is made, either by the parent or the school:

1. The administrator will immediately email or fax (260-563-2749) the Notification of Request for Initial Evaluation form to the Wabash Miami Area Program Office.
2. Wabash Miami Area Program Office staff will forward the Notification of Request for Initial Evaluation form to the Evaluation Team Leader.
 - a. School Psychologist (Initial or re-evaluation, education testing)
 - b. Blind Low Vision Teacher/Deaf Hard of Hearing Teacher (12 month timelines, re-evaluation only)
 - c. Speech Language Pathologist (initial or re-evaluation, educational testing)
 - d. Teacher (Functional Behavior Assessment only)
 - e. Assistive Technology Team Leader
3. Within 10 school days, the evaluation team leader will send consent for evaluation to the parent with a stamped envelope addressed to the appropriate staff at Wabash Miami Area Program.
4. When Wabash Miami Area Program staff receives the signed consent form, they will enter the appropriate dates into the data base.
5. Wabash Miami Area Program staff will email the evaluation, evaluation timeline/due date to the Evaluation Leader.
6. The Evaluation Leader has 10 days from the date the signed consent was received to decide and notify the parent if the school will proceed with testing.
7. Once the evaluation conference is completed, the Evaluation Team Leader will provide a completed Evaluation Report to Wabash Miami Area Program staff for entrance into the data base.



Wabash – Miami Area Program for Exceptional Children

246 N 300 W ♦ Wabash, Indiana 46992-8689 ♦ Phone (260) 563-8871

S/L Therapist: _____

School Psych: _____

Corporation: _____

NOTIFICATION OF REQUEST FOR INITIAL EVALUATION

The following information must be forwarded ***IMMEDIATELY UPON PARENT OR SCHOOL PERSONNEL REQUEST FOR EVALUATION*** for a student: **(260) 563-2749**

Student name: _____ STN: _____

School: _____ Grade: _____ Sex: M F DOB: _____

Request made by: _____ Parent _____ School Personnel (title: _____)

General education Teacher: _____

Specific educational concerns (ie: Reading, Math, behavior/emotional, speech, etc.):

YES NO School Personnel have attempted interventions to address concerns listed above. (If YES, check one:)

_____ These Interventions **DO NOT** use scientific, research-based interventions with sufficient progress monitoring data available to determine eligibility for services to address all of the specific educational concerns listed above.

-or-

_____ These Interventions **DO** use scientific, research-based interventions with sufficient progress monitoring data available to determine eligibility for services to address all of the specific educational concerns listed above.

Mental health or medical condition/diagnosis: _____

Medications: _____

Parent name: _____

Address: _____

Home phone: _____ Work phone: _____ Cell phone: _____

Custody:

___ (01) Natural Parents ___ (02) Maternal Parent ___ (03) Paternal Parent ___ (04) Ward of Court

___ (05) Ward of DMH ___ (06) Ward of DPW ___ (07) Nursing Home ___ (08) Foster Parent(s)

___ (09) Other _____

Principal's signature

Date

Wabash Miami Area Program for Exceptional Children

Procedures for Reevaluations

The School Corporation has the responsibility to reevaluate any student who already receives special education and related services if the case conference committee needs more or new information to determine appropriate services and eligibility. Any subsequent evaluation of a student in special education is considered a reevaluation.

1. The teacher of record will collect ongoing data on each student on his or her case load. Any time there is a case conference, the committee will determine if additional information is needed to provide the student with a free, appropriate public education. If no additional information is determined necessary, and the committee agrees that eligibility is accurate, the committee can decide that a reevaluation is not necessary. State law requires this discussion at least every three years, but the minimum requirement for our local district is at each annual case review.

2. A parent or teacher may request **consideration** for a reevaluation at any time. The parent or teacher should contact the teacher of record and a case conference will be held to discuss the request. The teacher of record will collect existing data relevant to the proposed reevaluation from multiple sources (School Psychologist, Speech and Language Pathologist, Physical Therapist, Occupational Therapist, other Special Education staff), invite possible team members to the conference, and the committee will make the decision. The parent will receive written notice within (10) school days of the committee's decision whether or not to reevaluate. In this case, the IEP is the written notice.

Appropriate reasons to reevaluate:

- need to look at a new eligibility category
- need for further assessment in behavior
- assistive technology screening warrants further evaluation
- consideration for dismissal from special education services
- related services consideration

Inappropriate reasons to reevaluate:

- need for new information on levels of academic functioning

The following items are NOT considered reevaluation:

- (1) a test or other evaluation that is given to all students unless, before administration of the test or evaluation, consent is required from parents of all students.
- (2) a screening of student by a teacher or a specialist to determine appropriate instructional strategies for curriculum implementation.

- (3) a review of existing data
- (4) the collection of progress monitoring data when a student participates in a process that assesses the student's response to scientific, research based interventions (RtI) described in Section 2 of Article 7, Indiana's Special Education Law.

3. If the case conference committee determines at an annual case review that reevaluation is necessary to reestablish eligibility for special education and related services, reevaluation must occur prior the next annual case review, unless the parent and School Corporation agree otherwise.

4. If the case conference committee determines a reevaluation is needed for any other reason (different eligibility category, new related service needs, new needs related to assistive technology, Functional Behavior Assessment, or other), the reevaluation must occur and the case conference convened within fifty (50) school days of the date that the written parent consent is received by licensed personnel.

6. Prior to reevaluation, the parent will be provided with written notice of the reevaluation and the parent must provide consent. Parental consent does not need to be obtained if the School Corporation makes reasonable efforts to obtain consent and the parent fails to respond. To document reasonable efforts, the School Corporation must keep a record of its attempts to obtain parental consent per Article 7 [7-40-8 (k)] in Indiana IEP.

7. A parent may challenge the school's refusal to evaluate by requesting mediation or a due process hearing according to Article 7 (see Article 7 and Procedural Safeguards in the links on the left of this webpage).

8. If the parent refuses to consent to reevaluation, the School Corporation may, but is not required to, pursue reevaluation by requesting mediation or a due process hearing. The School Corporation does not violate its obligation to reevaluate the student if it declines to request mediation or a due process hearing.

9. Once consent is obtained, existing data will be reviewed, including, but not limited to:

- 1) Past evaluations and information provided by the parent
 - 2) Classroom based data including grades, work samples, behavioral observations and/or data
 - 3) Related Services data and observations
 - 4) Classroom based, local, or state test scores
 - 5) Relevant medical information
- Existing data collection will be discussed in a case conference committee meeting with the parent. This may be by phone if the parent requests it.

(

Parent consent and input is required to do a reevaluation, unless the parent fails to respond and a record of attempts to involve the parent is kept.

Wabash Miami Area Program For Exceptional Children

Independent Educational Evaluations

Each school corporation within the cooperative shall ensure that parents are informed of their right to obtain an independent educational evaluation for their child. This evaluation may either be at the parent's expense or the school corporation's expense depending upon the circumstances. Parents may request an independent educational evaluation be conducted at the school corporation's expense only if they disagree with the evaluation which has been completed by the school corporation. The parent must submit a written request to the Director of Special Education. The parent may be asked to explain why an independent evaluation is necessary, but such a response cannot be required. Parents may only request 1 publicly funded Independent Evaluation for each evaluation completed by the school district.

When the independent educational evaluation is at the school corporation's expense, the school corporation shall adhere to the same criteria established for when it initiates its own evaluation. Those criteria include the following:

1. Location of the Examiner:

The independent examiner will be from within the North Central Indiana geographic area, unless unique circumstances justify an examiner from outside the area. The examiner may not be an employee of Wabash Miami Area Program for Exceptional Children.

2. Qualifications of the Examiner:

The independent examiner must be appropriately licensed or certified to perform the evaluation according to the standards set forth in the State of Indiana and in conformance with the instructions provided by the producer of the evaluation.

3. Content of the Independent Education Evaluation:

The evaluation instruments chosen by the independent examiner shall meet the criteria for evaluations set forth in Article 7 and Wabash Miami Area Program for Exceptional Children. The results of the independent educational evaluation shall be considered part of the evaluation data which is considered by the case conference committee.

(4. Reasonable Cost Guidelines:

Reasonable cost guidelines should be consistent with the prevailing rate of professionals in the North Central Indiana area.

Parents shall have the opportunity to demonstrate that unique circumstances justify an independent educational evaluation that does not fall within the school corporation's criteria regarding location of examiner and the reasonable cost guidelines. If such justification is provided, the independent educational evaluation shall be at the school corporation's expense.

The evaluator must provide an original typed assessment report 5 days prior to any case conference. Protocols must be available for review by school personnel and the evaluation report must include an original signature and title of all assessments and personnel involved in the evaluation.

Reimbursement/payment will be made directly to the evaluator upon receipt of the evaluation, which meets all of Wabash Miami Area programs criteria. Parents obtaining an Independent Evaluation without following these procedures will risk non-payment.

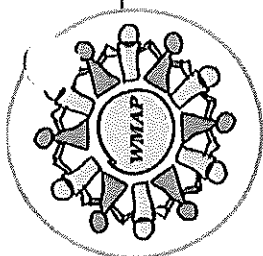
(The case conference committee will consider the results of a parent obtained/funded evaluation, but such consideration does not make Wabash Miami Area Program liable for payment of the evaluation.

The school corporation may deny the payment or reimbursement of the independent education evaluation through a due process hearing. If the final hearing decision is that the evaluation obtained by the school corporation is appropriate, the parent may still seek an independent education evaluation, but at the parent's expense.

If the parent obtains an independent educational evaluation at the parent's expense, the results of the evaluation must be considered in any decisions made with respect to the provision of a free appropriate public education to the student and may also be presented by the parent as evidence at a due process hearing.

If an independent hearing officer requests an independent educational evaluation as part of a hearing, the school corporation shall bear the cost of it.

(Sources: 511 IAC 7-40-7



Wabash – Miami Area Program For Exceptional Children
246 N 300 W • Wabash, Indiana 46992-8689 • Phone (260) 563-8871

Participating School Corporations:
Manchester Community Schools
MSD of Wabash County
Pertt Community Schools
Wabash City Schools

Specific Learning Disability Certification

Student Name _____ Date of Birth _____ School _____

The Multidisciplinary Team members are required by Indiana Article 7 to sign this document to certify their individual opinions for the Case Conference Committee, as to whether or not each member believes the student has a Specific Learning Disability (SLD).

SLD Criteria: Inclusionary (to support)	Yes or No	Comments
<i>Inadequate Achievement demonstrated (Achievement 12th percentile or less in one or more areas: reading, written expression, math, oral expression, listening expression)</i>		
<i>Pattern of Strength and Weaknesses (Cognitive patterns of strength and weakness align with identified inadequate achievement)</i>		
<i>Evidence of Adverse Effects on student's progress (Impact is shown on student's academic achievement, functional performance, or both)</i>		
SLD Criteria: Exclusionary (to rule out)		
<i>Lack of appropriate instruction in reading or math ruled out as primary cause of the inadequate achievement (Documentation of school moves, attendance, and progress monitoring through regular assessments)</i>		
<i>Other exclusionary factors (Visual, hearing, motor, emotional, cognitive disabilities- cultural factors, environmental or economic disadvantage are ruled out as primary cause of the inadequate achievement performance)</i>		

(511 IAC 7-40-5 (g) (2) (C): A team member who does not agree with the data collection from the Educational Evaluation MUST attach a separate opinion statement.

Yes, there is sufficient evidence/data to support a Specific Learning Disability Area(s): _____
No, there is not sufficient evidence/data to support a Specific Learning Disability

Multidisciplinary Team Signatures

School Psychologist _____ Date _____

Other _____

Date _____

Special Education Teacher _____ Date _____

Other _____

Date _____

General Education Teacher _____ Date _____

Other _____

Date _____

Section 3

Case Conference

Wabash Miami Area Program for Exceptional Children

The Case Conference Committee Process

The case conference committee process is one used to develop, review and revise the educational program and services for students with disabilities who are eligible for special education services.

Initial Case Conference

The purpose of the initial case conference is to review the evaluation results, determine eligibility and make recommendations for educational programming. The initial case conference is held within fifty (50) instructional days of the parent's written consent for evaluation. When a student's evaluation results from a process that assessed the student's response to scientific, research based interventions, the evaluation and case conference must be completed within twenty (20) instructional days from the parent's consent for evaluation. For students who are transitioning from First Steps services, the evaluation and case conference must be held within adequate time to begin services prior to the child's 3rd birthday if they are eligible.

