



## Extended School Year (ESY)

Extended School Year (ESY) services are special education and related services provided to a child with a disability beyond the typical school year (as set by State law and/or guidelines). The Claiborne County School District ensures that ESY services are available as necessary for a child with a disability to receive a FAPE and to benefit from his/her education. ESY services must be provided in accordance with the child's IEP and at no cost to the parents. ESY services may be required for some, but not all, children with disabilities in order to receive a FAPE. ESY services must be provided if a child's IEP Committee determines, on an individual basis, that these services are necessary to ensure educational benefit. The Claiborne County School District does not limit ESY services to children with a particular disability category (e.g., limiting the provision of ESY services to children with Orthopedic Impairments or Multiple Disabilities) or set predetermined limits on the type, amount, or duration of ESY services (e.g., limiting the provision of ESY services to a maximum of two weeks for all children eligible for ESY).

The IEP Committee must consider the need for ESY services at every IEP meeting for all children, ages three (3) through twenty (20) who have a current eligibility, even if the decision to provide the services is not made at that time. Consistent with the obligation to provide a FAPE, ESY services must be determined annually and provided in the least restrictive environment (LRE) as determined by the child's IEP Committee. The IEP Committee should determine the need for ESY services early enough to ensure that the parent can meaningfully exercise his/her due process rights if he/she wishes to challenge the ESY decision. The Claiborne County School District does not consider financial resources in determining the need for ESY services, the type of ESY services to be provided, or the duration of ESY services.

The Claiborne County School District is not required to create new summer programs for nondisabled peers as a means of providing ESY services to children with disabilities in integrated programs. The IEP committee will consider traditional and non-traditional approaches to achieve LRE.

**NOTE:** *The determination for the need for ESY should be completed by April 15<sup>th</sup> of each school year to facilitate the submission of the ESY Project Application. However, if any child with a disability enrolls in school or will be three (3) years after the April 15<sup>th</sup> date, the IEP Committee must still consider ESY as a part of FAPE and amend the ESY Project, if necessary. Paperwork will be due at Director of Special Education's discretion.*

### Qualifying Criteria

There are three (3) qualifying criteria used to determine a child's need for ESY services. The IEP Committee must review the child's IEP and any available data of the child's performance. All IEP Committee members, including the child's parent, must have the opportunity to provide input in the determination of the need for ESY services. The IEP Committee must consider all three qualifying criteria in determining the need for ESY services:

1. **Pattern of Regression-Recoupment:** Refers to a child's loss of skills addressed on the child's IEP after at least two (2) breaks in instruction without regaining the documented level of skills within a period of time equal to the amount of time of the break or a maximum of four (4) weeks.
2. **Critical Point of Instruction (CPI)**
  - **CPI-1:** Refers to a need to maintain a child's skills to prevent a loss of general education class time or an increase in special education service time.



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- **CPI-2:** Refers to a point in the acquisition or maintenance of a critical skill during which a lengthy break in instruction would lead to a significant loss of progress.
3. **Extenuating Circumstances:** Refers to special situations that jeopardize the child's receipt of a FAPE unless ESY services are provided.

### Determination of the Need for ESY Services

A child with a disability may be eligible for ESY services if there is evidence that ESY services are needed to allow the child to benefit from his/her special education services.

**NOTE:** *The determination for the need of ESY services for the provision of a FAPE must be incorporated within IEP development and revisions. This process is not limited to a time period between January 15<sup>th</sup> and April 15<sup>th</sup>; the need for ESY services should be considered during the annual IEP meeting or when other revisions are considered for the child's educational program.*

### Regression-Recoupment

- Regression is defined as a loss of skill(s) on an IEP objective after a break in instruction of at least five (5) consecutive days.
- Recoupment is defined as the period of time the child requires to regain the level of performance on the IEP objective that was attained prior to the break.

The child's recoupment period must be compared to the length of time of a break in which a regression was noticed (i.e., a comparison of the number of days required to recoup a skill lost during a break to the number of days in the break) or a maximum time frame of four (4) weeks (i.e., twenty-eight (28) calendar days).

**NOTE:** *The eligible for ESY services a child must demonstrate a pattern of regression-recoupment.*

A pattern of regression-recoupment is characterized as a repeated regression, or loss of skill(s), on an IEP objective or objectives after multiple breaks in instruction requiring more time to recoup, or recover, the lost skill(s) than the length of time of the breaks in instruction. To qualify for ESY services due to a pattern of regression-recoupment, the IEP Committee must document at least two (2) breaks in instruction resulting in a loss of skill(s) that require more time to recover than a period of time equal to the time of the breaks or four (4) weeks (i.e., twenty-eight (28) calendar days), if the break is longer. For example, if a child experienced regression in skills due two (2) breaks of five (5) consecutive days, the child would be expected to recoup any lost skills within a total of ten (10) instructional days. After a summer break, any recoupment must occur within four (4) weeks or twenty (20) instructional days.

The Committee IEP Committee may use the Regression-Recoupment Determination Form to document the basis for a determination of a child's need for ESY services due to a pattern of regression and recoupment of IEP objectives after a break.

