



DESCRIPTION

of SERVICES offered by OUR
EXCEPTIONAL ACHIEVERS DEPARTMENT

**Committed to Servicing Students
with Special Needs
in the School Town of Munster**

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Description of Special Education Procedures

School Town of Munster provides service to all students identified with special needs and who qualify for special education and related services ages 3-22. The following procedures were written to promote consistency in the delivery of services based on Article 7. Forms and templates utilized by staff may be found on the School Town of Munster Intranet.

Comprehensive and Coordinated System of Early Intervening Services

General Overview of Response to Instruction

All schools in the School Town of Munster are required to implement a response to the instruction process. The Indiana Department of Education has provided guidance to assist in this endeavor (2010) which defines and establishes a set of common principles. Response to instruction places the emphasis on how teachers will continually change and adapt their instruction to correspond to individual student needs.

Response to instruction is the systematic process of meeting the educational needs of all students through professional accountability to ensure:

- Delivery of scientific, research-based core curriculum and instruction
- Ongoing monitoring of student data to assess the effectiveness of instruction
- Determination and delivery of targeted and intensive individual student supports

The recommended model for response to instruction includes three critical components: a universal screening tool that allows for benchmark testing and progress monitoring; a collaborative framework for problem-solving; and the capacity to identify and provide scientific, research based academic and/or behavioral interventions.

Referral and Educational Evaluations

Educational Evaluation for School Age Students

An educational evaluation is conducted to determine whether or not the student meets Indiana Law- 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 rule (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 a Response to Instruction (RTI) process that assesses the student's response to 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 and achievement 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 personnel in accordance with 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.

School Town of Munster Evaluation and Assessment Assurances:

1. School Town of Munster takes the responsibility of locating, identifying and evaluating all students three (3) years of age to twenty-two (22) years of age, who are in need of special education and related services including children who:
 - a. Have legal settlement within the School Town of Munster district.
 - b. Attend a public or non-public school, are served by an agency, or live in an institution located within the jurisdiction of the Munster School District.
 - c. Are homeless students.
 - d. Are wards of the state.
 - e. Are highly mobile students, including migrant students.
 - f. Are suspected of being students with disabilities in need of special education even though they are advancing from grade to grade.
2. School Town of Munster provides assurances that the assessments and other evaluation materials are as follows:
 - a. Provided and administered in the child's native language or other mode of communication; and
 - b. Formed in a way most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
 - c. Selected and administered so as not to be discriminatory on a racial or cultural basis.
 - d. Used for the purpose for which the assessment or measures are valid and reliable.
 - e. Administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.
 - f. Technically sound instruments that may assess the relative contributions of cognitive and behavioral factors, in addition to physical or developmental factors.
 - g. Assessments and other evaluation materials are tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient.
 - h. Assessments selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the

student's aptitude or achievement level, or whatever factors the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills, unless those skills are the factors that the test purports to measure.

3. The student is assessed or information is collected in all areas related to the suspected disability including if appropriate, the following:
 - a. Development
 - b. Cognition
 - c. Academic achievement
 - d. Functional performance or adaptive behavior
 - e. Communication skills
 - f. Motor and sensory abilities, including vision or hearing
 - g. Available educationally relevant medical or mental health information
 - h. Social and developmental history
4. Assessments of students with disabilities who transfer from one (1) public agency to another public agency in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of the evaluation.
5. Assessment tools and strategies provide relevant information that directly assists the committee in determining the special education and related service needs of the students.
6. Educational evaluations are sufficiently comprehensive to identify the student's entire special education and related service needs whether or not commonly linked to the disability category in which the student has been classified.
7. In conducting the educational evaluation, the multidisciplinary team must use a variety of assessment tools and strategies, to gather relevant functional, developmental, and academic information about the student, including information provided by the parent, to assist in determining the students' eligibility:
 - a. The student is eligible for special education and related services.
 - b. The content of the student's individual educational program, including information related to enabling the student to be involved and progress in the general education curriculum (or for an early childhood student, to participate in appropriate activities)

Educational Evaluation Report Procedures

The school psychologist or speech pathologist for students referred for speech and language evaluation, will notify the multidisciplinary team members of the referral for evaluation within five days of receiving consent for the evaluation.

After the educational evaluation has been completed, the multidisciplinary team must compile their findings into an educational evaluation report and enter it into the Indiana IEP (IIEP) at least seven days prior to the scheduled case conference.

The information and data contained in the report should relate directly to the eligibility requirements contained in Article 7 for the specific suspected disability.

The following, if available, should be included in the evaluation report:

1. Response to Instruction (RTI) progress monitoring data
2. English as a Second Language (ESL) assessments
3. Data from classroom and/or district assessments
4. Functional Behavioral Assessment (FBA)- If deemed appropriate.
5. Observation reports

Eligibility Categories in Special Education

Article 7 identifies the eligibility criteria for each of the 13 areas of disability. Criteria are specific to the disability area and also include the requirement that the disability has an adverse effect on the student's educational or functional performance. Factors such as the student's linguistic or cultural background, socioeconomic status, and involvement in appropriate educational opportunities must be considered and determined not to be primary factors in the student's academic or functional difficulties. A student must be found eligible under one or more of the disability areas in order to receive special education or related services. The information that follows gives a brief description of each eligibility category based on Article 7. More detailed information about Article 7 eligibility criteria and evaluation requirements can be found in Article 7 which is available at <http://www.doe.in.gov/sites/default/files/individualized-learning/art7.pdf> beginning on page 66.

Autism Spectrum Disorder (ASD) is a lifelong developmental disability, generally evident before age 3. ASD significantly affects the student's verbal, nonverbal, or pragmatic communication skills, social interaction skills, and adversely affects the student's educational or functional performance. ASD includes autistic disorder, Asperger's syndrome, and other pervasive developmental disorders as described in the current version of the American Psychiatric Association's Diagnostic Statistical Manual of Mental Disorders.

Blind or Low Vision refers to significantly reduced vision, loss of vision, or reduced visual field that, even with the best correction, adversely affects educational or functional performance.

Intellectual Disability refers to significant limitations in both cognitive (functioning and functional,) adaptive behavior that appears when a child is young and developing. These limitations adversely affect educational and functional performance. The level of the disability is determined by scores on intelligence and adaptive behavior assessments with the following score ranges for each of the disability levels- mild (typically scores between 55 and 69), moderate (typically scores between 40 and 54), or severe (typically scores below 40).