If the student is determined eligible and in need of special education services, an individualized education program (IEP) is developed. The IEP includes information about the student's needs, annual goals and services, accommodations and adaptations for the student to be successful in general education.

If the student is determined not eligible for special education services, the committee may suggest strategies and other available supports, such as a 504 plan, for helping the student learn. The Notice of Ineligibility form is generated in IIEP which includes the notes of the meeting.

Annual Case Reviews

At least once annually (within 12 months), a special education student's individualized education program (IEP) must be reviewed and revised by a case conference committee. Annual case reviews (ACR's) must review the student's entire IEP.

IEP Review and Revision

Anytime the school personnel and/or parents wish to make changes to the student's IEP, a case conference must be convened. There are rare circumstances where revisions to the IEP may be made without conducting a case conference if the parent agrees to make changes without a conference.

Manifestation Determination

The manifestation determination means an evaluative process conducted by the student's case conference committee to determine whether the student's conduct in question was:

1. Caused by or had a direct and substantial relationship to the student's disability or
2. The direct result of the public agencies failure to implement the student's IEP The case conference committee convenes for the purpose of conducting a manifestation determination under one of two conditions: the school is considering action to expel the student for disciplinary reasons; or the building administrator and the special education teacher of record in consultation with the special education administrator believe that the student's history of suspensions which cumulates to ten days or more in a school year constitutes a pattern. (See detailed procedures in Discipline Section 4.6.1)

Move In Case Conference

When a student moves into the district from outside the cooperative, these guidelines should be followed:

1. In consultation with the student's parent, the school must immediately provide comparable services as indicated in the IEP from the previous school.
2. Within ten (10) instructional days of the student's enrollment, a move-in case conference will be scheduled and an IEP completed using information from the previous school. Case conference paperwork, as well as any other information and evaluation reports used, should be submitted to the special education office.
3. If the IEP or most recent evaluation records are not available for the student, the

(school must obtain telephone confirmation of previous placement (including the level and type of services).

4. If the school personnel feel there is a need to re-evaluate the student, permission for a multidisciplinary team evaluation should be obtained.

Wabash Miami Area Program for Exceptional Children

INITIAL CASE CONFERENCE PROCEDURES

1. When a parent signs the Permission for Educational Evaluation the case conference meeting is scheduled for approximately 40, but no later than 50, instructional days from the date parent permission for educational evaluation is received by school personnel.
2. The case conference participants would include:
 - a. a representative of the public agency
 - b. the student's general education teacher
 - c. a special education teacher licensed in the area of suspected disability
 - d. the student, if age 13 or above or in 8th grade
 - e. the parent of a student less than 18 years of age
 - f. a person who can interpret evaluation results
 - g. at the discretion of the parent, other individuals who have knowledge or special expertise
 - h. if applicable, a representative of a state operated school
 - i. for transition purposes, a representative of any other agency likely to be responsible for providing or paying for transition services
3. Five instructional days prior to the case conference, Written Notice of Eligibility and Proposed/Refused Action and a copy of the Evaluation Report is made available to the parents.
4. The case conference committee determines eligibility and develops an IEP based on the results of the evaluation and other information presented at the case conference.
5. If the placement decision results in the student moving to another building to receive special education service, a transportation form is completed and attached to the IEP, and faxed to the home school transportation department, attention: Transportation Director.
6. Best practice is to complete the IEP at the conference. If the IEP is unable to be completed at the conference, it should be completed and sent home to the parent along with Written Notice of Proposed/Refused Action within FIVE (5) Business Days of the conference.
7. All paperwork is to be completed and forwarded electronically to WMAP.
8. Special education services will begin within 10 instructional days after written consent is obtained, unless the IEP indicates otherwise and parents are in agreement.

Wabash Miami Area Program for Exceptional Children

ANNUAL CASE REVIEW (ACR) PROCEDURES

1. ACR'S are held at least every 364 days or sooner for every student who is receiving special education services.
2. The TOR/TOS will schedule the meeting at a mutually agreed upon date, time and place with the parents. A written notice of meeting should be sent 10 instructional days in advance of the conference to the parents.
3. Procedural safeguards must be either sent with the notice of meeting to parents, or offered to parents at the meeting.
4. TOR/TOS will make sure all case conference participants are informed of the meeting, including:
 - a. Related service personnel
 - b. Designated public service agency representative
 - c. Student's TOR
 - d. Not less than one general education teacher if the student participates in general education classes.
 - e. An individual who can interpret evaluation results
 - f. Student of legal age
 - g. Students age 14 or older, or in grade 9
 - h. Parent of student less than 18 years of age
 - i. Other required personnel as listed in 511 IAC 7-42-3 sec. (c)(d).
5. At the ACR, a new Individual Education Plan (IEP) is developed by the case conference participants.
6. The services identified in the IEP may be provided immediately if parents are in attendance and in agreement. Services must be provided on the 11th instructional day after the parent receives the IEP document, with Written Notice for Case Conference having been provided following an annual case review when parents are not in attendance.
7. The IEP must be implemented as written.
8. An IEP must be in effect for each student with a disability at the beginning of each school year.
9. An IEP that will be in effect when a student turns 14 must be conducted as a transition IEP.
10. Whenever transit time of a student with a disability exceeds the transit time of nondisabled students of comparable age in the same school corporation, the school corporations shall place a written student specific justification for the excess transit time in the student's IEP.
11. All paperwork is completed and forwarded electronically to WMAP.

Wabash Miami Area Program for Exceptional Children

Conference Procedures for Students Parentally Placed in Non-Public Schools

Under Indiana and federal law, students who are parentally placed in nonpublic schools, including students who are homeschooled, have the right to receive special education supports. The following procedure should be followed for case conferences for these students:

Initial Case Conferences

The purpose of the initial case conference is to review the evaluation results, determine eligibility and make recommendations for educational programming. The initial case conference is held within fifty (50) school days of the parent's written consent for evaluation. When a student's evaluation results from a process that assessed the student's response to scientific, research based interventions, the evaluation and case conference must be completed within twenty (20) school days from the parent's consent for evaluation.

1. If the student resides in the school district where the non-public school is located, and is determined eligible and in need of special education services, an individualized education program (IEP) is developed and a free and appropriate public education (FAPE) offered to the student.
2. If the student does not reside in the school corporation where the non-public school is located that student has the right to be offered FAPE from his/her school corporation of legal residence. The serving school district must inform parents of their right to receive FAPE from their school district of residence. No records should be released to the school district of residence without written parent consent.
3. If the parent intends to keep the student in a nonpublic school, the parents reject the IEP and the offer of FAPE. They must receive a written copy of this IEP.
4. Students eligible for special education are now entitled to services from the school district in which the nonpublic school is located. The school must meet the Article 7 definition of a non-public school.

5. If the student is determined not eligible for special education services, the committee may suggest strategies or other available supports for helping the student learn. The Notice of Ineligibility is generated. The nonpublic school is responsible for offering a 504 plan or other supports for the student.

6. An Individualized Service Plan (ISP) is developed for eligible students. The service plan must describe the specific special education services that the public agency has determined through the consultation process it will make available to parentally-placed nonpublic school students with disabilities.

7. A representative of the nonpublic school or facility must be invited to attend. The public agency must ensure their participation through individual or conference phone calls, etc. if they are unable to attend the meeting.

8. If parents decline service via an ISP the public agency is not obligated to serve the student who has been parentally placed in a nonpublic school.

Annual Case Conferences

1. Eligible students who are parentally placed in nonpublic schools must be offered special education services and supports annually through an Individual Service Plan (ISP). An offer of FAPE via an IEP does not have to be made annually.

2. The least restrictive environment code on the ISP for all students in nonpublic schools is the same regardless of services in or out of the general education setting.

3. Parents may decline an ISP at any time. In this case the public agency is not obligated to serve the student who has been parentally placed in a nonpublic school.

Wabash Miami Area Program for Exceptional Children

PROCEDURES FOR LEAST RESTRICTIVE ENVIRONMENT (LRE) AND DELIVERY OF SPECIAL EDUCATION AND RELATED SERVICES

1. The CCC determines the placement in which a student will receive services. The student's placement is:
 - a. Based on the student's IEP;
 - b. Reviewed at least annually; and
 - c. In the school that the student would attend if not disabled, unless the IEP required some other arrangement.
2. A continuum of services is available to meet the individual needs of students with disabilities and makes provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with general education placement.

A continuum of placement options for students in kindergarten through the school year in which students become twenty-two (22) years of age as described in the following:

- General education classroom with special education and related services provided during the instructional day.
- Resource room with special education and related services provided outside the general education classroom during the instructional day.
- Separate classroom in a general education school building with special education and related services provided outside the general education classroom during the instructional day.
- Separate public or non-public nonresidential school or facility with special education and related services provided.
- Public or non-public residential school or facility with special education and related services provided to students living at the school or facility.
- Homebound or hospital setting with special education and related services provided at the student's home, a hospital, or other non-educational site selected by the public agency.

The availability of a continuum of placement options for early childhood students includes the following:

- Early childhood general education programs.
- Early childhood special education programs. These programs include, but are not limited to the following:
 - o Special education classrooms
 - o Separate schools
 - o Residential facilities
- Early childhood special education and related services provided at the service provider's location
- Home-based early childhood special education and related services provided in the residence of the student's family or caregivers

3. In selecting the least restrictive environment, consideration is given to any potential harmful effect on the:
 - a. Student; or
 - b. Quality of services needed.
4. Each student with a disability has an equal opportunity to participate with nondisabled students in nonacademic and extracurricular services and activities to the maximum extent appropriate.
5. Special education and related services are delivered in the least restrictive environment determined by the CCC, regardless of the identified disability.
6. The provision of services to students with different disabilities can be provided at the same time and in the same classroom.
7. Students with disabilities are in classes and buildings with their chronological peers unless:
 - a. An alternative is determined appropriate by the CCC; and
 - b. The reasons for that determination are documented in the written notice required by section 6 of 511 IAC-42-6 in Article 7.
8. Students with disabilities are not removed from education in age-appropriate general education classrooms solely because of needed modifications in the general curriculum.

Wabash Miami Area Program for Exceptional Children
REMOVAL FOR STUDENTS FOR WEAPONS, DRUGS AND SERIOUS
BODILY INJURY PROCEDURES

1. A principal or principal's designee may remove a student to an interim alternative educational setting (IAES) for not more than 45 instructional days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:
 - A. Carries a weapon to school or possesses a weapon;
 - B. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or
 - C. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.
2. The principal immediately removes the student and decides to begin the 45-day interim alternative educational placement.
3. The school notifies the parent and provides them with the notice of Procedural Safeguards.
4. A manifestation determination conference is held. However, if the student's conduct is determined to be a manifestation of the student's disability the student remains in the interim alternative educational setting.
5. The case conference committee convenes to determine the IAES and appropriate services needed to enable the student to:
 - A. Continue to participate in the general education curriculum, although in another setting
 - B. Progress toward meeting the goals set out in the student's IEP
 - C. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

When a parent challenges the interim alternative education placement:

A parent who disagrees with the IAES may request one of the following:

1. Mediation
2. A due process hearing
3. Simultaneously, *mediation* and a due process hearing.

An expedited hearing will occur to determine appropriate placement. The student remains in the interim alternative education setting:

1. Pending the decision of the hearing officer or
2. Until the time period of the disciplinary action expires,

- Whichever occurs first, unless the parent and the school agree otherwise.

Wabash Miami Area Program for Exceptional Children

REMOVAL POLICY (SUSPENSION/EXPULSION POLICY)

Students with disabilities receiving special education services may be removed (suspended) or expelled when appropriate due process procedures are followed.

IN THE EVENT OF AN EXPULSION, EDUCATIONAL AND RELATED SERVICES WILL NOT CEASE.

Removal:

A principal or principal's designee may remove a student from the student's current placement for up to ten consecutive days in a single period of removal for any violation of school rules for which a non-disabled student could be removed. During this initial 10-day period, educational services are not required to be provided. A principal or principal's designee may impose additional removals of not more than ten consecutive instructional days at a single time in the same school year for separate incidents of misconduct as long as those removals do not constitute a change in placement.