### Critical Point of Instruction

There are two (2) definitions of Critical Point of Instruction:



- **Critical Point of Instruction-1** may be defined as a need to maintain skills which prevent a loss of general education class time or an increase in special education service time (i.e., intensive work in specific areas, such as math, reading, or social skills, would prevent the loss of time in general education classes).
- **Critical Point of Instruction-2** may be defined as a point, during the acquisition or maintenance of a critical skill, at which a lengthy break in instruction (e.g., summer break) will precipitate a significant loss of progress (i.e., a significant loss of progress toward the acquisition and/or maintenance of critical self-help, community access, or social skills would occur during the summer break).

The IEP Committee may use the Determination of Critical Objectives to document their determination of a critical objectives for a child and the Critical Point of Instruction Determination Form to document a child's need for ESY services due to a critical point of instruction.

### **Extenuating Circumstances**

At times there are other special circumstances that when considered by the IEP Committee indicate a need for ESY services. When developing the IEP for a child, the IEP Committee must consider any extenuating circumstances in addition to regression-recoupment or a critical point of instruction. For example, the IEP Committee may determine that a break in instruction will have a negative impact on the child functioning, progress, or learning due to the child's special circumstances.

**Extenuating Circumstances** are defined as special circumstances that would significantly jeopardize the child's receipt of benefit from his/her educational program during the regular school year without the provision of ESY services. The IEP Committee must provide a justification based on the need to mitigate the negative impacts of a significant break in services.

In cases such as these the IEP Committee must use all available data, their disability knowledge, their knowledge of the child, and their professional judgment to determine the child's need for ESY services. The IEP Committee may use the Extenuating Circumstances Documentation Form to document the child's special circumstances and the justification for the provision of ESY services.

### **Planning of Extended School Year Services**

The planning for ESY is based on the decision by the IEP Committee and must ensure the services to be provided are individually developed to meet the requirements of FAPE and LRE. The planning must include decisions concerning the selection of goals and objectives for the ESY services and the methods for delivering services including the frequency, duration, setting, and personnel. ESY goals/objectives and services are recorded in the ESY section of the IEP.

### **IEP Committee Composition for Making ESY Decisions**

The IEP Committee which determines the need for ESY services and plans the specific ESY services to be provided must include:

- The parent;
- The child, if appropriate;



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- At least one of the child’s special education teachers;
- At least one of the child’s regular education teachers; and
- The local education agency representative.

Other participants who may participate in planning ESY services include, as appropriate:

- The child’s speech-language therapist;
- The child’s occupational therapist;
- The child’s physical therapist;
- A behavior specialist;
- A counselor; and
- The teacher who will provide ESY services.

### Designing ESY Programs

In designing the ESY services for the child, the IEP Committee must consider the child’s educational needs according to the qualifying criteria (i.e., Regression-Recoupment, Critical Point of Instruction, or Extenuating Circumstances).

Based on these needs, the IEP Committee then selects the goals and objectives for the child. The goals and objectives developed for ESY may include some but usually not all of the goals and objectives listed during the school year. Furthermore, the goals and objectives should be related to high-priority needs. For example, the IEP Committee may determine a child with academic, behavioral, and communication goals during the school year only needs ESY services for his behavioral and communication goals.

Once the goals and objectives are determined, the IEP Committee determines the services necessary to ensure a FAPE. The IEP Committee must determine when, where, how much, and by whom services will be provided. Related services may be needed as well. For example, transportation may be one of the ESY services determined to be necessary for the child to participate in the program.

### Ongoing Communication

The CLAIBORNE COUNTY SCHOOL DISTRICT ensures there is ongoing communication between regular school year staff and ESY staff sufficient to ensure program continuity. This communication should provide updates of the child’s progress toward meeting ESY goals and objectives between the designing of the ESY program and the implementation of ESY services.

### ESY Service Provision

The CLAIBORNE COUNTY SCHOOL DISTRICT ensures any ESY services recorded on the IEP are provided as written including the:

- Type(s) of service(s) to be provided;
- Location of the service(s), consistent with the child’s LRE;
- Frequency of service(s), including the number of days and amount of time per day; and
- Duration of service(s), number of weeks and beginning/ending dates.



### **LRE and ESY Service Provision**

The CLAIBORNE COUNTY SCHOOL DISTRICT provides ESY services in the child's LRE. ESY services may be offered in the same physical site as summer school programs to allow for meaningful interaction with same age nondisabled peers; however, the district is not required to create new summer programs for nondisabled peers as a means of providing ESY services to children with disabilities in integrated programs. Options for services may include providing services in:

- Community-based programs with nondisabled peers, such as a daycare facility, community recreational settings, or summer camp the child attends or has access to;
- Home settings with nondisabled siblings, other family members, or friends;
- Vocational settings; or
- Age-appropriate programs offered by other public agencies (e.g., an age-appropriate program offered collaboratively by three local education agencies).

### **Evaluation of Extended School Year Services**

The effectiveness of ESY services must be monitored and reported to parents regularly. The assigned ESY Teacher of Record will complete progress on ESY IEP Goals at the end of the ESY session and provide copy of assessed ESY goals to both the parent and Special Education Director.