Deaf or Hard of Hearing refers to a hearing loss that, with or without amplification, adversely affects the student's ability to use hearing for language development, learning, developmental progress, and educational or functional performance. This includes a hearing loss that is permanent or fluctuating, ranging from mild to profound, and unilateral (one ear) or bilateral (both ears). Students who are deaf or hard of hearing may use spoken language, sign language, or a combination of both.

Deaf-Blind refers to both hearing and vision loss that causes significant communication and adaptive behavioral difficulties which adversely affect the student's educational or functional performance. This area includes a reduction in functional hearing and vision capacity.

Developmental Delay is a disability category for students who are at least three years old and not more than five years old, or who are five years old but not yet eligible to enroll in kindergarten. Developmental delay means a significant delay in one developmental area (at least 2 standard deviations below the mean, or below a standard score of 70) or a moderate delay in at least two developmental areas (at least 1.5 standard deviations below the mean, or below a standard score of 78). Developmental areas include gross or fine motor, cognition, receptive or expressive language, social or emotional, and self-help or other adaptive behavior.

Emotional Disability refers to a general, pervasive mood of unhappiness or depression, and inability to make or keep relationships with others, inappropriate behaviors or feelings, physical symptoms or fears associated with personal or school problems, and/or episodes of psychosis. One or more of these characteristics is evident over a long period of time and to a marked degree that adversely affects educational or functional performance. The characteristics cannot be due to cognitive, sensory, or health factors.

Language or Speech Impairment is a disability that includes language and/or speech impairments that adversely affect the student's educational or functional performance. Language impairments include organic or non-organic causes of difficulties in understanding or using spoken language. Such impairments are not typical for the student's age and impacts areas such as word retrieval, usage, and understanding. Speech impairments include speaking difficulties such as articulation, fluency, and voice disorders that are not typical for the student's age.

Multiple Disabilities refer to coexisting disabilities that are significant and lifelong, making it difficult to determine which disability is primary. One of the coexisting disabilities must be a significant intellectual disability. The disabilities interfere with independent functioning and adversely affect educational or functional performance. The term does not include deaf-blind.

Other Health Impairment includes limited strength, vitality, or alertness that is due to long lasting or short-term health problems and adversely affects educational or functional performance. This includes health problems such as asthma, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome.

Orthopedic Impairment is a severe physically disabling condition that adversely affects educational or functional performance. This includes conditions caused by diseases, birth conditions, or other causes such as cerebral palsy, amputations, fractures, or burns.

Specific Learning Disability means a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that adversely affects the student's educational performance. The disability is evident when the student does not achieve adequately for his/her age despite having received appropriate instruction and learning experiences. A specific learning disability can be evident in one of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, or motor disability, a cognitive disability, and emotional disability, cultural factor, environmental or economic disadvantage, limited English proficiency, or lack of appropriate instruction in reading or math.

Traumatic Brain Injury is an acquired injury to the brain caused by an external physical force that results in an impairment in cognition, language, memory, attention, reasoning, judgment, social behavior, physical functions, speech, or motor abilities and adversely affects a student's educational or functional performance. The term does not apply to brain injuries that are congenital, degenerative, or induced by birth trauma.

Receiving the Referral

The referral for a special education evaluation may be made by school personnel or by the parent.

1. Referral from a parent:

If parents wish to refer their child for an educational evaluation, they may do so verbally or in writing to licensed school personnel. The date the request is received by the School Town of Munster office is the referral date.

2. Referral from the school:

If an individual teacher has a concern for a child, the teacher should follow the building-level procedures for discussing the concerns. This may be done at a grade-level meeting, at an RTI meeting, through a discussion with the principal/guidance counselor, or through other locally developed procedures. If the Response to Intervention Team, the building administrator, or administrative designee believes an educational evaluation is necessary, the request is

forwarded to the school psychologist. The date the school psychologist receives the referral paperwork is the referral date.

Responding to the Referral Request

10 Day Written Notice

Within ten (10) school days of receiving the referral for an evaluation, the parent/guardian must be provided with written notice of the school's intent to conduct or refusal to conduct the evaluation. STM procedures indicate that the written notice of the school's intent to conduct/refuse to conduct the evaluation shall occur in a discussion with the parent. Following the discussion, the parent/guardian must be provided a copy of the referral paperwork, which includes the written notice.

- Written notice must include the following information:
- The school's intent to conduct or refuse to conduct the evaluation
- A description of the basis for the school's decision;
- If an individual educational evaluation is proposed; A description of the evaluation procedures the school proposes to conduct, the timeline for completion, and how to obtain a copy of the evaluation report or request a meeting to review the results.
- An explanation of the parent's right to contest the school's decision
- A copy of the Procedural Safeguards (Parents' Rights).

Gaining Permission to Evaluate

Written Parental Consent

Written parental consent must be obtained prior to any individualized evaluation. The building administrator may or may not attend this meeting. The meeting to obtain parent consent for evaluation may occur at the same time as the meeting to provide the parent with written notice of the school's intent to conduct an evaluation.

In this meeting, the following information must be reviewed and explained in the parents' dominant language. If the parents are not literate in their native language, the information shall be explained in the dominant language.

- Reason for referral stated on **Referral for Educational Evaluation**
- Review of information related to the scientific, research-based Interventions that have been implemented and the student's response to those interventions.
- **Procedural Safeguard** (Parents are given a copy)
- Description of the proposed evaluation processes, areas to be assessed and possible team member(s).
- Explanation that a copy of the report of the initial educational evaluation results will be provided no later than five (5) days prior to the case conference committee meeting.
- Opportunity for the parent to request an appointment with the school psychologist to review the results of the evaluation prior to the case conference committee meeting.
- The parent signs and dates the referral after the **Referral for Educational Evaluation** has been completed in full.
- The **Referral for Educational Evaluation** is forwarded to the School Town of Munster, Exceptional Acchievers's office.

Conducting an Initial Educational Evaluation

After a parent has provided consent for an initial educational evaluation, a comprehensive individual education evaluation is completed. It must be conducted by a multidisciplinary team that prepares an educational evaluation report which addresses the necessary components of the evaluation specific to each suspected disability area.

The report is utilized:

1. By the student's case conference committee, to determine eligibility for special education and related services
2. If a student is found to be eligible, to inform the student's case conference committee of the student's special education and related services needs.