Change in Placement:

A removal constitutes a change in placement if the period of removal is for more than ten consecutive instructional days, or the student is subjected to a series of removals that constitutes a pattern because they cumulate to more than ten instructional days in a school year, the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals and of such related factors as the length of each removal, the cumulative amount of time the student has been removed and the proximity of the removals to one another.

Expulsion:

An expulsion constitutes a change in placement and the school must follow appropriate change of placement procedures (see Expulsion procedures). The parent will be provided with the notice of procedural safeguards. The parents will be notified on the date the school decides to make a removal that results in a change of placement. A manifestation determination conference will be scheduled within 10 instructional days of the decision to change the placement of the student with a disability for violating a code of student conduct. The case conference committee must meet to determine whether the student's behavior is a manifestation of the student's disability. If there is no manifestation determined, the school may proceed with expulsion procedures.

When a student with a disability has been expelled, the school shall provide services to enable the student to continue to access the general educational curriculum, although in another setting. In addition these services shall promote progress toward goals set out in the student's IEP and receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications that are designed to address the behavior violations so that the behavior does not reoccur.

Wabash Miami Area Program for Exceptional Children

REMOVAL PROCEDURES (SUSPENSION PROCEDURES)

1. Removal (suspension) for less than 10 days (cumulative during the entire school year):
 - A. Send a written notice of the incident/behavior which warrants the removal (suspension) to the parents. It must be in the parent's native language. *Note: removal (suspension) of a student for any part of a day constitutes a day of removal (suspension).*
 - B. When a student has experienced one to five days of out of school suspension, best practice dictates that a staffing should be conducted to review the appropriateness of the student's existing behavior plan. If revision is deemed necessary, a case conference must be held to make whatever modifications that are necessary in order to prevent, if possible, any further reoccurrence of those behaviors which have resulted in the student's suspension from school.
2. Removals (suspensions) of ten or more consecutive days or ten cumulative days:
 - A. A copy of the removal (suspension) charge is sent to the parents.
 - B. The building principal in coordination with the Director of Special Education determines whether the removals constitute a pattern that results in a "change of placement". A pattern may exist based on:
 1. The length of each removal.
 2. The cumulative amount of time the student has been removed.
 3. The proximity of the removals to each other.

If it is determined that the removals do not constitute a pattern that results in a "change of placement", a conference is held and school personnel, in consultation with at least one (1) of the student's teachers, determine the extent to which services are needed to enable the student to do the following:

- (a) Continue to participate in the general education curriculum, although in another setting*
- (b) Progress toward meeting the goals set out in student's IEP.

*The services provided may be provided in an alternative educational setting, i.e. homebound.

If it is determined that the removals constitute a pattern that results in a change of placement, then a manifestation determination conference must be held within 10 instructional days of the decision to change the placement to determine whether the student's behavior is manifestation of the student's disability (see 10 Day Manifest Conference Procedures).

(On the eleventh day of removal (suspension) special education services will be provided, although they may be provided in an alternative educational setting.

In-School Suspension:

1. Not a removal (suspension) if the student has the opportunity to:
 - A. Progress appropriately in the general curriculum
 - B. Receive the special education services specified in the student's IEP
 - C. Participate with non-disabled students to the extent the student would have in the student's current placement.

Note: If transportation is a related service in the student's IEP, the suspension from the bus will count as a removal unless the school provides the student with alternative transportation. If transportation is not a related service in the student's IEP, the suspension from the bus does not count as a removal.

Change in placement =

1. A series of removals/suspensions that constitute a pattern (see 2 b 1-3)
or
2. More than 10 consecutive days of suspension.

Wabash Miami Area Program for Exceptional Children EXPULSION PROCEDURES

1. Student violates a code of student conduct.
2. Principal decides to request expulsion for a period of more than ten school days.
3. On the day the decision is made, the school notifies the parent of the decision and provides notice of procedural safeguards. Notice of Procedural Safeguards must be in the parent's native language.
4. Immediately the student is removed for no more than ten consecutive school days.
5. Principal files written charges with the Superintendent and notifies the Director or Assistant Director of Special Education.
6. Within ten instructional days of the date the school decides to expel the student, the school must conduct a manifestation determination conference to consider all relevant information in the student's file including the student's IEP, teacher observation and relevant information provided by the parent to determine if the conduct in question was:
 - A. Caused by, or had a direct and substantial relationship to the student's disability; or
 - B. The direct result of the public agency's failure to implement the student's IEP.

Wabash Miami Area Program for Exceptional Children

TEN-DAY MANIFEST CONFERENCE PROCEDURES

When a student has experienced more than 10 consecutive days or 10 cumulative days of out-of-school suspension and it is determined that the removal constitutes a pattern that results in a change in placement, a ten-day manifestation conference will be held.

1. The Director or Assistant Director of Special Education will serve as chairperson for the conference.
2. The number and nature of suspensions will be reviewed to determine whether or not the behaviors for which the student was suspended are related to his/her disability.
3. A behavior plan will be written or revised to address the behavior in question.
4. IEP will be reviewed to determine the appropriateness of the current IEP and make any modification necessary in order to prevent, if possible, any further reoccurrence of those behaviors which have resulted in the student's suspension from school.

Wabash Miami Area Program for Exceptional Children

MANIFESTATION DETERMINATION PROCEDURES

(when considering expulsion)

If the CCC determines that the conduct was a manifestation of the student's disability:

1. The student may not be removed or expelled.
2. The case conference committee determines if a change in service and/or placement is warranted and conducts a functional behavior assessment and develops a behavioral intervention plan.

If the CCC determines that the conduct was not a manifestation of the student's disability:

1. The school sends notice of the decision to the parents and may proceed with expulsion (refer to expulsion procedures).
2. The principal requests an appointment with the expulsion examiner.
3. Parents are notified of their right to request and appear at an expulsion meeting.
4. If the hearing examiner determines that the student will be expelled, the case conference determines appropriate services needed to enable the student to:
 - A. Continue to access the general education curriculum, although in another setting
 - B. Progress toward meeting the goals set out in the student's IEP
 - C. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
5. If the parent files for mediation or due process to contest the manifestation determination, the student stays
 - In another educational placement to which the student's parent has agreed, or
 - In the last agreed upon placement in the student's current IEP.

Wabash Miami Area Program for Exceptional Children

**REMOVAL FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL
EDUCATION PROCEDURES**

1. Student violates a code of student conduct and is recommended for expulsion.
2. Parent notifies the school that they believe the student has a disability.
3. If the school has knowledge of the disability prior to the violation then the student may assert any of the protections under Article 7 beginning with the right to evaluation.

The school is deemed to have knowledge if:

- A. The parent of the student has expressed concern in writing to licensed personnel or a teacher of the student that the student is in need of special education and related services.
- B. The parent of the student or the school has requested an evaluation of the student.
- C. The teacher of the student or other personnel have expressed specific concern about a pattern of behavior demonstrated by the student directly to supervisory personnel of the school.

The school shall not be deemed to have knowledge if:

- A. The parent of the student has not allowed an evaluation of the student.
 - B. The parent of the student has refused services after the student has been identified as eligible for special education services.
 - C. The school has evaluated, determined that the student was not a student with a disability and has provided the parent with the notice of such Determination.
 - D. Parent has revoked consent for special education and related services.
4. If the school does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the school may proceed with expulsion.
 5. If the referral is made for an initial evaluation during the time in which the student is subjected to suspension or expulsion, the evaluation must be completed in an expedited manner (within 20 instructional days of written parent consent for evaluation). Until the evaluation is completed, the student remains in the educational placement determined by the school which may include

suspension or expulsion without educational services.

6. The case conference committee meets to discuss eligibility and, if necessary, conducts a manifestation determination.
7. Continue with expulsion process.

Section 4

Additional Case Conference Procedures/Forms

Case Conference Checklist

Student Name: _____ Conference Date: _____

- _____ Purpose of the Meeting
- _____ Offer Procedural Safeguards
- _____ Student Strengths
- _____ Parent Concerns
- _____ Progress Monitoring
- _____ Present Levels
- _____ Behavior Plan (if applicable)
- _____ Transition Plan (if applicable)
- _____ Testing Accommodations and Other Accommodations
- _____ Goals
- _____ Provisions
- _____ Review any Harmful Effects
- _____ Finalize IEP/Print for Parent Signature
- _____ Offer Department of Education Parent Survey
- _____ Parent Signature
- _____ Fax Signature Page
- _____ Email Finalized IEP to WMAP Administrator
- _____ In the email, please make note of any testing accommodation changes the committee agreed to implement.

Wabash Miami Area Program for Exceptional Children

Educational Surrogate Parent

The school corporation shall ensure that training is provided for educational surrogate parents, when necessary, to protect the rights of students with disabilities. An educational surrogate parent shall be appointed

- when the student's parent(s) are unknown;
- when the whereabouts of the parent(s) is unknown;
- when, after reasonable efforts, the student's parent(s) cannot be located;
- or when the student is a ward of the State of Indiana;
- or for an unaccompanied homeless youth.

The school must make reasonable efforts to assign an ESP within 30 days of the date the school determines an ESP is needed. The educational surrogate parent may represent the student in all matters relating to the identification, evaluation, educational placement, and provision of a free appropriate public education.

Any person assigned as an educational surrogate parent shall not be an employee of a public or private agency involved in the education or care of the student, or have any interest that conflicts with the student. The educational surrogate parent shall match the student's cultural and linguistic background to the extent possible and shall possess the knowledge and skills necessary to adequately represent the student.

Wabash Miami Area Program has in place the following procedure for determining when a student with a disability is in need of an educational surrogate.

- For initial referrals, Wabash Miami Area Program can request written verification of guardianship at the time of consent is received for evaluation. The evaluation cannot proceed without proper verification.
- For transfer students moving into Wabash Miami Area Program, the building level principal/designee will verify the child's family status and document such in the Case Conference Records.
- The above verification will be reviewed by a Wabash Miami Area Program administrator to determine whether or not an educational surrogate should be assigned.

Wabash Miami Area Program for Exceptional Children

CASE CONFERENCE COMMITTEE MEMBER EXCUSAL POLICY AND PROCEDURES

Policy:

A member of the annual case conference committee is not required to attend the meeting if his/her area of curriculum or related services will not be modified or discussed. Parent and public agency **must agree IN WRITING** that the member can be excused.

A member of the case conference committee may be excused if his/her area of curriculum or related services will be modified or discussed if the following procedures are followed:

- a) The member submits written input regarding development of the IEP **prior** to the meeting, **and**
- b) Parent and corporation/WMAP consent to the excusal in writing.

Procedures To Excuse A Participant:

1. The Notice of Case Conference must be completed and approved by the parent in advance of the meeting. Any written input that is required must accompany the consent to excuse, and must be received by the parent prior to the day of the conference.
2. "Excused" for those participants properly excused should be checked on the IIEP.

Wabash Miami Area Program for Exceptional Children

Extended School Year

Extended School Year (ESY) services are special education and related services that are provided to a student with a disability beyond the public agency's school calendar or instructional day, in accordance with the student's IEP and at no cost to the student and parent. ESY services must meet the standards of the Department of Education. Additionally, ESY services are for students who need the service in order to maintain skills or behaviors, rather than develop or enhance new skills or behaviors.

ESY services are appropriate for students who the following conditions are applicable.

1. Regression/Recoupment

Recoupment refers to the student's ability to regain or recover the level of critical skills attained prior to a break in school services within a reasonable amount of time following that school break.

Regression means a significant decline in the performance level of a critical skills that occurs during a break in instruction.

2. Break-through Learning Opportunity

Learning situations in which critical skill development will be lost or greatly reduced if not addressed in a timely fashion.

Critical Skills means academic, social, functional, and behavioral skills that are

- Linked to the IEP goals; and
- Critical to the student's school and community functioning.

3. Special Circumstances or Factors

Because the following list is not exhaustive, nor is it intended to be, the CCC should identify any other special circumstances or factors that are indicative of the student's need for ESY services.