### **ESY Goals, STIO/Bs, and Report of Progress**

Typically, the IEP Committee will select existing goals or STIOs to be the focus of ESY services however, the IEP Committee may determine the child needs to master a new goal or objective to be able to master or maintain the critical skill identified as the basis for the ESY determination. Only when new goals or objectives are required to master or maintain a critical skill may the IEP Committee write a new goal and/or objective to be addressed during ESY implementation.

### **Monitoring Child Progress during ESY Service Provision**

Service providers must ensure that they are providing effective services and strategies to meet the individual needs of each child. Measurement of progress must be entered on the ESY services page of the child's IEP using the same codes for Report of Progress, Progress towards Annual Goal and Reason for not meeting the Goal. Progress reports must be disseminated to parents at the intervals specified on the IEP.

Effectiveness of the ESY services for each child should be reflected in the match between the needs of the child and the services provided as well as the child's progress toward meeting the ESY service goals. The overall effectiveness of the program provided to all children should be examined to assist the agency in future planning. Program effectiveness is evaluated from both the individual child's progress as well as the entire program.

The IEP Committee may begin making ESY decisions no earlier than January 15<sup>th</sup> of each year. Reviews are to be completed and entered into SEAS by April of each year.



**Forms**

**Appendix H: ESY in Detail**

**ESY forms**



## Extended School Year (ESY)

Extended school year (ESY) is the provision of special education and related services to students with disabilities in accordance with their individualized education program (IEP) beyond the normal school year of the local district and at no cost to the parents of the students.

The need for an ESY program must be considered for all students

- ages 3 – 20 years old (per current Claiborne law)
- with current eligibility and
- with a current IEP

**All students meeting the above conditions** must be considered using all criteria for determining need. Parents shall be advised of and involved in the ESY process.

IEP committees must complete a review of **all** student performance data and decide **each** student's need for extended school year services (ESYS). The IEP committee may begin making ESY decisions no earlier than **January 15th** of each year. Reviews are to be completed by **April 15th** of each year.

The extended school year standards addressed are:

- ◆ criteria,
- ◆ planning,
- ◆ implementation, and
- ◆ evaluation.

### EXTENDED SCHOOL YEAR STANDARDS

#### COMPONENT ONE: QUALIFYING CRITERIA

STANDARD 1: Local education agencies shall ensure that ESY qualifying criteria are completed in accordance with Claiborne ESY guidelines.

STANDARD 2: Parents shall be advised of and involved in the ESY qualification process.

#### COMPONENT TWO: PLANNING

STANDARD 1: Local education agencies shall ensure that the ESY program of each student is individually designed, reflects high priority needs, and includes services necessary to conduct the program.

STANDARD 2: Parents shall be given opportunities to be involved actively in the design and implementation of the ESY.

STANDARD 3: Local education agencies shall ensure that there is ongoing communication between regular school year staff and ESY staff sufficient to ensure program continuity.

#### COMPONENT THREE: IMPLEMENTATION

STANDARD 1: Local education agencies shall continue to address LRE factors, including integration with nondisabled persons, in the implementation of the ESY program.

STANDARD 2: Local education agencies shall ensure that the services listed on the IEP are



provided.

STANDARD 3: Local education agencies shall ensure that instructional activities conducted during ESY are documented.

#### COMPONENT FOUR: EVALUATION

STANDARD 1: Local education agencies shall ensure that instructional personnel measure and report student outcomes.

STANDARD 2: Local education agencies shall evaluate ESY outcome data to determine program effectiveness.

The following criteria are used to determine a student's need for ESYS:

1. Regression-Recoupment (R-R)
2. Critical Point of Instruction (CPI)
3. Extenuating Circumstances

Specific guidelines for applying the criteria for determining the need for ESYS are discussed in the pages that follow. Remember:

- All students ages 3-20 with a current eligibility and a current IEP must be considered.
- Objectives on the current IEP and all student performance data must be reviewed.
- Data must be examined using all criteria. The student with disabilities may be determined to need extended school year according to one or more of the criteria.
- The intent of ESYS is not to ensure students pass a class or to remediate **all** deficits noted during this school year.
- All members of the IEP committee have input into the decision making process. They are to use professional judgment and make the ultimate decision whether the student needs an ESY to receive a free appropriate public education (FAPE).

#### REGRESSION-RECOUPMENT

Students with disabilities may be eligible for ESY if there is evidence that ESYS is needed to allow the student to maintain progress in the current educational program because of a demonstrated regression-recoupment pattern.

#### DEFINITIONS:

**Regression:** To show a loss of skill(s) on IEP objective(s) after at least **two (2) breaks** in instruction.

**Recoupment:** To regain the documented level of skill(s) on IEP objective(s) prior to breaks in instruction.

**Break in instruction:** A break of at least five (5) consecutive instructional days.

**Recoupment period:** The recoupment period mirrors the period of the break; the recoupment period should not exceed the number of days in the break. The maximum recoupment period is four (4) weeks.

Examples:





For a five-day break in instruction, recoupment must occur within five (5) instructional days.  
For a ten-day break in instruction, recoupment must occur within ten (10) instructional days.  
After a summer break, recoupment must occur within four (4) weeks or twenty (20) instructional days.