Multidisciplinary Team

The educational evaluation must be conducted by a multidisciplinary team, which is a group of qualified professionals who conduct a student's educational evaluation with input from the student's parent. The qualified professionals include, but are not limited to the following:

1. At least one teacher licensed in or other specialist with knowledge of the area of suspected disability
2. A school psychologist, except for a student with a
 - a. A developmental delay (in which case the multidisciplinary team shall be at least 2 qualified professionals from different disciplines based on the needs of the student)
 - b. Language impairment, a speech-language pathologist and at least one qualified professional from a different
 - c. Speech impairment only, a speech language pathologist may serve as the sole qualified professional on the multidisciplinary team
3. For a student with a suspected specific learning disability, the following:
 - a. The student's general education teacher or, if the student does not have a general education teacher, a teacher qualified to teach students of the same age
 - b. For early childhood students, an individual who holds an appropriate license to teach early childhood special education
4. Related services staff and other specialists may be involved as part of the multidisciplinary team if warranted through Article 7 criteria for determination of the disability.

Conducting the evaluation within the timeline

The educational evaluation is completed by the multidisciplinary team in accordance with Article 7 and STM guidelines. The evaluation will be completed within the required timelines and a Case Conference (CC) held in order to determine eligibility for special education and whether or not special education and/or related services are necessary.

Referral Timelines

For a referral of a student which does not result through the RTI process, the evaluation timeline will be fifty (50) instructional days from the written parental consent date to the date of the case conference.

If the RTI team determines that there is sufficient data to make a determination for placement, the evaluation timeline will be twenty (20) instructional days from the written parental consent date to the date of the case conference.

At least five days prior to the case conference committee meeting, the finalized psychological evaluation will be made available to the parent with a written notice of initial findings.

Disagreement with the Educational Evaluation Results

If the parent disagrees with the school's evaluation, the parent may request an independent educational evaluation (IEE) by contacting the Director of Exceptional Achievers. The disagreement should be in writing, stating the specific areas of disagreement. Within ten (10) business days from the date the request was received, the director will initiate a request for due process or notify the parents in writing that the IEE will be provided at public school expense and provide necessary information regarding agencies or individuals offering independent educational evaluations.

Types of Preschool Referrals

- **Full Initial Referral**- A Full Initial Referral is a referral in which a disability other than, or in addition to, a language or speech impairment is suspected. The referral for evaluation is typically made by the parent. The case manager is the preschool teacher or school psychologist.
- **First Steps Transition Referral**- A First Steps Transition Referral is initiated by First Steps prior to the child's 3rd birthday. These referrals are taken at the First Steps Transition Conference. The only time the school might refuse to conduct an evaluation of a child referred by First Steps is if the child is being dismissed from early intervention services because they have met the goals in their IFSP. The case manager is the preschool teacher or school psychologist.
- **Language or Speech Impaired Only**- A Language or Speech Only Referral is a referral in which the referral question centers on the child's communication skills only. The case manager is the speech language pathologist. The psychologist reviews all data and information that has been collected. If the school psychologist concurs that no further evaluation is necessary, he/she indicates by signing the document.
- **Re-evaluation of Students with Developmental Delays Transitioning to Kindergarten**- The STM is required to re-evaluate students who are currently eligible as a student with a Developmental Delay, prior to their ninth (9) birthday. A multidisciplinary team, including the teacher, the school psychologists and the related services staff, conduct a psychological evaluation to determine eligibility for special education.

Re-Evaluations

Once a student is eligible for special education and related services, any subsequent evaluation of the student is a reevaluation, even if the student is being evaluated because a different or additional eligibility category is being considered.

Reevaluations are considered for each student receiving special education and related services:

1. At every case conference;
2. If the school determines, at any time during the three-year cycle, that additional information is needed to address the special education or related services needs of the student;
3. If the student's parent or teacher requests re-evaluation.

Re-Evaluation timelines

1. If the case conference committee determines at an annual Case Conference Committee (CCC) meeting that reevaluation is necessary to reestablish eligibility for special education and related services, reevaluation must occur by the next annual CCC meeting.
2. If the CCC or the parent requests that a reevaluation be conducted to determine that the student is eligible for special education and related services under a different or additional eligibility category; or to inform the CCC of the student's needs (such as the need for assistive technology or a related service); the reevaluation must occur

and the CCC convened within fifty (50) instructional days of the date that written parental consent is received by licensed personnel.

Determination of Special Education through the Case Conference 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.

Notice of the Case Conference Committee Meeting

1. The case conference committee (CCC) meeting must be scheduled at a mutually agreed upon date, time and place. If the parent cannot attend in person, the school must ensure other methods of parent participation (i.e. by phone).
2. The case conference may be held without the parent if the parent chooses not to participate in person or by other methods. The school must keep track of attempts to arrange a mutually agreed upon date, time and place for the meeting.
3. The parent must be given adequate notice.
4. The notice of the meeting must include the following: date, time, place of the meeting, purpose of the meeting, name and title of the designated public agency representative and a list, by name and position, of other expected participant(s).
5. The parents may invite any other individual who has knowledge of the student.

Case Conference Committee Participants

1. A representative who has the authority to commit resources (Public Agency Representative)
2. For student who has a speech or language impairment only, the speech language pathologist
3. For initial evaluation, a teacher licensed in the area of the student's suspected disability
4. At least one general education teacher (for early childhood- a preschool or kindergarten teacher)
5. An individual who can interpret the instructional implications of evaluation results
6. The parent of the child or student of legal age
7. For a student transitioning from Part C services, the Part C service coordinator or other representative
8. The student for transition IEP beginning with age 14

Excusal Provisions

The general education teacher may be excused from participation in a case conference committee meeting, in whole or in part, if the parent agrees in writing prior to the case conference. If the parent does not agree to the excusal or revokes their consent, all required participants must attend the CC meeting or the CC meeting must be rescheduled to accommodate for the attendance of the required participants.

Types of Case Conferences

A. 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) school days of the parent's written consent for evaluation. When a student's evaluation results from a process that assesses the student's response to scientific, research-based interventions (RTI), the evaluation and case conference must be completed within twenty (20) school 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 plan (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/other available supports, such as a 504 plan, for supporting the student's learning.