- The degree, nature, or severity of the student's disability

- Behavioral or physical challenges
- The student's vocational needs
- The likelihood of a loss of independence from caretakers
- The likelihood of a more restrictive placement
- Interfering behavior
- The degree or rate of progress on annual goals

Wabash Miami Area Program for Exceptional Children

Extended School Year (ESY) Procedures

1. The need for ESY service will be determined on an individual basis. Not all students with a particular disability will need ESY services.
2. At the child's annual case review, extended school year services will be considered.
3. The case conference committee (CCC) must consider a student's need for ESY services based upon the child's IEP, individual needs, and the provision of a free and appropriate public education.
4. Consideration of a student's need for ESY services must include a variety of factors such as:
 - a. Progress toward goals and objectives in the IEP.
 - b. History of regression or lack of recoupment on a critical skill, or prediction of regression or lack of recoupment of a critical skill.
 - c. Loss of independence from caretakers
 - d. Likelihood of a more restrictive placement
 - e. Break through learning opportunity
5. The CCC must review and consider formal and informal data from a variety of sources, including information from the parent. The information may be historical or predictive in nature. Examples of supporting documentation and information that the CCC may review include:
 - a. The student's current and previous IEPs
 - b. Progress reports on IEP goals
 - c. Report cards
 - d. Other reports, such as attendance, pre and post test data of student progress, observations and anecdotes of student's experience before and after interruptions in services.
 - e. Behavior information (behavior plans, discipline reports, logs)
 - f. Information from parents or former teachers on student's maintenance of skill level, behavior or effect of interruption of services
 - g. Observations by and opinions of educators, parents, and others who work with the student.

- h. Test results including criterion referenced, curriculum based measurements, and other assessments.
 - i.
- 6. The need for extended school year is reviewed annually.
- 7. The ccc uses the Extended School Year Services Decision Making Guide to determine the need for ESY services.
 - Note:** Best practice would be for the Public Agency Rep to be aware of this consideration prior to the conference.
- 8. Complete the Extended School Year Services Decision Making Guide, attach it to the IEP, and submit it to the Director of Special Education.
 - Note:** It is preferred that forms are submitted electronically.
- 9. The Director of Special Education will collect and review paperwork and collectively notify each corporation of ESY services by May 15th.
- 10. Staff will use the Extended School Year Documentation form to log services provided.
- 11. When ESY services are completed, staff will submit the following information to the Director of Special Education.
 - a. Extended School Year Documentation Form
 - b. Time Sheet
 - c. Copy of the Progress Monitoring Report reflecting summer progress on goals.

EXTENDED SCHOOL YEAR SERVICES DECISION-MAKING GUIDE

Use this form to assist with ESY determinations and include it with the student's IEP. The CCC must document its determination of the Student's need for ESY services on the IEP, including length, frequency, duration, and location of any ESY special education and related services to be provided.

Student _____

Date _____

Part I: The CCC should gather and review information in response to the following questions as the first step in determining a student's need for ESY services. Because the list of factors and questions is not exhaustive, the CCC should also gather, review, and consider all other information it deems relevant or necessary for its decision making.

What critical skills is the student working on?

- Does the student's IEP have annual goals with skills essential for the student's maintenance of academics (for preschool children – maintenance of appropriate activities), behavior, communication, or self-sufficiency and independence?
- Is the student working on skills that are required across a variety of environments?
- Is the student working on decreasing behaviors that interfere with the student's functioning at school or in the community?
- Is the student working to develop behaviors to increase the student's independence or functioning at school or in the community?
- Is the student working on skills designed to increase the student's independence, such that if the student cannot perform the skills, assistance from another person will be necessary (e.g., daily living skills, academic skills, behavioral skills)?

Were any IEP goals unmet?

Are there any barriers to the student meeting the IEP goals? If so, what are they?

- Has the student had frequent health-related absences that have impeded the student's progress on his or her IEP goals?
- Has the student experienced behaviors that have interfered with the student's ability to progress toward achievement of his or her IEP goals?

Are there other reasons for the student not meeting one or more of the IEP goals?

What is impacting the student's rate of progress?

- Is the student's rate of progress or lack thereof likely to prevent the student from receiving educational benefit during the school year? [Note: lack of progress on goals and objectives is NOT a prerequisite to ESY services.]

Is there anything unique about the student's present level of performance or the nature or severity of the student's disability that would indicate the need for ESY services?

Is there historical or predictive data that the student has or will experience skill regression during an interruption of educational services or that the student has or will experience difficulty recouping lost skills?

- Do the student's difficulties with regression and recoupment make it unlikely that the student will maintain the critical skills and behaviors relevant to the student's IEP?

Is there a likelihood of the student being placed in a more restrictive placement?

- Is the student working on skills designed to allow the student to move to a less restrictive environment or to prevent placement in a more restrictive environment?

Are continuous or year-round services an integral part of the student's ability to acquire or retain a skill or behavior?

- Is the student at the point of readiness for acquiring a critical skill such that an interruption of services will result in the loss or significant reduction of the student's ability to acquire the skill?

Are there special circumstances unique to this student's situation and not addressed by the other factors that will have an impact on the student's need for ESY services or the provision of a free appropriate public education?

- Is the student at a critical point of meeting an IEP goal related to self-sufficiency and independence?
- If a student's behaviors have previously interfered with the student's ability to acquire a critical skill, is there a window of opportunity for assisting the student to acquire that skill because the previously interfering behavior is currently under control or otherwise diminished?

School Year: _____

Time Sheet submitted to: AP Local Corporation

Extended School Year Documentation

Student Name: _____ Staff: _____

of Sessions: _____ Location: _____

Please complete this form and submit to the Director of Special Education.

Date	# of Hours	Goal(s) Addressed

School Year: _____

Time Sheet submitted to: AP Local Corporation

Student Name:

Extended School Year Documentation - p. 2

Date	# of Hours	Goal(s) Addressed

School Year: _____

Time Sheet submitted to: AP Local Corporation

Wabash Miami Area Program for Exceptional Children

Homebound Services

Policy:

All students with injuries, temporary or chronic illnesses that preclude their attendance in school, including general education students, must be provided with instruction. The public agency provides special education and related services by a licensed teacher at the student's home or alternate setting for reasons other than medical when the case conference committee determines it to be the least restrictive environment (LRE.)

Procedure:

Students with temporary medical conditions will follow the homebound procedures of the local corporation.

When the home or alternative setting is determined to be the LRE, the public agency's written notes must include:

- The reason the child is not attending school;
- Other options tried and considered; and
- The reasons the other options were rejected.

The case conference committee must consider and document the type, length, frequency, and the initiation and duration of the special education and related services in the home or alternative setting.

The case conference committee must reconvene at least every sixty (60) days to review the IEP.

A case conference committee meeting must be held and an IEP completed for the student when services in the home or in the alternative setting are no longer the least restrictive environment.

Wabash Miami Area Program for Exceptional Children

Independent Consultants (Not hired by the School District or Cooperative) Administrative Guidelines and Procedures

Administrative Guidelines:

Independent Consultants may be invited to case conference committee or team meetings by a parent if they have knowledge or special expertise about the student. As with all case conference committee participants, consideration will be given to the suggestions provided by such an Independent Consultant.

Procedure:

1. If an Independent Consultant is invited to a case conference committee or team meeting, the teacher will inform the Director of Special Education.
2. An Independent Consultant will not be allowed in general or special education classrooms or other areas where instruction or the provision of related services occur, unless specifically granted permission by the building level principal.
3. An Independent Consultant will not be allowed to work with a student during the school day unless specifically permitted in the student's IEP.
4. If a parent requests that School staff meet with an Independent Consultant outside of a case conference committee or team meeting, the meeting will take place at the school and be held at a mutually agreed upon time. The student's teacher of record and an administrator (or his/her designee) will also be present.
5. Videotaping in the general or special education classroom or other areas where instruction or the provision of related services occur will not be allowed in accordance with local policy.
6. This policy does not apply to an Independent Education Evaluation or (IEE.)

Wabash Miami Area Program for Exceptional Children

LRE Codes

Use these codes for preschoolers and kindergartners who will be less than six (6) years of age on December 1st of the current school year:

- 26 = Student who attends at least 10 hours per week and receives majority of special education and related services in regular early childhood program
- 27 = Student who attends at least 10 hours per week and receives majority of special education and related services in some other location
- 28 = Student who attends less than 10 hours per week and receives majority of special education and related services in regular early childhood program
- 29 = Student who attends less than 10 hours per week and receives majority of special education and related services in some other location
- 33 = Separate special education class
- 34 = Separate school
- 35 = Residential facility
- 36 = Service Provider location
- 37 = Homebound
- 38 = Child is parentally placed in a private preschool (a private preschool includes only those preschools attached to a private elementary school)

Use these codes for students who are least six (6) years of age on December 1st of the current school year:

Child Attends a General Education Setting:

- 50 = 80% or more in general education
- 51 = 40% - 79% in general education

Child Does Not Attend a General Education Setting:

- 52 = 0% - 39% in general education
- 53 = Public separate day school
- 54 = Residential placement
- 55 = Correctional facility
- 56 = Parentally-placed and Parentally-paid for in private school
- 57 = Homebound/Hospitalized

Related Services

- 18 = Educational Interpreter
- 20 = Audiology
- 21 = Occupational Therapy
- 22 = Physical Therapy
- 23 = Psychological Services

- 25 = Social Worker
- 27 = Assistive Technology
- 35 = Transportation
- 37 = Other Related/Supported Services

Wabash Miami Area Program for Exceptional Children

Notice of Procedural Safeguards

Wabash Miami Area Program ensures that students with disabilities and their parents are afforded procedural safeguards with respect to the provision of a free and appropriate public education (FAPE.)

The written procedural safeguards are a standard notice that is provided by the Indiana Department of Education, Center for Exceptional Learners. It is provided in English and Spanish and if needed, will be interpreted in other languages or modes of communication.

A copy of procedural safeguards will be given to parents one time each school year AND upon the following:

- Initial referral or parental request for evaluation.
- Receipt of the first filing of a complaint in a school year.
- Receipt of the first due process hearing request in a school year.
- The date the school decides to make a removal that results in a disciplinary change of placement which includes removals to interim alternative education settings for drugs, weapons, and serious bodily injury.
- Request by the parent.

The written notice of procedural safeguards contains a full explanation of:

1. The parent's right to receive written notices before the school proposes to initiate, change, or refuse to change the identification, evaluation, or placement of the student.
2. The parent must provide written consent for the following:
 - a. Seeking an initial evaluation
 - b. Seeking a re-evaluation, unless parent fails to respond to reasonable attempts
 - c. The initiation of services
 - d. Accessing the student's public benefits or insurance programs
 - e. The release of educational records to officials providing or paying for transition services
 - f. The exchange of education records between officials of public schools where the private school is located and public schools where the private school is located.

- g. To excuse a ccc member from participating in a case conference
- 3. The parent has a right to the following:
 - a. Participate in the case conference
 - b. Request a case conference
 - c. Request a copy of the initial educational evaluation report prior to the case conference meeting
 - d. Request that someone meet with the parent who can explain the results of the evaluation prior to the case conference
 - e. Request a reevaluation, and
 - f. Obtain an independent education evaluation.
- 4. The parent also has access to his/her child's educational record, can inspect and review the record, challenge the information contained in the record, and/or ask that the school amend the educational record.
- 5. The transfer of rights to the student at the age of 18 occurs unless the guardian or an educational representative has been appointed for the student.
- 6. The parent has the right to ask for mediation, file a complaint with the Department of Education, and ask for a due process hearing.
- 7. Parent or students eighteen (18) years of age or older can revoke (withdraw) their consent in writing at any time and withdraw their child from special education services. Once the school or Wabash Miami Area Program has received parent's written revocation, a Wabash Miami Area Program administrator will meet with parent or eligible student to ensure they understand the implications and consequences of this action.

NOTE: A copy of Procedural Safeguards can be obtained from your child's school and on the Indiana Department of Education website at www.doe.in.gov.