***Regression-Recoupment Pattern:***

A loss of skill on IEP objective(s) after at least **two (2) breaks** in instruction without regaining the documented level of skill(s) prior to these breaks within the specified period.

**Decision Rules:**

- At the IEP review for ESY decision-making, student performance data are examined to determine if a pattern of regression-recoupment exists.
- The teacher may use the *Regression-Recoupment Tracking Form* (see Appendix B) to document student performance.
- The IEP committee will review objectives where a pattern has been demonstrated to determine if ESY is needed.
- For guidance, IEP committees may use the *Determination of Critical Skills Form*

**CRITICAL POINT OF INSTRUCTION**

Students with disabilities may be eligible for ESY if there is evidence that ESY is needed to allow the student to maintain progress during a critical point of instruction.

**DEFINITIONS:**

**Critical Point of Instruction-1:** To prevent a loss of general education class time **OR** an increase in special education service time

**Critical Point of Instruction-2:** To prevent a loss of significant progress made toward the acquisition and/or maintenance of a critical skill

**Decision Rules:**

- At the IEP review for ESY decision-making, student performance data are examined to determine if the student is at a critical point of instruction.
- The IEP committee will determine if ESY is needed to allow the student to maintain progress during a critical point of instruction.

**CRITICAL POINT OF INSTRUCTION**

Students with disabilities may be eligible for ESY if there is evidence that ESY is needed to allow the student to maintain progress during a critical point of instruction.

**DEFINITIONS:**

**Critical Point of Instruction-1:** To prevent a loss of general education class time **OR** an increase in special education service time

**Critical Point of Instruction-2:** To prevent a loss of significant progress made toward the acquisition and/or maintenance of a critical skill

**Decision Rules:**

- At the IEP review for ESY decision-making, student performance data are examined to determine if the student is at a critical point of instruction.
- The IEP committee will determine if ESY is needed to allow the student to maintain progress during a critical point of instruction.



## EXTENUATING CIRCUMSTANCES

Students with disabilities may be eligible for ESY if there is evidence that ESYS is needed to allow the student to maintain progress in the current educational program.

After the IEP committee has reviewed student performance data and decided the student does not meet

either the Regression-Recoupment or Critical Point of Instruction Criterion, unusual situations or circumstances may exist which result in the IEP committee determining the student is in need of ESYS. All members of the IEP committee have input into the decision making process. They are to use professional judgment and make the ultimate decision whether the student needs an ESY to receive a FAPE. In other words, the IEP committee must answer the question:

*Will a break in instruction negatively impact the student with disabilities or cause him/her to lose skills that will restrict his/her ability to function as independently as possible?*

### 1. ANNUAL IEP

The IEP committee will gather pertinent information and assessment data and engage in discussion relative to the issues that are important to the student's educational program. Per Section V of the policies and procedures manual [*Mississippi Department of Education, Policies and Procedures Regarding Children with Disabilities under the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 97)*] the following issues are discussed if applicable:

- Present levels of performance
- Special factors
- Student progress
- Additional evaluations/assessments
- Goals and objectives
- Transition
- Extracurricular activities
- Accommodations and modifications and support for personnel
- State-wide and district-wide assessments
- Graduation options
- Manner of reporting progress to parents
- Educational and related services
- LRE
- ESYS

During discussion of ESYS, the IEP committee discusses the Critical Point of Instruction and Regression-Recoupment criteria as possible areas under which the student may need ESY. The IEP committee discusses components of the criteria and how data collected during the student's ongoing educational program can be used by the IEP committee to make the decision for the need for ESYS in the spring (i.e., between Jan. 15th and April 15th) prior to the summer Mississippi Department of Education Extended School Year Guidelines – September 2003 Page 14 of 37 break. Annually, the family member(s) must be given a copy of the *ESY Fact Sheet*.

If there are extenuating circumstances relative to decision-making about the need for ESYS, the IEP committee will discuss those issues (refer to page 12) to answer the question:

*Will a break in instruction negatively impact the student with disabilities or cause him/her to lose skills that will restrict his/her ability to function as independently as possible?*



Some examples of extenuating circumstances might be:

- A student enters the school at some point during the year with little or no assessment data or information from the sending school district and the instructional team does not have the time to collect as much data as needed (according to the R-R & CPI criteria) to be able to make the ESYS decision (e.g., they did not have two (2) breaks in instruction).
- A young child (3-5 years old) transitions into school district services with little or no information from early intervention service providers.
- A student makes several moves during the school year and the IEP committee is unable to track down all of the instructional data from the various schools.

In these types of cases the IEP committee [including family member(s)] must use all data they are able to collect, their professional judgment, and their knowledge of the student to make the decision about the need for ESYS.