- B. Annual Case Conference Committee-** At least once annually (within 12 months), a student's individualized education plan (IEP) must be reviewed and revised by a case conference committee.
- C. Manifestation Determination-** Within ten (10) instructional days of any decision to change the placement of a student with a disability for violating a code of student conduct, the CCC must determine if the student's behavior is a manifestation of the student's disability. The manifestation determination (causal relationship) case conference is convened when the school has made a recommendation for expulsion of a student with a disability or when there is a series of removals that constitute a change of placement. The purpose of the manifestation determination conference is to determine whether the conduct in question was caused by or had a direct relationship to the student's disability, or was the direct result of the public agency's failure to implement the student's IEP.
 - The Teacher of Record and School Town of Munster Supervisor are notified
 - Teacher of Record follows the Teacher Preparation Checklist for Manifestation Determination Conference.
- D. Move-in Case Conference-** When a student with an IEP moves into the STM, the parents must enroll the student at his/her home school. The student's current IEP can be provided to the home school of enrollment or parent can provide information about the previous school so a current IEP can be accessed. The STM supervisor and teacher of record are notified and given the information. The current IEP and most recent educational evaluation will be reviewed by the School Town of Munster Supervisor and/or School Psychologist for all students with IEPs who move into the district. A move-in conference is convened within 10 school days of enrollment date. If reevaluation is determined to be appropriate, reevaluation consent will be obtained at the move-in case conference.

Recommendations for a Successful Case Conference

1. The special education teacher of record and other service providers gather information regarding the student's present level of performance. These include all areas of need and various sources of information such as: curriculum-based assessment, work samples, observations, grades, comments and input from general educators, etc. Review the past year's IEP and document student progress on the stated goals and objectives.
2. In anticipation of the annual case conference, thoroughly review the existing data, including any record review completed by the school psychologist, to see if any other evaluation data is needed for programming decisions. By doing so, a recommendation as to whether or not the data warrants a re-evaluation can be made to the committee. If so, the teacher of record should confer with the school psychologist as to the course of action.
3. If a reevaluation has been conducted since the last case conference, make sure that all necessary assessment and evaluation reports are completed. Coordinate your efforts with the school psychologist as well as other members of the evaluation team.
4. The special education teacher of record sends **Notice of Case Conference** to the parent and to all appropriate school personnel including: a building administrator, the general education teacher and other service providers. The STM definition of "adequate written notice" means the parent was provided the **Notice of Case Conference**

in advance of the conference. In addition, the Teacher of Record shall keep track of all attempts to schedule/confirm/remind the parents of the conference by phone, e-mail, or in person. The notification of the case conference shall be used to document other attempts to convene the conference if a change of date is needed.

5. When writing IEPs for students who will transition (preschool to elementary; elementary to middle school; middle school to high school) during the year in which the IEP will be implemented, the sending special education teacher should complete the entire IEP in draft form, including recommendations for goals. The receiving teacher should be responsible for assisting in course selection, writing goals and objectives and determining services to complete the draft. The case conference committee should discuss the recommendations and finalize the IEP.
6. At least one general education teacher serving the student must be invited to the annual case review and should be included in the development of the IEP, including feedback on academic needs, appropriate positive behavior interventions, supports and strategies, accommodations, modifications, and supports for school personnel.

Recommended Flow of Case Conference Discussion

The goal of the case conference is for the case conference committee to understand the student's needs and the programmatic changes that need to be in place to help the student be successful in school. This occurs through an unfolding of information which assists the committee in understanding the issues being presented in the referral and how the pieces of information gathered from the assessment will help the staff to better understand: what the child is capable of, what he/she are currently able to achieve, what he/she is achieving and what the interfering factors are. Those factors would then be addressed in the determination of eligibility and program planning.

To expedite this process the following sequence is recommended to the staff in their presentation of material:

1. The School Town of Munster Supervisor or Designee will ask the parents if they would like their procedural safeguards explained and then they discuss how the case conference will proceed.
 - The Supervisor or Designee will ask the parent to describe the student strengths and their concerns for their child's education or academic progress.
2. The School Psychologist facilitates the discussion of relevant diagnostic information in an integrated process as follows:
 - Background information
 - Relevant findings
 - As the school psychologist discusses information related to speech, language, behavior, motor skills, etc., the school psychologist asks the related service staff to review their findings
 - As the school psychologist discusses academic information, the school psychologist asks the general education staff and/or the special education staff to review the students' present levels.
3. The School Psychologist summarizes all of the findings in a manner that helps all participants understand the underlying issues and the information that has been discussed which helps to explain why those issues are present. Student strengths and needs are developed through group discussion.
4. The School Psychologist discusses eligibility for special education.
5. Goals and Services are developed.
6. The IEP is reviewed by the supervisor making sure that the details of the IEP are complete

Important

- ❖ Case conferences should be scheduled so as not to be rushed
- ❖ Reports should not be read. - They should be explained in parent friendly terms

After the Annual Case Conference

1. On the 11th instructional day after the school has given the parent a copy of the proposed ACR- IEP and case conference report, the school may implement the new (not initial) IEP and services. If the parent gives written consent to the new IEP prior to that, implementation may begin immediately. If the parent disagrees with the proposed IEP, he or she may request a meeting with a school official or initiate mediation or request a due process hearing. If there is a disagreement, the school must continue to implement the last agreed upon IEP
2. A copy of the notice of case conference, all conference documentation, and progress reports must be sent to the Exceptional Achiever's office.
3. Provide access through the Indiana Individual Education Program (IIEP) to all general education teachers who will be serving the student and implementing the IEP. Make sure they are aware of the expected goals, objectives, accommodations and/or modifications, behavior plans, and all information needed to support the student
4. Determine training needs for general education staff and instructional assistants specific to the student's needs.

Revocation of Parent Permission for Special Education Services

At any time after the parent gives consent for the initiation of special education and related services, the parent may revoke that consent by doing the following:

1. Putting the revocation of consent in writing and signing it.
2. Submitting the written revocation to licensed staff.

A parent's revocation of consent, covers all instruction, services, and supports included in the student's IEP including, but not limited to, the following:

1. Specialized instruction
2. Related services
3. Accommodations
4. Adaptations
5. Modifications
6. Supports for the student or personnel on behalf of the student
7. Assistive technology devices and services
8. Placement outside of a general education classroom

The parent may not revoke consent for fewer than all of the special education and related services included in the student's IEP. The revocation form can be found in the IIEP. As per Article 7, upon revocation of consent and termination of special education and related services, the student is no longer eligible as a student with a disability and is not entitled to the protection of special education law.

Students in Non-Public Schools

Under Indiana and federal law, students who are parentally placed in non-public schools, including students who are home-schooled, have the right to receive special education support. School Town of Munster offers special education services to all students who are receiving their schooling within a non-public school within the School Town of Munster boundaries.