Wabash Miami Area Program for Exceptional Children

Parents Who Do Not Respond to an Invitation to Attend an Annual Case Review Meeting

Policy:

Wabash Miami Area Program intends to work cooperatively with parents to schedule annual IEP conferences at a mutually agreed upon time, place, and location. It is the cooperative's policy to make a personal contact with each parent, whether by phone or in person, to schedule meetings. Once this personal contact is made and a meeting is set, staff will work with parents to find another mutually agreed upon date, time, and location if the parents need to reschedule. Every effort is made to have parents at these meetings and involved in discussions regarding their child's progress, goals, and services. New revisions to Indiana Law permit parents to attend by phone or video if they are not able to be in attendance in person.

In some instances, parents may not be responsive to invitations and phone calls to schedule and/or reschedule IEP meeting. In these instances, Wabash Miami Area Program will use provisions in the law to insure that students whose parents have already given permission for initial special education services to continue to receive special education services using written notice.

Procedures:

1. Contact the parent for a mutually agreed upon case conference committee meeting time and place.
2. Send home the Notice of Meeting.
3. Teachers document their attempts to set the case conference at a mutually agreeable time and place.
4. If the parent has been contacted about the scheduled meeting at least three times, and does not attend, the case conference may proceed.
5. Send a finalized copy of the IEP home and include a copy of the Procedural Safeguards. Parents have 10 business days to let you know if they are not in agreement with the IEP.
6. If you do not hear from parents within 10 business days, the IEP goes into effect on the 11th day.

Wabash Miami Area Program for Exceptional Children

Revocation of Services

If a parent or student, aged 18 or older, no longer wishes to continue special education services, the school will inform parent/student of the following.

- Revocation of services applies to **ALL** special education services.
- Parents must indicate in **writing** that they are wishing to revoke special education services.
- Once the revocation process is completed, future requests for special education services will be treated as an initial referral.
- The student is no longer entitled to the safeguards or protections of Article 7.
- The student will no longer be treated as a student with a disability, although, could be eligible for accommodations under a 504 plan.

Procedure:

1. School personnel receives written and dated request from parent/student aged 18 or older revoking special education services. This request will be uploaded into IEP.
2. Within 10 instructional days of receipt of the written request, school staff will meet with the parent and review and obtain a signature on the Notice of Discontinuation of Special Education. Note: It is not necessary to conduct a case conference or develop an IEP when parents revoke consent.
3. The school will discontinue special education services ten (10) instructional days after the parent signs the Notice of Discontinuation of Special Education, unless the parent provides consent for termination of services prior to the expiration of 10 instructional days.
4. The student will be placed into a general education program without an IEP.
5. The Notice of Discontinuation of Special Education will be submitted electronically to Wabash Miami Area Program Office.

Wabash Miami Area Program for Exceptional Children

TEACHER OF RECORD RESPONSIBILITIES

Each student with a disability must have a teacher of record identified. The teacher of record may be the teacher of service and MUST be appropriately licensed to work with the student or where appropriate state licensure is not available, appropriately trained. The teacher of record shall do the following:

1. Provide direct or indirect services to the student according to the student's IEP.
2. Participate in the case conference committee meeting as the student's teacher to assist in developing measurable goals, benchmarks, and objectives to meet the student's needs.

Collaboratively with the Teacher of Service

3. Regularly monitor the implementation of the student's IEP and provide progress reports to the student's parent.
4. Ensure the student's IEP is accessible to each of the student's teachers, related service providers, and other service providers who are responsible for the implementation of the IEP.
5. Inform each teacher and provider of his or her specific responsibilities related to implementing the student's IEP.
6. Ensure that supplementary aids and services, program modifications, and supports for school personnel are provided in accordance with each student's IEP.
7. Serve as a consultant and resource person to all other personnel providing services to the student.
8. Ensure any accommodations on statewide or district assessments are implemented according to the student's IEP.
9. Participate in re-evaluations of the student.
10. Ensure that the case conference committee is informed of any modifications made to the student's individualized education program if parents are in agreement that changes can be made without a meeting.

Wabash Miami Area Program for Exceptional Children

TIMELINE FOR CASE CONFERENCES

1. Move-in case conferences are to be completed within 10 instructional days of enrollment.
2. Case conferences must be completed within 10 instructional days if a disciplinary change of placement has been implemented.
3. A case conference is developed to determine interim alternative educational setting when school personnel determine a 45-day removal is warranted.
4. If homebound instruction or LRE is at an out of state location, a case conference must be held every 60 instructional days.
5. Annual case conferences must be conducted no more than 364 days from the previous annual case conference.

Wabash Miami Area Program for Exceptional Children

Transition Services

Article 7 511-7-43-4

Procedure:

1. A Secondary Transition IEP will be developed and implemented by the student's 14th birthday. This Secondary Transition IEP is part of the individualized education program, which will guide the development of the IEP. The Transition Plan is reviewed and updated annually at the annual case review until the student exits the public school program.
2. Participants involved in the case conference should include the public agency representative, teacher of record, teacher of service, one of the student's general education teachers, parent or guardian, and the student. In addition, other members of the conference may include guidance counselors, vocational teachers, and any others that could contribute the development of the Transition IEP.
3. Prior to the conference, the Teacher of Record will administer Transition Assessments that assess the student's needs and interests in the areas of Education and Training, Employment/Career, and Independent Living. The Teacher of Record will summarize the findings of these assessments and will include this summary as part of the Transition IEP.
4. The Transition IEP must contain the following:
 - a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum and information from age appropriate transition assessments of strength, preferences, and interests. Age appropriate transition assessments are updated annually, and are kept in the building level files.
 - b. Appropriate measurable, skill-specific annual goals that are based upon age appropriate transition assessments, are related to training, education, and employment, and where appropriate, independent living skills.
 - c. A coordinated set of transition activities that facilitate movement from the school to the post school activities and or goals, and are related in some way to the student's current educational and/or employment goal that was identified in the Transition Assessment.
 - d. Measurable annual goals that are skill specific, based upon the age appropriate transition assessments, and are related to training, education, employment, and where appropriate, independent living skills.
 - e. Documentation of the type of high school diploma the student will be pursuing.

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- f. Documentation of the course of study. List the four-year plan and/or the current or projected schedule of classes.
 5. During the junior year of high school, a Vocational Rehabilitation counselor should be invited to the case conference. If the counselor cannot attend the meeting, and permission is given to release the information by the parent or a student of age, the teacher of record can send educational records and Transition needs to the Vocational Rehabilitation.
 6. The teacher of record should document in the IEP that information was given to the parent about available adult services that are provided through the State and local agencies. Adult services may include, but are not limited to, Vocational Rehabilitation, Workforce Development, Social Security Administration, the Bureau of Developmental Disabilities, a community mental health agency, a community rehabilitation program, or an area agency on aging.
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Wabash Miami Area Program for Exceptional Children

Transportation

Policy:

It is the intention of Wabash Miami Area Program to transport students with disabilities with non-disabled students when appropriate. If special transportation is determined by the case conference committee as a necessary related service, it must be indicated in the IEP.

Procedure:

1. When appropriate, the Local Transportation Director should be invited to a case conference committee discussion regarding transportation.
2. Upon the CCC decision, the local Special Transportation Form must be completed.
2. A copy of the Special Transportation Form is faxed to the local corporation Transportation Director. A copy of this form should also be uploaded in Indiana IEP.
3. The Principal or TOR will contact the respective corporation transportation director of the need of special transportation. The Transportation Director/designee will notify the parent of the bus number, pick up and drop off times for their student.
4. Please make sure the following items are included on the transportation form:
 - Placement school (if different from home school)
 - Date transportation is to begin
 - Special instructions (shortened day, health care plan, etc.)
 - Behavior issues
 - Sensory needs
5. If transportation time exceeds the time of non-disabled peers, justification of travel time needs to be documented in the student's IEP in the case conference notes page.
EXAMPLE: Johnny requires additional transportation time due to his placement at _____ (which is not in the student's home school.)
6. If the student moves, or changes schools, the TOR should notify the Transportation Director immediately.
7. If a special education student is riding a general education bus and has specific needs, it is the responsibility of the teacher of record of building level principal to notify the bus driver of this information.
8. A new transportation form must be completed annually.

Wabash Miami Area Program for Exceptional Children

WHO MUST BE INVITED?

[illegible]

Section 5

Additional Services

Wabash Miami Area Program

Early Childhood Education Policies and Procedures

511 IAC 7-41-6 Developmental delay (early childhood)

A. A developmental delay is a disability category solely for students who are at least three years of age and not more than five years of age, or five years of age but not eligible to enroll in kindergarten.

*Note: Beginning July 1, 2018, the maximum age for Developmental Delay eligibility will extend from 5 years of age to 9 years of age.

Developmental delay means a delay in either two standard deviations below the mean in one of the following developmental areas or 1 ½ standard deviations below the mean in any two of the following developmental areas:

1. Gross or fine motor development.
2. Cognitive development.
3. Receptive or expressive language development.
4. Social or emotional development.
5. Self-help or other adaptive development.

B. Eligibility for special education as a student with a developmental delay shall be determined by the student's CCC. This determination shall be based on the multidisciplinary teams educational evaluation report, which will include the following:

1. An assessment of the developmental areas listed in subsection A that must include at least one of the following: an individually administered norm referenced assessment, if adequate information cannot be obtained via an individually administered norm referenced assessment a criterion referenced assessment that has been designed or may be adapted or modified for use with students who have a developmental delay or delays and is administered by a professional or team of professionals with knowledge of assessment strategies appropriate for the student.
2. A social and developmental history that may include, but is not limited to the following: Communication skills, social interaction skills, play skills, motor skills, responses to sensory experiences, relevant family and environmental information, patterns of emotional adjustment, and unusual or a typical behaviors.
3. Available medical information that is developmentally relevant.
4. A vision and hearing screening.
5. A systematic observation of the student across various environments.

6. Any other assessments and information, collected prior to the referral or during the educational evaluation and necessary to determine the eligibility for special education and related services and to inform the student's CCC of the student's special education and related services needs

C. Transition from early intervention services to early childhood special education.

1. The public agency's obligation to make a free appropriate publication available to a student with a disability begins on the student's third birthday.
2. The public agency must establish, maintain, and implement policies and procedures to assist the child participating in early interventions programs under part C of the Individuals with Disabilities Education Act and who will be participating in early childhood special education experience as smooth and effective transition in a manner consistent with part C of the act.
3. With parental consent, at least six months prior to a student's third birthday, the state operated or state-supported program must transmit to the School Corporation of legal settlement the most recent IFSP, family service plan report, and evaluation reports from any source.
4. By the date of the third birthday of a student who may be eligible for early childhood special education, the public agency must complete its evaluation, convene a case conference to determine eligibility for special education and related services, and if the student is eligible, develop an IEP for the student taking into consideration the student's IFSP and the other general and special factors determined to be relevant, and implement the IEP.
5. If a student's third birthday occurs during the summer and the case conference determines the student requires extended school year services, the student's IEP must state that services will be initiated during the summer of the student's third birthday. If the student does not require extended school year services, the student's IEP shall state that services will be initiated at the beginning of the upcoming school year.

D. Individualized Education Program

1. An IEP must be developed and implemented by the child's third birthday.
2. Goals should be written that are measurable and skill specific. Goals should address, as needed, cognitive development, fine and gross motor skills, receptive and expressive language skills, social or emotional development, and self-help

(and adaptive development.

3. At an initial placement, the first goals developed should be based on the evaluation that was completed by the school psychologist.
4. An annual case review must be held each year. At that time the ccc shall: address progress on goals, present levels of achievement, and propose new goals that are measurable and skill specific.
5. When the child is getting ready to transition to Kindergarten, the teacher shall meet with the school psychologist and/or SLP to determine if additional testing is necessary. The CCC, including the parent and Kindergarten teacher, will meet in the spring to facilitate a smooth transition to Kindergarten with the appropriate services in place.

E. ISTAR-KR Assessment

1. The parent will complete the first ISTAR-KR assessment for a child entering the program after an initial evaluation. The Teacher of Record will enter the parent's responses into the system.
 2. The Teacher of Record will complete an ISTAR-KR assessment for each student at the end of each grading period, and at the time of exit from preschool programming.
 3. The ISTAR-KR assessment will be shared with the parent at the annual case review and/or sent home.
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Wabash Miami Area Program for Exceptional Children

School Age Services

Special education services are available to eligible students from the time they enter school through the school year in which they have their 22nd birthday. Wabash Miami Area Program for Exceptional Children supports the participating school corporations in providing special education for students with disabilities. Each local school corporation is responsible for providing a full spectrum of special services.