**Note: When the annual IEP meeting is in the spring, the IEP committee reviews all criteria, documentation, and data, and determines whether the student is in need of ESYS. When the annual IEP meeting occurs at other times during the school year, the IEP committee discusses the ESY criteria and types of ongoing data collection necessary to make the ESY decision in the spring (Jan. 15th through April 15th).**

### 2. ONGOING DATA COLLECTION

The student's performance on goals and objectives on the IEP is monitored on an ongoing basis throughout the school year. The assessment data collected should indicate the progress the student makes toward acquisition of his or her goals and objectives and may include, for example:

- ✓ Grades
- ✓ Class/subject tests
- ✓ Performance based assessments
- ✓ Portfolio entries
- ✓ Student work samples
- ✓ Claiborne & district accountability tests
- ✓ Progress reports
- ✓ Behavior checklists
- ✓ Task analyses
- ✓ Teacher observation logs
- ✓ Other
- ✓

The data that are collected on an ongoing basis throughout the school year, and used to make instructional decisions for the student, are the basis for making ESYS decisions. These are the data that will be reviewed between Jan. 15th and April 15th to determine if the student is in need of ESYS.

### 3. DECISION-MAKING: DOES THE STUDENT NEED ESYS TO RECEIVE FAPE?

Between Jan. 15th and April 15th IEP committees make decisions regarding the student's need for ESYS that summer. This may occur at the annual IEP meeting or at an IEP meeting scheduled specifically to make the decision about the need for ESYS.

#### **A. Determining the need for ESYS based on Regression-Recoupment (R-R) Criterion: Has the student demonstrated a pattern of regression-recoupment problems on IEP skills?**

1. **Student performance data are examined** before and after a minimum of two



instructional breaks of at least five (5) consecutive instructional days. The method of data collection will depend on the individual objectives. Examples of data sources are: task analyses, checklists, grades in teacher grade book, teacher observation logs.

## **2. What do the data indicate?**

The IEP committee reviews the instructional data before each break and after each break in order to determine if the student has a regression-recoupment pattern (i.e., does it take the student an unreasonable amount of time to reach the level attained before the break). Following are guidelines to assist in your review of the data.

To determine whether a pattern or regression-recoupment exists, Before each break, examine –

- the average of the student’s scores on the last three (3) assessments, or
- the last score on the assessment, whichever is higher

After each break, examine –

- the average of the student’s scores on the first three (3) assessments, or
- the first score on the assessment, whichever is higher.

Compare performance before the break and after the break, if the score is lower after the break, regression has occurred. When regression occurs, it must be determined whether the student reaches the same average or score as before the break during the recoupment period. Remember: The recoupment period mirrors the period of the break; the recoupment period should not exceed the number of days in the break.

The maximum recoupment period is four (4) weeks.

## **B. Determining the need for ESYS based on Critical Point of Instruction 1 (CPI-1) Criterion: Is ESY critical to maintaining the student in his/her LRE?**

**1. Is it possible that ESY could prevent the loss** of time in general education class(es) or the increase in special education service time?

*Example:* The student may not be keeping up with work in the general education class and the IEP committee is considering movement to a more restrictive setting.

*Example:* The student may be exhibiting behavior(s) that interfere with class participation and removing him/her because of the disruptive behaviors is being considered.

## **2. What do the data indicate?**

*Some examples, the IEP committee may investigate:*

Does the student demonstrate adequate performance?

Is the student able to socially function within the grade level?

What is the student’s performance in reading related areas?

Is he/she exhibiting behaviors that interfere with class participation?

**3. Does the IEP committee think ESY could or could not prevent this loss** of time in the general education setting?



*Example:* Could intensive work in specific areas make the difference? (i.e., drill in math, phonics skill building, social skills training, etc.)

*Example:* The student's continued participation in the general education setting would be facilitated by learning and consistently following generally accepted classroom rules (e.g., raising hand to answer or ask questions, not talking when others are talking, completing homework).

*Example:* ESY may not make a difference because the student is several years behind and there is a demonstrated lack of interest/motivation/effort.

4. Based on a review of the data and discussion of the student's needs, the IEP committee makes the decision whether the student needs ESY to maintain his/her LRE.

### **C. Determining the need for ESY based on Critical Point of Instruction 2 (CPI-2): Is the student at a critical point of learning?**

**1. Are there any objectives on the student's IEP that are critical** to his/her overall and independent functioning?

Some examples may include:

*Self-Help Skills* (e.g., taking care of self and personal needs) *Community Access* (e.g., skills necessary for independent functioning such as crossing streets, buying items at a store, using the telephone for emergency or information)

*Communication Skills* (e.g., communicating with others for needs/wants)

*Employability* (e.g., employee responsibilities, job sampling, job training)

*Social/Behavioral Skills* (e.g., demonstrating acceptable behaviors, controlling unacceptable behaviors such as hitting, screaming, self-injurious behaviors)

*Academic Skills* (e.g., reading, mathematics, science)

**2. What do the data indicate?**

The IEP committee reviews instructional data to determine if the student is at a critical point of learning in a critical skill area.

**3. Based on the student's past performance, could the student acquire or maintain these critical skills** during the ESY so that skills are not lost over the summer break?

**Would ESY make a difference?**

*Example:* Could continued instruction on communication skills help the student maintain the skill of communicating choices and preferences, wants, and needs?

*Example:* ESY may make a difference because the student has just begun to respond to a positive behavior support plan and the instructional team has just begun teaching replacement behaviors for persistent inappropriate behaviors.

4. **Based on a review of the data and discussion of the student's needs**, the IEP committee makes the decision whether the student needs ESY to maintain or



acquire these critical skills on his/her IEP.