The following procedure should be followed for case conferences for these students:

Case Conferences for Students in Non-public Schools – Initial and Annual Case Conferences

1. 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 assesses the student's response to scientific, research-based intervention, the evaluation and case conference must be completed within twenty (20) school days from the parent's consent for evaluation.
2. If the student resides in the STM district where the private school is located, and is determined eligible and in need of special education services, an individualized education plan (IEP) is developed and a free and appropriate public education (FAPE) offered to the student.
3. If the student does not reside in the STM, where the private school is located, that student has the right to be offered FAPE from his/her school corporation of legal residence.
4. The STM must inform parents of their right to receive FAPE from their school district of residence. If the parent rejects the proposed IEP, the case conference proposes an Individualized Service Plan (ISP).
5. 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.
6. A service plan must include the following:
 - Statement of present levels of performance
 - Statement of annual goals related to the services.
 - Statement of special education and related services, and supplementary aids and services provided to the student or on behalf of the student by the public agency, including any support for school personnel that will be provided.
 - Statement of student participation in statewide or district assessments including accommodations.
 - Projected dates of services, as well as length, frequency, location, and duration of services.
 - Statement of student progress towards goals including how the parents will be informed of progress
7. If parents decline service via an ISP, the public agency is not obligated to serve the student who has been parentally placed in a non-public school.

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 educational disability.

Proactive Approaches

School Wide Positive Behavior Interventions and Supports

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 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 in special education 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 meeting 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 to an already existing behavior plan is being implemented as designed. The case conference committee might also consider the need for mentoring by a teacher, school social worker, school service provider, a building counselor or other adult.

Effective Classroom

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

Making appropriate modifications and accommodations for behavioral success

- Understand current functioning level of your students
- Compare that with the demands of the curriculum/task
- Meet students where they are, not where they should be

Understand the problems with behavior can occur for many different reasons:

- Knowledge deficits –student does not know what is expected, not enough practice of skill, has not learned to generalize the skill

- Communicate Intent – student is not able to communicate discomfort, needs or frustration
- Sensory/perceptual needs
- Attention
- Escape
- Peer affiliation

Reinforcement of Alternative Behaviors

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 applying problem-solving and conflict resolution skills, etc.

Removals from the Educational Environment

Definition of Removals

Building administrators, who may need to recommend the removal of a student with an educational disability from school for disciplinary reasons, should follow the same procedures as established by the Indiana Student Conduct Code (*IC 20-33-87*) 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?

1. A removal of a student with a disability from the school 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 (i.e., time away).
2. A suspension from school is considered a removal.
3. 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.
4. Under *IC 20-33-8-18*, a principal may suspend a student for not more than ten (10) consecutive instructional days.
5. If the student is suspended for more than ten (10) cumulative days in a school year, the school administrator should consult with the Director of Exceptional Achievers 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 (e.g. time out).

An in-school suspension is not a removal if the student has the opportunity to:

- Progress appropriately in the general curriculum.
- Receive special education services specified in the student's IEP.

- Participates with non-disabled students to the extent the student would have in the student's current placement.

Expulsion Procedures

A student with an educational 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 and notify the School Town of Munster Director or Supervisor.
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) school days following the decision to seek expulsion, the school must convene the student's case conference meeting to make a determination of whether a direct relationship exists between the student's educational disability and the behavior for which he/she is being expelled (see 4.3 Manifestation Determination).
4. The Public Agency Rep. shall chair the manifestation determination case conference committee.
 - a. The Building Administrator or Teacher of Record (if so delegated) should contact the Supervisor 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.
5. Once the Manifestation Determination conference has been held, the STM expulsion examiner, appointed by the Superintendent, shall be notified of the conference decisions. The expulsion examiner will then notify the parent/guardian 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:

- Caused by or had a direct and substantial relationship to the student's disability; or
- 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 Membership

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

- The Public Agency Rep
- The Special Education Teacher of Record
- The student's parent(s)/guardians(s)
- The student if deemed appropriate
- Building Administrator
- At least one 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;
- Other individuals at the invitation of the parent/guardian or the school

Process

1. The Public Agency Rep. shall chair the manifestation determination case conference committee meeting. 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.
2. The above items are to be considered in terms of the student 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 causal relationship.

Interim Alternative Educational Setting

The principal or the principal's designee may remove a student with an educational 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
- Inflicts 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 educational disabilities who bring weapons or illegal drugs to school. These provisions are outlined below.

1. This amendment allows the placement of a student with an educational 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.
3. The term weapon has the same definition as "dangerous weapon" under 18 U.S.C. 930(G) (2):
 - a. a weapon
 - b. a device; 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 ½ inches in length
 - c. an instrument
 - d. a material
 - e. a substance, this term also includes "deadly weapon" and "firearm"
4. A school may unilaterally order a student with an educational 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.
 - a. Illegal drug is defined as a controlled substance but does not include a substance legally possessed or used under the supervision of a licensed healthcare professional.
 - b. A controlled substance means a drug or other substance identified under the Controlled Substance Act.

Serious Bodily Injury

A student with an educational 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
- Protracted loss or impairment of the function of a bodily member, organ, or mental faculty

Students Who Present a Substantial Likelihood of Injury to Self or Others

A student with a disability who behaves in a manner that is likely to injure self or others may be placed in a forty-five (45) instructional day interim, alternative placement only after there has been a special education hearing to determine whether such placement is appropriate. Such a hearing would be conducted on an expedited basis and the hearing officer would order the placement of the student in an interim, alternative educational setting if he/she finds:

1. That the STM has demonstrated by substantial evidence (defined in the regulations as "beyond a preponderance of the evidence") that keeping the student in the current placement would prove substantially likely to result in injury to the student or to others.
2. That the current placement is appropriate.

3. That the school has made reasonable efforts to minimize the risk of harm in the current placement, including the use of supplementary aides and services.
4. That the interim alternative educational placement meets the following requirements:
 - It has been designed by the student's case conference committee;
 - It will enable the student to continue to participate in the general curriculum, although in another setting, and continue to receive the related services and modifications in the student's IEP that are designed to enable him/her to meet the IEP goals; and
 - It includes services and modifications designed to address the behavior, which caused the request for the interim alternative educational placement or any other behavior that results in the student being removed from their educational placement. The services and modifications must be so designed as to prevent the behavior from recurring.

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

1. 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.
2. 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 causal relationship determination until after the student is in the alternative placement. However, the causal relationship determination must take place no later than ten (10) school days from the date of the decision.
3. 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.
4. 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

1. Nothing in any of the previous sections should be interpreted to prohibit school officials from reporting a crime committed by a student with an educational disability. State law enforcement and judicial authorities shall exercise their responsibilities to apply federal and state laws to crimes committed by a student with an educational disability.
2. Any school official who reports a crime committed by a student with an educational 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 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. Should a due process hearing be requested by the parent, the request would

stop any expulsion proceedings and the student placement would remain unchanged until administrative and judicial proceedings are completed, unless the parent and school agree otherwise.