Special education services are made available to students with disabilities through the school year in which they turn 22, if determined appropriate by the case conference committee, AND if the student has not completed their educational program.

Wabash Miami Area Program For Exceptional Children

Overview

The IEP creates the opportunity for a personalized education for each student with a disability. A student's disability creates unique educational needs. Needs are then addressed through goals and/or modifications/accommodations. The recommended goals and/or modifications/accommodations help to shape the type and level of services delivered.

Least Restrictive Environment

During the case conference, the committee must determine the Least Restrictive Environment (LRE) for the student. Least restrictive environment is mandated by both the federal and state statutes. LRE means that:

to the greatest extent possible, students with disabilities are educated with students without disabilities;

- the removal of students with disabilities from the general education setting to special classes or separate schooling occurs only when it is documented that education in general education environment using supplementary aides and services cannot be satisfactorily achieved; and
- unless the IEP requires some other arrangements, students with disabilities are educated in their home school.

The following are key considerations for determining the Least Restrictive Environment (LRE) for any student with a disability:

- to educate with typical peers
- to use general education as the initial consideration for planning
- to individualize
- to attend the same school as the student would if not disabled

The CCC determines the placement in which a student will receive services. The student's placement is:

- Based on the student's IEP
- Reviewed at least annually
- In the school that the student would attend if not disabled, unless the IEP requires some other arrangement. If another arrangement is required, the placement should be as close as possible to the student's home school.

Decisions regarding least restrictive environment may not be based upon:

1. category of disabling condition
2. current configuration of the service system
3. availability of space
4. availability of educational or related services
5. curriculum content or methods or curriculum delivery
6. administrative convenience or teacher preference

Special education is not a place; it is an array of services, which may be provided in a variety or combination of settings.

Wabash Miami Area Program for Exceptional Children

Assistive Technology Services/Devices

Assistive Technology is provided in the schools as a service for students who require these specialized services and devices to benefit from their special education program. Assistive Technology is provided to enable students to perform educational tasks as independently as possible. This is best accomplished through a team effort involving the student, parents, teachers, other school staff and assistive technology team members. Assistive technology devices may include, for example, FM audio system, alternative keyboard, calculator.

Wabash Miami Area Program

Transition Services

Article 7 511-7-43-4

Procedure:

1. A Secondary Transition IEP will be developed and implemented by the student's 14th birthday. This Secondary Transition IEP is part of the individualized education program, which will guide the development of the IEP. The Transition Plan is reviewed and updated annually at the annual case review until the student exits the public school program.
2. Participants involved in the case conference should include the public agency representative, teacher of record, teacher of service, one of the student's general education teachers, parent or guardian, and the student. In addition, other members of the conference may include guidance counselors, vocational teachers, and any others that could contribute the development of the Transition IEP.
3. Prior to the conference, the Teacher of Record will administer Transition Assessments that assess the student's needs and interests in the areas of Education and Training, Employment/Career, and Independent Living. The Teacher of Record will summarize the findings of these assessments and will include this summary as part of the Transition IEP.
4. The Transition IEP must contain the following:
 - a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum and information from age appropriate transition assessments of strength, preferences, and interests. Age appropriate transition assessments are updated annually, and are kept in the building level files.
 - b. Appropriate measurable, skill-specific annual goals that are based upon age appropriate transition assessments, are related to training, education, and employment, and where appropriate, independent living skills.
 - c. A coordinated set of transition activities that facilitate movement from the school to the post school activities and or goals, and are related in some way to the student's current educational and/or employment goal that was identified in the Transition Assessment.
 - d. Measurable annual goals that are skill specific, based upon the age appropriate transition assessments, and are related to training, education, employment, and where appropriate, independent living skills.

- e. Documentation of the type of high school diploma the student will be pursuing.
 - f. Documentation of the course of study. List the four-year plan and/or the current or projected schedule of classes.
5. During the junior year of high school, a Vocational Rehabilitation counselor should be invited to the case conference. If the counselor cannot attend the meeting, and permission is given to release the information by the parent or a student of age, the teacher of record can send educational records and Transition needs to Vocational Rehabilitation.
 6. The teacher of record should document in the IEP that information was given to the parent about available adult services that are provided through the State and local agencies. Adult services may include, but are not limited to, Vocational Rehabilitation, Workforce Development, Social Security Administration, the Bureau of Developmental Disabilities, a community mental health agency, a community rehabilitation program, or an area agency on aging.

Section 6

Discipline of Students with Disabilities

Wabash Miami Area Program for Exceptional Children

Discipline of Students with Disabilities

General Overview

The purpose of this section of the handbook is to provide guidance about the legal requirements of the Individuals with Disabilities Education Act (IDEA) and Indiana's Special Education Rules (Article 7) for addressing the misconduct of students with disabilities. This section will also attempt to correct the myth that students with disabilities are exempt from discipline under current law. Students in special education are expected to follow the rules and regulations of the public school. As school safety takes on increasing importance for all educators, it should be noted that guaranteeing the rights of students with disabilities can be compatible with the goal of school safety. Clearly, school safety begins with the commitment of every student to take full responsibility for his or her own safety and the safety of others both in and out of school. For any student who misbehaves, a school should decide what action is most likely to correct the misconduct. For a student in special education, this decision may need to take into account the student's disability.

Proactive Approaches

- **School Wide Positive Behavior Interventions and Supports (PBIS)**

A major advance in school-wide discipline is the emphasis on school-wide systems of support that include proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. Instead of using a patchwork of individual behavioral management plans, a continuum of positive behavior support for all students within a school is implemented in areas including the classroom and settings other than the classroom (such as hallways, restrooms). Positive behavior support is an application of a behaviorally-based systems approach to enhance the capacity of schools, families, and communities to design effective environments that improve the link between research-validated practices and the environments in which teaching and learning occurs. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all children and youth by making problem behavior less effective, efficient, and relevant, and desired behavior more functional.

- Early Intervention

When signs of misconduct by a student receiving special education services first appear, school officials and parents should work cooperatively to address the concerns before drastic measures are considered. This may mean that a case conference be convened to review the individualized education program (IEP) and identify any need for behavioral goals and objectives, modifications, and/or a behavioral plan. This would include a check of whether modifications or an already existing behavior plan is being implemented as designed.

- Effective Classroom Management

Implementation of effective classroom management practices may successfully address misconduct that is typical, age appropriate and developmentally appropriate, given the student's age and functioning level. Areas of classroom management to be examined might include, but should not be limited to the following:

Physical environment

Establishment of rules and routines

Teaching style

Scheduling for instruction

Structured expectations

Positive and negative consequences are in place

Transition between activities

Type of student involvement in learning

Ecological alternatives

Ecological interventions to consider when working with students with inappropriate behavior include modifying the context, activity and or interaction in which the inappropriate behavior typically occurs. For example, the educators would carefully examine the following, and determine what, if any, changes need to be made to help the student be successful:

Context:

Physical setting

Topics to be discussed and/or covered

Nature of student involvement in the setting

Roles of the people involved

Activity Structure:

Content of the curriculum

Expected outcomes

Types of learning activities and materials being used

Level of student participation

Interaction Patterns:

Methods for supporting student success and failures

Questioning techniques

Interactions between students

Interactions between staff and students

- Positive Programming Alternatives

Positive programming alternatives include the teaching of desired, appropriate behaviors. This approach requires the case conference committee to review and revise the IEP to include behavioral goals/objectives. This alternative is proactive, positive and preventative. It is assumed that appropriate behaviors will be taught through direct instruction. Some examples include: social skills instruction, the teaching of rules and routines, role playing, teaching and application of problem-solving and conflict resolution skills, etc.

Direct Interventions

Issues to Consider in Determining Potential Interventions

1. Level of Restrictiveness

When direct intervention is necessary to address inappropriate behaviors, the general rule is to implement the lowest level (least restrictive) of intervention required to redirect the student to the appropriate and desired behavior. Following is a list of potential interventions from the least intrusive (least restrictive) to the most intrusive (most restrictive). The list is not exhaustive, and many "naturally effective" teachers use low level interventions so successfully that they rarely need to implement more restrictive measures.

Non-Restrictive Techniques

(non-verbal interventions)

Gestures

body positioning (proximity control)

facial cues (planned ignoring modeling)

(verbal interventions)

verbal prompting

verbal feedback/reprimand or redirection

calling/notifying parent

(planned interventions)

allowing student to escape task

differential reinforcement

direct instruction of desired behavior

peer modeling

positive reinforcement - group or individual

response-cost

shaping

self-management; self-monitoring

token economy

positive practice

Restrictive Interventions

physical redirection

Time-out

Detention

Exclusion from activities

In school suspension

Out of school suspension

Restraint

These can be specifically added to the IEP as part of a behavioral plan.

2. Speed and Degree of Effects

When considering types of intervention, it is important to determine how long and to what degree the intervention will impact true behavior change. The severity of

the inappropriate behavior as well as environmental factors and the individualized needs of the student must be carefully examined.

3. Durability

In designing intervention, it is also important to determine if the intervention is likely to withstand the intervention period given: unexpected circumstances, motivation level of the student, schedules, data gathering, ability of personnel to implement consistently, etc.

4. Generalization

In designing plans to change behavior, the ultimate goal is to elicit appropriate behavior alternatives that can be applied by the student to other situations. Appropriate behavior alternatives may need to be taught in several settings and situations in order to assist students in generalizing the new behaviors.

5. Side Effects

The team/individual designing the intervention must always consider the possibility of potential side effects. In many cases, it is not uncommon for other inappropriate behaviors to surface when a plan is put into place for a more severe problematic behavior. Another common occurrence is for the inappropriate behavior to become more frequent during the initial stages of implementation of the plan.

6. Social Acceptability

All interventions designed to modify student behavior should include the use of strategies that are age and grade appropriate. Whenever possible, the naturally occurring schedules, reinforcers, and consequences should be incorporated. These considerations insure the preservation of student dignity during intervention.

7. Implementers

Any behavior management plan should clearly identify who will implement the plan. All staff working with the student should implement the plan for consistency. If it is part of the IEP, it must be implemented by all staff unless the IEP indicates

otherwise. It is best practice to have all potential implementers be involved in the design of the intervention. Parents and family members should be included as potential implementers. It is wise to identify one individual to coordinate the plan.

8. Ease of Data Collection

Data collection is imperative to implementation of any behavior plan. However, it is critical to keep the data collection simple and easy to compile. Time consuming data collection strategies are often the reason why well-designed interventions fail during implementation.

9. Behavior Management Principles

Behavior management can be defined as the process by which the teacher implements various techniques to encourage a positive, appropriate classroom environment. There are four essential principles of behavior management: consistency, structure, objectivity and ethics.

- Consistency

Consistency is the ability to apply the same reinforcers (positive and negative) each time a given behavior occurs. Consistency requires time, effort, and a great deal of patience. Being consistent has its rewards for the teacher and the students. It eliminates the guesswork in decision making. Consistency provides a starting point for a secure and successful environment.

- Structure

Structure of a classroom includes the teaching of rules and routines so that students know exactly what is expected of them in a given situation.

Demonstrating to students exactly how to follow a classroom rule such as "Be ready to work when the bell rings" is just as important as the academic lesson that will be taught. Likewise, when a behavior management plan is implemented, the student will need to fully understand the structure of the plan and what the desired behaviors should look like.

- Objectivity

Objectivity is the teacher's ability to perceive self and others in a fair and accurate manner. If a teacher can objectively reflect, fair and ethical application will most likely occur. Tools to assist teachers in being objective include: charting behavior/behavior changes; behavior logs that include objective statements and data instead of assumptions or perceptions; use of a secondary observer to mirror feedback; and/or videotaping the classroom interactions.

- Ethics

Ethical application is the act of preserving the dignity of individuals by implementing techniques that are fair and humane. Adults must keep in mind that all students, regardless of their behavior, are human beings who deserve to be treated with respect.