### A QUICK REVIEW

1. At the annual IEP meeting, the teacher/IEP Committee should:
  - Discuss the student's progress and related issues (including ESYS).
  - Explain and give the parent(s)/legal guardian the *ESY Fact Sheet*.
  - Discuss the Regression-Recoupment and Critical Point of Instruction criteria, as well as the possibility of Extenuating Circumstances.
  - Discuss ongoing data collection techniques that will be used to make instructional decisions, including determining the need for ESYS.
2. During the school year, the teacher/IEP committee should:
  - Collect student performance information/assessment data.
  - Review the student's progress/lack of progress regularly.

3. Between January 15th and April 15th:

As part of the annual IEP meeting or as a separate IEP meeting specific to ESY, examine the student's instructional data to review performance and progress and determine the need for ESYS. If the student is determined to need ESYS, the IEP committee can continue the meeting to identify the ESYS that will be provided during the summer months. If the student is determined not to need ESYS but the parent/guardian disagrees, s/he should be informed of due process rights.

Every effort must be made to gain parent(s)/legal guardian participation in the ESY decision making process. If the parent(s)/guardian cannot attend the IEP meeting, the teacher should follow the same procedures used for a review IEP meeting.

4. The teacher must complete the *ESY Recommendation Form* and submit it to the appropriate district supervisor. Any other documentation requested or required by the district is to be submitted.



**EXTENDED SCHOOL YEAR (ESY) FACT SHEET**

**WHAT IS ESY?**

Extended school year (ESY) is special education and related services for children with disabilities during the summer months and at no cost to the parents of the child.

**WHO SHOULD BE CONSIDERED FOR** extended school year services (ESYS)? Children with disabilities ages 3 through 20.

**HOW IS THE NEED FOR ESY DETERMINED?** The IEP committee decides if the child needs Extended School Year services.

**EXTENDED SCHOOL YEAR**

IS	IS NOT
A program where ALL children with disabilities must be considered. It does not matter what kind of disability.	A program just for children with more severe disabilities.
School during the summer months for your child who needs special education and related services.	A year round school program
A decision made every year by the IEP committee.	A decision made without contacting you.
To help your child keep or gain critical skills from his or her school program.	To begin new skills or finish ones started during the school year unless your child has a problem with losing skills.
Based on the need of your child.	Decided based on money
A program to ensure a free appropriate public education (FAPE) in the least restrictive environment (LRE).	For your child to pass a class or correct all problems noted during the school year.

Things you should not be told about ESY:

1. We do not have any staff who want to work this summer.
2. We do not ever contract with physical therapists, occupational therapists and Speech/language pathologists in the summer.
3. We did not keep any data to see if your child needs ESY.
4. We will have to wait and see if there is any money for it.
5. The Clairborne does not approve that.
6. None of our students need it.
7. I have made the decision we are not having ESY.
8. We only have a set number of weeks for ESYS.
9. Your child has not met any goals.
10. We have never had any students get ESY.

**HOW CAN I FIND OUT MORE ABOUT EXTENDED SCHOOL YEAR?**

If you have questions or want a copy of the Mississippi Extended School Year Handbook, call the Mississippi Department of Education, Office of Special Education at 601-359-3498 or 1-877-544- 0404 or visit the web site: [http://www.mde.k12.ms.us/special\\_education /index.html](http://www.mde.k12.ms.us/special_education /index.html)



REGRESSION-RECOUPMENT DETERMINATION FORM

PERSONAL DATA		
Child's Name:	MSIS #:	Grade:
District/School:	Teacher:	School Year:

BREAK 1 REGRESSION-RECOUPMENT			
Dates: ___/___/___ to ___/___/___		Length of Break: _____ days*	
IEP Objectives with Loss of Mastery after the Break	Mastery Level Regained	Length of Recoupment	Recoupment > length of Break or 28 Days**
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No

BREAK 2 REGRESSION-RECOUPMENT			
Dates: ___/___/___ to ___/___/___		Length of Break: _____ days*	
IEP Objectives with Loss of Mastery after the Break	Mastery Level Regained	Length of Recoupment	Recoupment > length of Break or 28 Days**
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	days	<input type="checkbox"/> Yes <input type="checkbox"/> No

**ELIGIBILITY FOR ESY SERVICES**

**Are the criteria met for ESY services due to a pattern of regression-recoupment?**  Yes  No

*The child must have a loss of mastery on an IEP objective(s) after two (2) or more breaks in instruction without recouping the level of mastery on the objective(s) attained prior to the break within an equal time period as that of the breaks or for a maximum of twenty-eight (28) calendar days to be eligible ESY services due to a pattern of regression-recoupment.*

\* The number of days considered a break in instruction must be at least five (5) consecutive days.





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\*\* The maximum period of recoupment is twenty-eight (28) calendar days.