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 ending 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 an educational 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/guardian(s) have 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, prior to the incident; or
2. The student's parent has requested an evaluation prior to the incident; 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 causally 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) school days. While the evaluation is ongoing, the student "remains in the educational placement determined by school authorities".

Steps to Conducting a Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP)

Step 1: Identify the behavior(s)

- Identify all the behaviors of concern
- Define the behavior
- Describe the history of the behavior

Step 2: Collect assessment data to determine function of behavior

- Indirect assessment
 - All school information
 - Medical records
 - Parent/teacher/student interviews
- Direct assessment of critical dimensions of behavior for full functional behavioral assessment (FBA) (across settings and at different times)
 - Frequency-how often the behavior occurs
 - Topography-the description of the behavior
 - Duration-how long the behavior lasts
 - Latency-the time elapsed between “A” and “B”
 - Magnitude-force or power of the behavior
 - Focus-where the behavior occurs
- Determine the function of the behavior
 - Escape, avoidance, protection
 - Attention, power, control
 - Expression of self
 - Justice, revenge
 - Gratification
 - Acceptance
 - Other factors
- Determine the student’s behavioral skill level (strengths/weaknesses)
 - Distinguish between skill deficit and performance deficit

Step 3: Triangulate the data and form a hypothesis about why the behavior occurs

Step 4: Determine potential reinforcers

Step 5: Develop a behavior intervention plan (BIP) directly from FBA results which includes:

- target or replacement behavior
- what needs to be taught
- list of interventions and who is responsible
- data collection plans
- rewards and consequences
- timelines for review
- crisis plan

Step 6: Implement the BIP

Step 7: Reevaluate the BIP

Step 8: Modify the BIP if necessary

Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) Guidelines

Functional behavioral assessment (FBA)

- Systematic collection and analysis of behavioral data
- Identification of patterns of behavior and the underlying function or purpose
- Development of a positive behavior intervention plan (BIP) based on acquired information

Behavior intervention plan (BIP)

- Based on an FBA that is designed to modify a student's behavior
- Identifies how the environment will be modified
- Identifies positive behavior intervention strategies
- Specifies skills to be taught enabling the student to change a negative pattern of behavior

Persons Responsible for Completion of FBA / BIP

- FBA and BIP are a group consultation process involving teachers, student, parents, and other support persons.
- On an initial evaluation of a student being considered for emotional disability (ED), the school psychologist is responsible for completing the multidisciplinary team evaluation plan, and the school behavior consultant is responsible for coordinating the FBA process and assisting the teacher of record/teacher of service (TOR/TOS) in the development of the BIP.
- On initial evaluation of other identified special education students or for reevaluations, the student's TOR/TOS will be responsible for coordinating the FBA / BIP process with support from the school behavior consultant.

BIP's may be revised whenever needed, and at a minimum, reviewed with the annual review individualized education plan (IEP) conference. After the annual case conference committee (ACR) meeting, changes to the BIP may be made by the CCC at a CCC meeting or without a CCC meeting if the parent and public agency agree not to convene a CCC meeting and collaboratively develop a written document to amend or modify the current BIP.

Special Education Services

Overview

The IEP creates the opportunity for individualized education for each student with an educational disability. A student's educational 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.

Inclusion

Inclusion refers to the Article 7 requirement that to the maximum extent possible, students with disabilities must be educated in their least restrictive environment (LRE). Students with educational disabilities can and should be full participating members of typical classrooms when provided with necessary and appropriate supports. This underlying philosophy should guide decisions about how and where services are 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:

1. To the greatest extent possible, students with educational disabilities are to be educated with students without disabilities
2. The removal of students with educational disabilities from the general education setting to special classes or separate schooling occurs only when it is documented that education in general education classes using supplementary aides and services cannot be satisfactorily achieved
3. 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 an educational disability:

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

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:

- Category of disabling condition
- Current configuration of the service system
- Availability of space
- Availability of educational or related services
- Curriculum content or methods or curriculum delivery
- 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 and which is based on the established needs of the student through present levels of performance and evaluation data.

Early Childhood Services

School Town of Munster provides special education for all students with disabilities according to the IEP developed from the child's third birthday to age 5.

Child Find and Assessment

1. School Town of Munster maintains procedures for surveying and obtaining referrals from various agencies and individuals. Parent/Guardian provides counsel but referral sources may include the following:
 - a. Parents/Family Members
 - b. Community Agencies responsible for birth to three (3) intervention
 - c. Community Preschools and Head Start Programs

- d. Independent Practicing Physicians
 - e. Well Child Clinic(s)
 - f. County Board(s) of Health
 - g. Convenience Clinic(s)
 - h. Community Hospital(s)
 - i. Churches
 - j. County Department(s) of Public Welfare and Child Protection Services
 - k. YMCA
 - l. Community Mental Health Center(s)
 - m. Quarterly screenings
2. Preschool age children are evaluated under the requirements of Public Law 101-476 and Indiana Article 7. The evaluation requirements are similar to those used with the school-aged population, yet unique and appropriate to the developmental ages of preschoolers. Young children change rapidly and re-evaluation may be necessary prior to the entrance into kindergarten.
 3. As a result of an assessment, the following educational disability area may be identified before or during the preschool years or when the child transitions to kindergarten:
 - a. Traumatic Brain Injury
 - b. Language or Speech Impairment
 - c. Deaf or Hard of Hearing
 - d. Multiple Disability
 - e. Cognitive Disability (Mild/Moderate/Severe)
 - f. Orthopedic Impairment
 - g. Autism Spectrum Disorder
 - h. Blind or Low Vision
 - i. Other Health Impairment
 - j. Deaf Blind
 - k. Developmental Delay (Determined ONLY from age 3-5 prior to Kindergarten based on developmental delays in one or more of the areas of cognitive development; physical development; communication development; social or emotional development; and adaptive development, or a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.)
 - l. Emotional Disability
 - m. Specific Learning Disability

Continuum of Services

Our commitment to the population of preschoolers with disabilities is to provide programming which is developmentally appropriate and which meets the complex needs of individual students. This includes related services, such as those dictated by the multidisciplinary team assessment. A variety of service options are available to meet each child's needs in the least restrictive environment while making available integration opportunities at many levels. These services are based on the students' individual needs and consider the continuum of services.

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. The School Town of Munster is responsible for providing a full spectrum of special services for students found eligible as a student with an educational disability.