10. Time-Out Guidelines/Procedure

Time-out is a strategy used in many classrooms for helping children learn and practice self-control. When used consistently and calmly and in a non-punitive way, this strategy can be highly effective in maintaining clear limits for behavior. The time-out strategy preserves the integrity of the individual student and the smooth functioning of the group/classroom. Used in a non-punitive way, time-outs allow children to make mistakes with the goal of internalizing controls for themselves. Most importantly, it contributes to creating an environment that is safe and orderly, one that is conducive to learning.

- Use of Time Out

These guidelines are provided as a basic structure for school staff to consider as they attempt to use time-out as an option to support behavior change in a student. Time-out is only one option along a continuum of interventions supporting behavior change. Time-out may be implemented on several alternative levels, ranging from the student taking time-out at his or her desk (contingent observation time-out) to removing the student to a separate area. Time-out is a relatively aversive and intrusive behavior reduction procedure, because it involves the removal of reinforcement and it interrupts the pupil's instructional program. However, its use may be required when the student's behavior impedes his or her learning or that of others.

- Reminders for Effective Implementation

1. Time-out is sometimes overused due to lack of appropriate, proactive, instructional programs.
2. The time-in environments may not be sufficiently reinforcing to support desired behavior.
 - Should give four times as much positive reinforcement as reductive consequences.
 - Should have a systematic behavior intervention plan for teaching and reinforcing a replacement behavior that serves the same function as the undesired behavior.
3. Time-out is applied inappropriately when:
 - Time-out is the only, or nearly the only, behavior reduction procedure used.
 - Time-out is applied too late such as when the student is out of control.
 - Teacher escalates the student behavior by attending to the student (e.g., lecturing) when the student is in time-out.
4. The effectiveness of timeout should be evaluated.
 - Use the record keeping system to monitor the use and results of the time-outs. Adjust your approach accordingly.
5. Keep written records of each occasion when time-out/seclusion is used.

Functional Behavior Assessment and Behavior Intervention Plan

Addressing inappropriate and reoccurring behaviors in a student's IEP is not just for students identified as having an emotional disability. As members of case conference committees, we are responsible for planning an individualized program for the "whole" child. Potentially, any student with an IEP could have behavioral goals and objectives in his or her plan. When a student requires a behavior management plan that is unique to him/her, the plan must be designed as a part of a case conference committee discussion and included as a part of the IEP. The behavior plan should correspond to the behavioral goals and objectives in the IEP and result from a functional behavior assessment (FBA).

If the school removes the student for less than ten (10) school days, but contemplates further discipline, or it seems likely that more removals will follow, the school should convene a case conference. At the case conference, the committee will determine the need for a functional behavior assessment (FBA) and determine the team members' responsibilities in gathering data/information for the FBA. After the FBA has been conducted, an appropriate behavioral intervention plan will be developed to address the behavior that is causing the student to be removed from school.

Functional Behavior Assessment

Definition:

Functional Behavioral Assessment is a process that uses data to identify patterns in the student's behavior and the purpose or function of the behavior for the student. A functional behavior assessment requires written parental consent if it is conducted as a part of an educational evaluation as defined in Article 7, for any eligibility area requiring the collection of this type of data. Written parental consent is also required when a functional behavior assessment reviews existing data regarding a student's performance, programming and services.

Uses:

1. Enables staff to clarify a problem behavior.
2. Enables staff to determine the effect of various setting variables (antecedents and consequences.)
3. Enables staff to construct effective interventions that take into consideration relevant setting factors and the effects they have on behavior.

Behavioral Intervention Plans

Definition:

Behavioral Intervention Plan is a plan agreed upon by the case conference committee and incorporated into a student's IEP that describes the following:

1. The pattern of behavior that impedes the student's learning or the learning of others.
2. The purpose or function of the behavior as identified in a functional behavioral assessment.
3. The positive interventions and supports and other strategies to:
 - a. Address the behavior; and
 - b. Maximize consistency of implementation across people and settings in which the

student is involved.

4. If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student. The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

When to use Behavior Intervention Plans:

- Each student receiving special education services who exhibits chronic; recurring inappropriate behaviors should have a written behavior intervention plan.
- It is advisable for a case conference to reconvene to consider the appropriateness of the student's program and the possible need for a behavioral plan whenever the combination of in and out of school suspensions nears ten (10) days.
- Within ten (10) school days from the date of any decision to remove a student to an interim alternative placement, a case conference should be convened to determine whether or not there is a manifestation, to review the behavioral plan, or to develop a behavioral intervention plan if one has not already been developed.

Level of Services and Service Delivery Model

As in all case conferences, level of services and service delivery should be discussed following agreement on the goals, objectives and plan for implementation. Altering the student's level of special education services and supports or the way in which those services are delivered in response to concern over inappropriate behavior would be another intervention. Case conference committees are encouraged to maximize the use of available school resources by expanding the roles of staff who might already be involved in the student's education.

Seclusion and Restraint Plan

General Overview

All students are to be treated with dignity and respect and to be free from abuse. This plan supports the promotion and training of appropriate student behavior as part of the Corporation's curriculum. Every effort shall be made to eliminate or minimize the need for the use of seclusion or restraint with a student, including the use of preventions, positive behavior intervention and support, and conflict de-escalation prior to the use of

seclusion or restraint. This plan applies to all students, regardless of the existence of a disability.

General Guidelines:

Seclusion and restraint shall be used only: 1) as a last resort safety procedure employed after another, less restrictive procedure has been implemented without success; and 2) when there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

Seclusion and restraint may only be used for a short period of time and shall be discontinued as soon as imminent risk of injury to self or others has dissipated.

For students with disabilities, any behavioral intervention used shall be consistent with the student's most current individual education program (IEP) and with the student's behavioral intervention plan (BIP), if applicable.

Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians or to the student, if the student is at least eighteen years of age.

Corporation employees shall never use mechanical restraints to restrict student's freedom of movement and shall never use a drug, medication or other chemical to control behavior or restrict freedom of movement, except as authorized by a licensed physician or other qualified health professional. Corporation employees shall never give a student any drug or medication that is not a standard treatment and dosage given for the student's medical or psychiatric condition.

- "Seclusion" defined (513 IAC 1-1-19)

"Seclusion" means the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's IEP and during which an adult is continuously present in the room with the student.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-19)

- "Chemical restraint" defined (513 IAC 1-1-3)

"Chemical restraint" means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-3)

- "Physical restraint" defined (513 IAC 1-1-12)

Sec. 12. (a) "Physical restraint" means physical contact between a school employee and a student:

- (1) in which the student unwillingly participates; and
- (2) that involves the use of a manual hold to restrict freedom of movement of all or part of a student's body or to restrict normal access to the student's body.

(b) The term does not include:

- (1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation;
- (2) physical escort; or
- (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.

(c) The term does not include the use of a bus harness or other safety equipment that is used to restrain a student during transport when the harness or safety equipment is necessary for safety purposes as provided under 575 IAC 1.

(Commission on Seclusion and Restraint in Schools; 513 IAC 1-1-12)

- "Mechanical restraint" defined (513 IAC 1-1-10) (a) "Mechanical restraint" means the use of:

- (1) a mechanical device;
- (2) a material; or
- (3) equipment; attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or part of the student's body or restricts normal access to the student's body.

Documentation

Every instance in which seclusion or restraint is used on a student shall be documented in order to memorialize the events that led up the use of either seclusion or restraint.

Documentation may include the following:

- (1) The student's name.
 - (2) The date and time of the incident.
 - (3) The duration of any seclusion or restraint or the beginning and ending times of the restraint or seclusion, or both.
 - (4) A description of any relevant events leading up to the incident.
 - (5) A description of the incident or student behavior that resulted in implementation of seclusion or restraint including a description of the danger of injury which resulted in the seclusion or restraint.
 - (6) A description of any relevant interventions used immediately prior to the implementation of seclusion or restraint.
 - (7) A log summary of the student's behavior during seclusion or restraint, including a description of the restraint technique or techniques used and any other interaction between the student and staff.
 - (8) A description of any injuries to students, staff, others or property damage.
 - (9) A list of the school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint.
 - (10) If applicable, a statement that the intervention used was consistent with the student's most current behavioral intervention plan or IEP.
- (Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-9)

Notification of Parents

A student's parent or guardian must be notified within 24 hours by the school principal or their designee when an incident involving the student that includes the use of a seclusion or restraint occurs.

As soon as practical a written copy of the incident report prepared by building staff should be sent to the student's parent or guardian after every instance in which seclusion or restraint is used on a student.

Training of Staff

Training of appropriate school employees/staff members on the proper use of effective alternatives to seclusion and physical restraint, such as positive behavior intervention and supports (PBIS) and the safe use of seclusion and physical restraint in situations involving imminent danger of serious physical harm to the student, school employees or others is required annually.

Schools must maintain documentation that includes the following information:

- (1) The name and position of each person who has completed training.
- (2) Who provided the training.
- (3) When the training was completed.
- (4) What protocols and techniques were included in the training.

Removals from the Educational Environment

Definition of Removals

Building administrators, who may need to recommend the removal of a student with a disability from school for disciplinary reasons, should follow the same procedures as established by the Indiana Student Conduct Code (IC 20-33-8-7) for students in general education, noting the following exceptions.

For a student with a disability who violates a code of student conduct, the school should consider any unique circumstances on a case-by-case basis before disciplining the student if such discipline will result in a change of placement. Unique circumstances include:

- A student's disciplinary history.
- A student's ability to understand consequences.
- Supports provided to the student prior to violating a code of student conduct.
- Any other relevant considerations.

What is a Removal?

A removal of a student with a disability from the instructional setting for any part of a school day constitutes a day of removal, unless it is a short term removal and specified in the IEP as a behavior management technique.

A suspension from school is considered a removal.

If transportation is a part of the student's IEP, as a related service, suspension from the bus constitutes a removal, unless the school provides transportation in an alternative manner. Caution: If suspension from the bus results in the student's inability to access his or her education, then the bus suspension will be interpreted as a day of removal. Under IC 20-33-8-18, a principal may suspend a student for not more than ten (10) consecutive instructional days.

If the student is suspended for more than ten (10) cumulative instructional days in a school year, the school administrator should consult with the Director of Special Services to determine if a pattern of removals exists.

What is not considered to be a Removal?

- A short term removal pursuant to the IEP is not a removal.
- An in-school suspension is not a removal if the student has the opportunity to:
 - o Progress appropriately in the general curriculum.
 - o Receive special education services specified in the student's IEP.
 - o Participates with non-disabled students to the extent the student would have in the student's current placement.*

*NOTE: The comments to the federal regulations implementing IDEA 2004, state the following with respect to the word "participate" in the third bullet above: "We caution that we do not interpret "participate" to mean that a school or district must replicate every aspect of the services that a child would receive if in his or her normal classroom. For example, it would not generally be feasible for a child removed for disciplinary reasons to receive every aspect of the services that a child would receive if in his or her chemistry or auto mechanics classroom as these classes generally are taught using a hands-on component or specialized equipment or facilities." (71 FR 46716)

Removal Procedures

For students in special education, procedures governing suspension from school attendance and related services shall be consistent with the school code of conduct and Indiana disciplinary statute. The school does not have to provide services to a student who is eligible for special education during the first ten (10) instructional days of removal, cumulative or consecutive, in a school year.

Removal procedures shall follow the policies and procedures prescribed for students without disabilities.

It should also be noted that a principal may suspend a student for not more than ten (10) consecutive instructional days. However, when an expulsion is pending, Indiana statute (IC 20-33-8-23) allows a superintendent or a superintendent's designee to

extend a suspension for more than ten (10) days if the student's continued suspension will prevent or substantially reduce the risk of:

- Interference with an education function or school purposes; or
- A physical injury to the student, other students, school employees, or visitors to the school.

On the 11th cumulative instructional day of removal, the school must be prepared to provide services to be delivered during the removal. The school administrator in consultation with the student's teacher of record must determine the extent to which services are needed to enable the student to: continue to participate in the general education curriculum and progress toward meeting the goals stated in the student's IEP.

When the number of removals exceeds 10 cumulative instructional days, the school must determine whether or not the removals constitutes a disciplinary change of placement. As soon as possible after the tenth day of removal in a school year, if not sooner, it is recommended that the case conference committee convenes to consider:

- The causes of the removals;
- The appropriateness of the student's current educational program;
- A functional analysis of behavior; and, the development of a behavior intervention plan.