**DETERMINATION OF CRITICAL OBJECTIVES**

PERSONAL DATA		
<b>Child's Name:</b>	<b>MSIS #:</b>	<b>Grade:</b>
<b>District/School:</b>	<b>Teacher:</b>	<b>School Year:</b>

<b>Objective Considered:</b>	<b>YES</b>	<b>NO</b>
1. Is the skill required across a number of environments, settings, or situations?		
2. If the child does not perform the skill, will someone else have to perform the skill for him?		
3. Will the maintenance of the skill allow the child to function more independently and enhance success in integrated environments in general education?		
4. Will the maintenance of the skill allow the child to function more independently and enhance success in integrated environments in the community?		
5. Will the maintenance of the skill allow the child to function more independently and enhance success in integrated environments in employment?		
6. Will maintenance of the skill enhance the child's participation in other activities with non-disabled peers?		
7. Will a break in instruction negatively impact the child or cause him to lose skills that will restrict his ability to function as independently as possible?		
8. Will a break in instruction negatively impact behavioral skills learned during the regular school year and result in in a more restrictive placement?		
9. Will a break in instruction negatively impact physical skills attained during the regular school year?		
10. Does the child need ongoing vocational instruction to be able to function in the appropriate vocational environment?		

<b>IEP COMMITTEE DETERMINATION</b>
<b>The IEP Committee has determined that the objective listed above is critical for this child?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No



**CRITICAL POINT OF INSTRUCTION DETERMINATION FORM**

PERSONAL DATA		
<b>Child's Name:</b>	<b>MSIS #:</b>	<b>Grade:</b>
<b>District/School:</b>	<b>Teacher:</b>	<b>School Year:</b>

Critical IEP Objectives	Justification	Data Source
Mastered: <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Critical Point of Instruction – 1</b> <input type="checkbox"/> Mastery of this objective would allow the child to participate in a less restrictive environment and spend more time with nondisabled peers. <input type="checkbox"/> Failure to master this objective would increase the amount of time the child would require special education services.	
	<b>Critical Point of Instruction – 2</b> <input type="checkbox"/> The child is at a critical point in the acquisition or maintenance of this objective, and a break in instruction would result in a significant loss of progress.	
Mastered: <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Critical Point of Instruction – 1</b> <input type="checkbox"/> Mastery of this objective would allow the child to participate in a less restrictive environment and spend more time with nondisabled peers. <input type="checkbox"/> Failure to master this objective would increase the amount of time the child would require special education services.	
	<b>Critical Point of Instruction – 2</b> <input type="checkbox"/> The child is at a critical point in the acquisition or maintenance of this objective, and a break in instruction would result in a significant loss of progress.	
Mastered: <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Critical Point of Instruction – 1</b> <input type="checkbox"/> Mastery of this objective would allow the child to participate in a less restrictive environment and spend more time with nondisabled peers. <input type="checkbox"/> Failure to master this objective would increase the amount of time the child would require special education services.	
	<b>Critical Point of Instruction – 2</b> <input type="checkbox"/> The child is at a critical point in the acquisition or maintenance of this objective, and a break in instruction would result in a significant loss of progress.	
Mastered: <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Critical Point of Instruction – 1</b> <input type="checkbox"/> Mastery of this objective would allow the child to participate in a less restrictive environment and spend more time with nondisabled peers. <input type="checkbox"/> Failure to master this objective would increase the amount of time the child would require special education services.	
	<b>Critical Point of Instruction – 2</b> <input type="checkbox"/> The child is at a critical point in the acquisition or maintenance of this objective, and a break in instruction would result in a significant loss of progress.	

ELIGIBILITY FOR ESY SERVICES
Is the child eligible for Extended School Year (ESY) services due to a critical point of instruction? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If either justification under Critical Point of Instruction-1 or the justification under Critical Point of Instruction-2 has been indicated, the child has been determined to be eligible for ESY services due to a critical point of instruction.</i>



### Extenuating Circumstances Documentation Form

PERSONAL DATA		
Child's Name:	MSIS #:	Grade:
District/School:	Teacher:	School Year:

SPECIAL CIRCUMSTANCES
<i>Provide a description of the child's special circumstances:</i>

JUSTIFICATION
<b>Is the child eligible for Extended School Year (ESY) services due to extenuating circumstances?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Provide the IEP Committee's justification for the provision of ESY and basis for the decision:</i>



## DISCIPLINE PROCEDURES

### Authority of School Personnel

School personnel (principal and child's teacher, other school personnel as needed) may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct.

School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days to the extent those alternatives are applied to children without disabilities, and for additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement).

1. The principal or child's special education teacher will inform the Director of Special Education that the child's is being removed within one day of the decision being made to remove the child.
2. The Special Education Director or Designee will document the child's removal and track the number of days of removal.
3. Clairborne County School District recommends that the IEP Committee convenes to review and revise IEP following each out of school suspension upon the student's return to add additional behavior supports as needed. Also, the IEP Committee will review and revise, as necessary, the student's FBA and BIP or consider the need to conduct for the student an FBA and BIP if one does not exist.
4. The Special Education Director will ensure that the removal **does not** constitute a change of placement.

After a child with a disability has been removed from his or her current placement **for ten (10) school days** in the same school year, during any subsequent days of removal (day 11 of removal), the district must provide services to the child.

1. The Director of Special Education will assign an appropriate teacher to provide the services.
2. The Special Education Director or Designee will oversee the services and ensure that appropriate sign in and sign out sheets are maintained and that lessons are provided based on the child's IEP.
3. The Special Education Director will ensure that the Manifestation Determination is conducted based on appropriate district procedures.