Length of Instructional Day

The School Town of Munster elementary schools reflect a K-5 grade span. The length of the instructional day for elementary level students in special education must be the same as the instructional day for elementary level students in general education in the school building where the service is located, unless the case conference committee determines otherwise. Justification of the alteration in length of the school day must be documented in the summary of the case conference and **may not** be for administrative convenience.

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. The length of the school day for secondary level special education students must be the same as the instructional day for secondary level general education students in the school building where the program is located, unless the case conference determines otherwise.

Transitions through the Educational Process

To support children and youth in normally occurring transition steps throughout school years and to adult living, several key elements must be in place.

1. **Parental involvement** – Parents need to be actively involved with service providers and school personnel in making transition decisions and implementing plans for smooth transitions.
2. **Communication and collaboration** – Present and future service providers along with administrators and parents must work together to exchange information, understand the requirements and services of the various agencies/schools, develop and implement transition plans.
3. **Services** – All involved in the transition process must ensure that appropriate services, necessary equipment and knowledgeable personnel are available to support the student in the new setting.
4. **Student Participation** – There should be well established steps and activities in place for involving the student in planning for successful transitions.

Examples of normally occurring transition steps throughout school years include the following:

- Early Intervention – Preschool
- Preschool – Elementary School
- Elementary School – Middle School
- Middle School – High School
- High School – Post Secondary Experiences

Definition of Transition

“Transition services” means a coordinated set of activities for a student with a disability that:

1. Is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability;
2. Is incorporated into the student’s transition IEP in accordance with *511 IAC 7-43-4*
3. Facilitate movement from school to post-school activities, including, but not limited to:
 - a. Postsecondary education
 - b. Vocational education or training, or both
 - c. Integrated employment, including supported employment
 - d. Continuing and adult education
 - e. Adult services

- f. Independent living
 - g. Community participation
4. The coordinated set of activities described must be based on the individual student's needs, taking into account the student's strengths, preferences, and interests and include the following:
- a. Instruction
 - b. Related services
 - c. Community experiences
 - d. The development of employment and other post-school adult living objectives
 - e. If appropriate:
 - Acquisition of daily living skills
 - Provision of a functional vocational evaluation
 - Transition services for students with disabilities may be
 - Special education, if provided as specially designed instruction
 - A related service, if required to assist a student with a disability to benefit from special education

Procedures for Transition to Adult Life

1. The CCC must develop a transition IEP that will be in effect when the student:
- Enters into grade 9 or
 - Will turn fourteen (14) years of age during the cycle of IEP created at age 13 ; whichever occurs first, or earlier if determined appropriate by the CCC.
2. A transition IEP must contain the following:
- a. A statement of the student's present levels of academic achievement and functional performance, including the following:
 - How the student's educational disability affects the student's involvement and progress in the general education curriculum
 - Information from age appropriate transition assessments of:
 - Strengths
 - Preferences
 - Interests
 - Appropriate measurable post-secondary goals, based upon age appropriate transition assessments that are related to:
 - a. Education
 - b. Employment
 - c. Independent living skills (where appropriate)
 - d. Documentation regarding whether the student will pursue a
 - High school diploma as defined in *511 IAC 6-7.1-1(e)*
 - Certificate of completion
 - The transition services, as defined at *511 IAC 7-32-100*, assist the student in reaching post-secondary goals, including the individuals and agencies identified for implementing the transition services
 - Adult services may include, but are not limited to, services provided by the following:
 - A Vocational Rehabilitation Services Program
 - The Department of Workforce Development

- The Social Security Administration
 - The Bureau of Developmental Disabilities Services
 - A community mental health center
 - A community rehabilitation program
 - An area agency on aging
 - A statement of measurable annual goals, including academic and functional goals designed to support and align with the student's post-secondary goals, that meet:
 - The student's needs that result from the student's educational disability to enable the student to be involved in and make progress in the general education curriculum
 - Each of the student's other educational needs that result from the student's educational disability
 - For students who participate in alternate assessments aligned to alternative academic achievement standards, a description of benchmarks or short-term objectives.
 - The coordinated set of activities must be based on the individual student's needs, taking into account the student's strengths, preferences, and interests, and include the following:
 - a. Instruction
 - b. Related services
 - c. Community experiences
 - d. The development of employment and other post-school adult living objectives
 - e. If appropriate:
 - Acquisition of daily living skills
 - Provision of a functional vocational evaluation.
 - Transition services for students with educational disabilities may be:
 - Special education, if provided as specially designed instruction
 - A related service, if required to assist a student with an educational disability to benefit from special education.
3. All appropriate components in compliance with Article 7 must be adhered to and completed for the transition IEPs.
- a. Beginning when a student will turn fourteen (14) years of age during the cycle of IEP created at age 13, at the annual case review or in the 9th grade (whichever is earlier), the individualized education program will include an Individual Transition Plan.
 - b. The transition plan is reviewed and updated annually.
 - c. With parent consent, the counselor from the Office of Vocational Rehabilitation will be invited to attend the annual case reviews for students during the school years and before the student's projected final year of high school.
 - d. A Summary of Performance will be completed by the student and teacher at the exit case conference of every student.

Related Services

Related Services, Supplementary Aides and Services and Special Considerations

STM provides related services to students identified as having an educational disability under Article 7 if the case conference committee determines that the student requires the related service in order to benefit from special education. Related services do not include a medical device that is surgically implanted, the optimization of that

device's functioning (such as mapping of a cochlear implant), maintenance of that device, or the replacement of that device.

Related services include, but are not limited to, the following:

- Audiological services
- Counseling services
- Occupational therapy
- Parent counseling and training
- Physical therapy (as prescribed by a physician order)
- Psychological services
- Recreation, including therapeutic recreation
- School health services
- Social work services in the schools
- Transportation
- Interpreting services
- School nurse services
- Orientation and Mobility services
- Rehabilitation counseling

Following is a brief explanation of some of the more frequently recommended services. For a full definition of Related Services, reference Article 7.

Assistive Technology Services/Devices

Assistive Technology is provided in the schools as a service, for students who qualify for assistive technology and 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, and calculator.

Audiological Services

Audiological services may include services provided by a licensed educational or clinical audiologist in the identification of a hearing loss, determination of the nature and degree of the loss, consultation to staff and parents, as well as recommendation for amplification equipment.

Counseling

Counseling of students may be provided in the instructional setting as part of the curriculum, in another setting on a regular schedule or on an as-needed basis. The nature of the student's counseling needs shall be determined by the CCC and reflected in the student's IEP.

Interpreting Services

Interpreting services include the following:

1. When used with respect to students who are deaf or hard of hearing, the following:
 - Oral transliteration services.
 - Cued language transliteration services.
 - Sign language transliteration and interpreting services.
 - Transcription services, such as the following:
 - a. Communication access real time translation (CART).