Disciplinary Change of Placement

A disciplinary change of placement occurs if:

1. A removal is for more than 10 consecutive instructional days, which may include:
 - A suspension pending a recommendation for expulsion that will extend past 10 consecutive instructional days, by a superintendent under IC 20-33-8-23.
 - Removal to an interim alternative education setting (AIES) for 45 instructional days for weapons, drugs, or serious bodily injury.
2. A series of removals constitutes a pattern because:
 - The series of removals cumulate to more than 10 instructional days in a school year; and
 - The student's behavior is substantially similar to the student's behavior in previous incidents; and

- Because of such additional factors such as the length of each removal, the cumulative amount of time the student has been removed, and the proximity of the removals to one another.

Expulsion Procedures

A student with a disability may be expelled for violation of rules, standards, or policies adopted by the public agency. Expulsion is considered to be a disciplinary change of placement, resulting from a removal from school attendance or related services for more than ten (10) consecutive instructional days.

1. Should the Principal be contemplating a recommendation for expulsion for a student with disabilities, it is recommended that the principal consult with the student's Teacher of Record, and/or review the student's IEP. Once a decision to expel has been made, the Principal shall file written charges for expulsion with the superintendent.
2. On the date the school decides to proceed with a recommendation for expulsion, the parent must be notified. A notice of parent rights, which delineates all the rights and procedural safeguards in connection with special education and an expulsion, must accompany the notice of intent to expel. If the school is unable to notify the parent on the day the decision is made, the school must mail the parent notice of the decision and the notice of procedural safeguards.
3. Within ten (10) instructional days following the decision to seek expulsion, the school must convene the student's case conference to make a determination of whether a relationship exists between the student's disability and the behavior for which he/she is being expelled (Manifestation Determination).
4. The Director of Special Education, or the Director's designee, shall chair the manifestation determination case conference committee.
 - a) The Building Administrator or Teacher of Record (if so delegated) should contact the Director of Special Education immediately to arrange for the conference.
 - b) The special education teacher of record shall coordinate the convening of the conference, including providing the parent with adequate notice. The notice must include an explanation of the purpose and procedures of the meeting and a complete notice of parent rights should accompany the conference notification.

Once the Manifestation Determination conference has been held, the district's expulsion examiner, appointed by the Superintendent, shall be notified of the conference decisions. The expulsion examiner will then notify the parent in writing of the charges against the student and the right of the student to a meeting according to the procedures prescribed in Indiana Code.

Manifestation Determination Case Conference Definition

The manifestation determination means an evaluative process conducted by the student's case conference committee to determine whether the student's conduct in question was:

1. Caused by or had a direct and substantial relationship to the student's disability; or
2. The direct result of the public agencies failure to implement the student's IEP.

The case conference committee convenes for the purpose of conducting a manifestation determination under one of two conditions: the school is considering action to expel the student for disciplinary reasons; or the building administrator and the special education teacher of record in consultation with the special education administrator believe that the student's history of suspensions which cumulates to ten days or more in a school year constitutes a pattern.

Committee Participants

The manifestation determination must be made by a group of persons knowledgeable about the student. That group would include:

- Director of Special Services or the Director's Designee;
- The special education Teacher of Record;
- The student's parent(s)/guardian(s);
- The student if deemed appropriate;
- Building Administrator; and
- A general educator who serves the student.
- Other individuals who might be invited to attend may include:
 - A member of the multidisciplinary team or some other person knowledgeable about the meaning of the evaluation data;
 - More of the student's current teachers; or
 - Other individuals at the invitation of the parent/guardian or the school.

Process

1. The Director of Special Education or their designee shall chair the manifestation determination case conference.
2. The manifestation determination case conference committee must consider at least the following items in making their determination:
 - All relevant information in the student's file must be reviewed including current educational data and diagnostic results, the student's IEP, teacher observations, and any relevant information supplied by the parents of the student.
3. The above items are to be considered "in terms of the behavior subject to disciplinary action". Therefore, a disagreement about something in the current IEP which is UNRELATED to the misbehavior under consideration would not require the finding of a relationship.
4. With the above information in mind, the case conference committee must make two determinations related to causal relationship:
 - a) Whether the student's conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
 - b) The conduct in question was the direct result of the school's failure to implement the student's IEP.
5. A case conference determines there is a causal relationship when one or both of the above conditions have been met.
6. If the case conference committee determines that a causal relationship exists, the school must immediately proceed to remedy any deficiencies in the IEP, the placement, or implementation of the IEP and the expulsion cannot go forward.
7. If the student's conduct is a manifestation of his or her disability, then the case conference committee must conduct a functional behavior assessment (FBA), unless the public agency already conducted an FBA, and implement a behavior intervention plan (BIP). If a BIP was previously developed, the case conference committee must review and modify the BIP as necessary to address the conduct.
8. The student must return to the placement from which he or she was removed, unless the parent and the school agree to a change of placement as part of a modification of

the BIP or if the student was removed to an interim alternative educational setting for 45 instructional days.

9. If the case conference determines that there is no relationship between the student's disability and the behavior, the school may continue with its expulsion procedures.

10. In the event of expulsion, the school must continue to provide appropriate services to students with disabilities. The student's case conference committee must determine appropriate services needed to enable the student to;

- a. Continue to participate in the general education curriculum;
- b. Progress toward meeting the goals in the student's IEP;
- c. Receive, as appropriate an FBA and BIP services that are designed to address the behavior violation.

It is local practice to have the manifestation case conference committee discuss and design alternative educational services for the student, in the event that a recommendation for expulsion is upheld. These alternative services will begin immediately upon receipt of parental consent. In the event that the parent does not give consent, the proposed services will begin on the 11th day after the parent has received written notice (the case conference summary and IEP) unless the parent challenges the school's proposed action.

11. A written report of the manifestation determination case conference committee's findings must be given to the parent. The case conference report summary should be accompanied by

- a. a copy of parent rights;
- b. notification of parent rights and procedures regarding the formal expulsion hearing (unless previously provided to the parent) if the case conference committee determined that no relationship exists between the student's behavior and the student's disability.

Interim Alternative Educational Setting

The principal or the principal's designee may remove a student with a disability to an interim alternative educational setting for not more than forty-five (45) instructional days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

- carries a weapon to school or possesses a weapon;

- knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or
- has inflicted serious bodily injury upon another person; while at school, on school premises, or at a school function under the jurisdiction of the department of education or a public school.

Possession of Weapons or Illegal Drugs

The Gun Free Schools Act requires school districts to expel for at least one year, any student who brings a gun to school, although the expulsion requirement can be modified on a case-by-case basis. Given the case-by-case clause, this federal legislation can be construed in accordance with the Individuals with Disabilities Education Act (IDEA). Therefore, the manifestation case conference procedures previously described in this section apply. Regardless of the misconduct that leads to long-term removal or expulsion, the school district must continue to provide a free and appropriate public education to students eligible for special education.

The IDEA Amendments (1997 & 2004) allow for additional emergency provisions only in the case of students with disabilities who bring weapons or illegal drugs to school. These provisions are outlined below.

1. This amendment allows the placement of a student with a disability who brings a weapon or illegal drugs to school in an alternative educational setting for up to forty-five (45) instructional days. The alternative placement is determined by the student's IEP team, which includes the student's parent/guardian. Parental consent to the alternative placement is not needed to invoke the alternative placement in these cases. However, the parent may ask for a due process hearing to dispute the alternative placement.

2. A school may unilaterally order a student with a disability to be placed in an interim, alternative educational placement if the student carries a weapon to school or to a school function.

-The term weapon has the same definition as "dangerous weapon" under 18 U.S.C.930(G)(2): a weapon; a device; an instrument; a material; or a substance; animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length."

A school may unilaterally order a student with a disability to be placed in an interim, alternative educational placement if the student knowingly possesses or uses illegal

drugs or sells or solicits the sale of a controlled substance while at school or at a school function.

- Illegal drug is defined as a controlled substance but does not include a substance legally possessed or used under the supervision of a licensed health care professional.
- A controlled substance means a drug or other substance identified under the Controlled Substance Act.

Serious Bodily Injury

A student with a disability may be placed in a forty-five (45) instructional day interim, alternative setting if the student inflicts serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the IDOE or the public school.

Serious bodily injury is defined as:

- A substantial risk of death;
- Extreme physical pain;
- Protracted and obvious disfigurement; or
- Protracted loss or impairment of the function of a bodily member, organ, or mental faculty

The Process of Determining an Interim Alternative Educational Setting (IAES)

On the date the decision is made to remove the student from school, the student's parent must be notified of the decision. Parents must also be notified of all procedural safeguards and of their right to challenge the removal.

The forty-five day alternative placements can be started regardless of whether bringing the weapon or illegal drugs to school, or inflicting serious bodily injury was a manifestation of the student's disability. It is not necessary to make the manifestation determination until after the student is in the alternative placement. However, the manifestation determination must take place no later than ten (10) school days from the date of the decision.

If the parents/guardians wish to challenge the interim alternative education placement, they may do so by requesting mediation, a due process hearing or both. In the event that the parents seek due process, the student remains in the alternative setting rather

than "staying put" in the prior educational placement, unless the parents and the school can agree on another "alternative placement".

If the school proposes to change the student's placement after expiration of the alternative placement and the parent/guardian challenges the proposed change through a due process hearing, the student shall remain in the placement prior to the interim alternative placement.

Referral To and Action by Law Enforcement

Nothing in any of the previous sections should be interpreted to prohibit school officials from reporting a crime committed by a student with a disability. State law enforcement and judicial authorities shall exercise their responsibilities to apply federal and state laws to crimes committed by a student with a disability.

Any school official who reports a crime committed by a student with a disability shall ensure that copies of the special education and disciplinary records of the student are sent to the appropriate authorities for consideration.

Due Process Procedures

Following the manifestation determination (causal relationship) case conference, the parent(s)/guardian(s) may exercise one of the following options:

1. Request the appointment of an independent due process hearing officer to review the case conference report. If the parent requests a due process hearing under special education law, all of the timelines and procedures outlined therein must be followed.
2. Request an expulsion meeting within ten (10) calendar days. If this option is taken, all of the respective procedures and protocol must be followed in accordance with Indiana student conduct code.
3. Take no action regarding the case conference report or the expulsion hearing. In this case, the school's recommendation would proceed and alternative educational services would begin. It is important to note that there may be no cessation of services during these proceedings.

Students Not Yet Eligible

A student who has not yet been determined eligible for special education and related services under Article 7 and engaged in conduct that violated school rules may be entitled to the protections of the rule if the public school had knowledge that the student was a student with a disability before the behavioral incident occurred.

The school will be deemed to have such knowledge if any one of the following conditions exists:

1. The student's parent has expressed concern, verbally or in writing, to licensed school personnel, or a teacher of the student, that the student is in need of special education and related services; or
2. The student's parent has requested an evaluation; or
3. The child's teacher or other school personnel has expressed concern about the student's behavior or performance to supervisory personnel, such as the building principal or other administrator charged with the supervision of special education services.

If any of these conditions exist, the school is deemed to have knowledge that the student may be eligible for special education services. In that case, the school must halt the expulsion procedure while it evaluates the student on an expedited basis and hold a case conference to determine eligibility for special education services.

- If the student is found eligible for special education, the case conference would then consider whether the student's misbehavior for which expulsion was being considered, is related to the student's newly diagnosed disability. That process would follow the procedure laid out in earlier sections.
- If the student does not qualify for special education services, the school may continue with the expulsion process.
- If the parent asks for a hearing to challenge the case conference determination over eligibility, the expulsion would continue to be on hold while the Article 7 hearing is in progress.

The public school will not be deemed to "have knowledge" if the parent of the student has not allowed an evaluation of the student or if the parent has refused special education services under Article 7. If the school does not have knowledge that the student is a student with a disability, the student may be subject to the same disciplinary measures as those applied to students without disabilities.

(In the case of a parent who does not contend that the school knew, or should have known, that the student was eligible, but merely requests an evaluation while an expulsion is in process, the school must respond by conducting an evaluation in an expedited manner. An "expedited evaluation" means that the public school must conduct the evaluation and convene the case conference within twenty (20) instructional days. While the evaluation is ongoing, the student "remains in the educational placement determined by school authorities".