- b. C-Print
- c. TypeWell

Individuals who provide sign language transliteration and interpreting services must be certified to interpret in an educational setting.

Occupational Therapy

The appropriateness and the extent of Occupational therapy services must be based on an educational evaluation and related to the educational needs rather than the medical needs of a student with a disability. If a student has an identifiable therapy need that does not affect the student's ability to benefit from the special education experience, that therapy is not the responsibility of the local educational agency.

Article 7 defines the services of the occupational therapist to include, but not be limited to:

- a. Evaluating developmental levels, gross and fine motor functioning, and self-care skills
- b. Designing and implementing interventions to develop, improve or restore impaired gross and/or fine motor functions and the student's ability to perform tasks in the educational environment as independently as possible
- c. Designing or adapting materials, equipment and/or the educational environment to meet a student's needs
- d. Consulting with parents, teacher, paraprofessionals and other related services personnel regarding activities which can assist in meeting the goals of therapy

Physical Therapy

Roles of Therapy Practitioners in the Educational Setting

As members of the multidisciplinary team, occupational and physical therapy practitioners assist in the development of underlying skills that improve the student's functional performance in school. This is accomplished by employing strategies to decrease the effect of the disabling condition and increase the student's ability to participate in the educational process.

Article 7 defines the services of the physical therapist to include, but not be limited to:

- a. Evaluating developmental levels, functional abilities, reflex levels, ranges of motion, muscular strength and respiratory function
- b. Designing and implementing activities that prevent, correct, treat or alleviate impairments as evaluated
- c. Evaluating, designing and recommending adaptation of assistive devices and equipment
- d. Consulting with parents, teachers and other related services personnel regarding activities which can assist in meeting the goals of direct therapy

Orientation and Mobility Services

Orientation and mobility services are provided to students who are diagnosed by a qualified professional, as blind or having low vision. These services enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community.

Parent Counseling and Training

Counseling and training may be provided for parents on the recommendation of the case conference committee. Parent counseling and training may include assisting the parents in understanding the special needs of their child, providing parents with information on child development, assisting parents in understanding the student's educational program and helping them to acquire the necessary skills that will allow them to support the implementation of their child's IEP. This related service may be provided in the form of special meetings, conferences or as a part of the student's IEP to

assist the student in benefiting from special education. The nature of the parent counseling or training shall guide the selection of the service provider and manner in which the service will be delivered.

Psychological Services

These services shall be provided by a licensed school psychologist, clinical psychologist or a psychiatrist. The nature of the services shall guide the selection of the appropriately licensed individual and the way in which the services will be delivered. School psychological services may include, but are not limited to evaluations, consultations with school staff and parents and counseling.

Recreation

Recreation services may include assessment of leisure function, therapeutic recreation services, recreation programs in the schools and community agencies, and/or leisure education as related to educational programming.

Rehabilitation Counseling Services

Services provided by qualified professionals in individual or group sessions that focus specifically on the following:

1. Career development
2. Employment preparation
3. Achieving independence
4. Integration in the workplace and community of the student with a disability

School Health Services

These services include health services that are designed to enable a student with an educational disability to receive a free appropriate public education as described in the student's IEP and must be provided by either a licensed school nurse or other qualified personnel.

School Nurse Services

These are health services designed to enable a student with an educational disability to receive a free appropriate public education as described in the student's IEP including the services described in care plans.

Transportation

Transportation is considered to be a related service only when the student requires transportation needs different from typical peers in order to access their special education program.

Service Delivery Model

Services refer to the amount (%) of special education services provided to a student who receives special education within the school week. Type of services must be documented on the student's IEP/case conference paperwork.

Special Education Consultation

"Consultation" refers to both the amount of service and how it is delivered. Consultation may be provided by a special education teacher, speech-language pathologist or related service provider. It is considered to be a service that is delivered staff to staff, with minimal services (if any) provided directly to the student.

Regular Class

The student is in the general education classroom for 80% or more of the instructional day in a typical school week.

Resource Room

Resource services refer to the special education instruction, speech-language therapy, related services and any combination thereof provided directly to the special education student, in the classroom 40-79% of the instructional day in a typical school week.

Separate Class

The student is in the general education classroom for less than 40% of the instructional day in a typical school week.

Other Options

Separate day school facility

- Residential facility
- Correctional facility
- Parentally placed in private school
- Homebound/hospital

Special Education Students in Non-Public Schools

The School Town of Munster is responsible for the provision of special education services to students with educational disabilities residing within its geographic boundaries. These include students who attend private or parochial schools or are homeschooled.

Homebound Instruction

For Students with educational Disabilities

- If homebound instruction is provided as special education services for a student with an educational disability, it is an option considered by the case conference committee to be the least restrictive environment appropriate to enable the student to benefit from special education.
- The written report of the case conference committee for students with educational disabilities being provided home-based instruction includes: the reason the student is not attending school and other options tried or considered and reasons those options are not appropriate.
- The case conference committee documentation along with the student's IEP shall be submitted to the appropriate school official in order to assign resources necessary to implement the service.
- If homebound is requested for medical reasons, the parents must provide a report from the student's licensed physician including required information from Article 7, for the CCC to consider. *511 IAC 7-42-12*

Extended School Year Services

According to Article 7(*511 IAC 7-36-4(c) and 511 IAC 7-36-4(d)*), the case conference committee shall, as appropriate, develop, review, or revise an individualized education program that shall be in effect prior to the actual placement and which must include documentation regarding whether the case conference committee considered the possible need for extended school year services.

Definition

“Extended school year services” (ESY) means special education and related services that are provided to a student with an educational disability:

- Beyond the normal school year or instructional day of the public agency
- In accordance with the student’s IEP
- At no cost to the parent or the student
- Meets the standards of the department of education

ESY services should not be confused with traditional summer school or with summer services typically made available to all students. ESY services should be developed and documented by the case conference committee and be provided at no cost to parents for children and youth determined to be eligible for such services by the case conference/annual case review committee.

- The purpose of ESY is not to enhance, but rather maintain the present levels of educational performance exhibited by children and youth with disabilities at the end of the regular school year.
- The central purpose of providing ESY services is to prevent or slow severe skill regression caused by the interruption of special education and related service(s) during the summer months.

STEP

The STEP program provides students between the ages of eighteen (18) and twenty-two (22) years, a repertoire of daily living and job-related opportunities and simulations that increase independence and provide students real world work opportunities to transition them from the school community to the adult community.