For disciplinary changes in placement that would exceed ten (10) consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities. See exception below.



## Services

A child with a disability who is removed from the child's current placement, will:

- Continue to receive educational services, **so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP**; and
- Receive, as appropriate, a functional behavioral assessment (FBA), and behavioral intervention services, and modifications, that are designed to address the behavior violation to prevent said behavior from recurring.

An FBA is an assessment utilized to evaluate a child's behavior and determine the purpose or function of that behavior. The result of an FBA must lead to the development/modification and implementation of a behavior intervention plan.

1. The Director of Special Education/Case Manager will ensure that an appropriate FBA is conducted and BIP developed based on the FBA. The Case Manager will schedule an IEP committee meeting to discuss the FBA and the BIP. Any changes needed to the IEP will be made at the meeting.

## Functional Behavioral Assessment

The FBA will include all of the following:

- Clear description of the problematic behavior;
- Identification of the antecedent events, times, and situations that predict when the problem behavior will and will not occur;
- Identification of the consequences of the problem behavior;
- Development of hypotheses and summary statements that describe the problem behavior and its functions; and
- Collection of data from a variety of sources: interviews, direct observation data, etc.

## Behavior Intervention Plan (BIP)

A behavior intervention plan (BIP) will use the information gathered from the FBA to develop a concrete plan of action for improving a student's behavior. A BIP focuses on redesigning the environment and building new skills that make the problem behavior irrelevant, inefficient, and ineffective in the environment. The BIP is not to control the student but to enable the student to be successful in his/her environment.

All of the following must be included in a BIP:

- Observable and measurable description of the problem behavior;
- Identified purpose of the problem behavior as a result of the FBA;
- General strategy or combination of strategies for changing the problem behavior;
- Written description of when, where, and how often the strategy will be implemented; and



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- Consistent system for monitoring and evaluating the effectiveness of the plan.

The services may be provided in an interim alternative educational setting.

The district will only provide services during periods of removal to a child with a disability who has been removed from his or her current placement for ten (10) school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, if the current removal is not for more than ten (10) consecutive school days and is not a change of placement, school personnel, in consultation with at least one of the child's teachers, will determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement, the child's IEP committee will determine appropriate services.

### **Manifestation Determination**

Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the district, the parent, and relevant members of the child's IEP committee (as determined by the parent and the district) will review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine

- If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of the district's failure to implement the IEP.

The conduct must be determined to be a manifestation of the child's disability if the district, the parent, and relevant members of the child's IEP committee determine that either of the condition above was met.

If the district, the parent, and relevant members of the child's IEP committee determine either of the conditions above was met, the district must take immediate steps to remedy those deficiencies.

### **Determination that Behavior was a Manifestation**

If the district, the parent, and relevant members of the IEP committee make the determination that the conduct was a manifestation of the child's disability, the IEP committee must either

1. Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavior assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and



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3. Except as provided below, return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

### **Special Circumstances**

School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child

1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the district;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the district.

### **Notification**

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the district will notify the parents of that decision, and provide the parents the procedural safeguards notice.

- Special Education Director and IEP Teacher of Record will ensure that the procedural safeguards are provided to the parent.

### **Definitions**

For the purposes of this section, the following definitions apply:

- Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act [21 U.S.C. 812(c)].
- Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
- Serious bodily injury is defined in paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
- Weapon is defined in paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

### **Determination of Setting**

The child's IEP committee will determine the interim alternative educational setting for services.





**Form**

Manifestation Determination form



MANIFESTATION DETERMINATION REVIEW

Student Name: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Current Disability: \_\_\_\_\_

- 1. Describe the behavior subject to disciplinary action: (May attach discipline referral)
2. Consider, in terms of the behavior subject to the disciplinary action, all relevant information including:
\_\_\_ Evaluation and diagnostic results \_\_\_ Behavior Plan and Progress Monitoring Data
\_\_\_ Observation(s) of the student \_\_\_ Previous Disciplinary Referrals
\_\_\_ Evaluation and other relevant information provided by the parent
\_\_\_ Current IEP, progress monitoring on behavioral goal(s) and placement
\_\_\_ Other \_\_\_\_\_

3. Determination statements using information from 2 above. In relation to the behavior subject to disciplinary action:

Was the conduct in question caused by, or had a direct and substantial relationship to the student's disability? \_\_\_ YES \_\_\_ NO

Was the conduct in question the direct result of the district's failure to implement the IEP? \_\_\_ YES \_\_\_ NO

- 4. The determination of the committee is that the behavior subject to disciplinary action is:
\_\_\_ Not a manifestation of the disability; decision is transferred to school officials for disciplinary action.
\_\_\_ A manifestation of the disability.

IEP Committee Participants: \_\_\_\_\_ DATE OF MEETING: \_\_\_\_\_

Parent: \_\_\_\_\_

Special Education Teacher: \_\_\_\_\_

Agency Representative: \_\_\_\_\_

General Education Teacher: \_\_\_\_\_

Other/Title: \_\_\_\_\_

Other/Title: \_\_\_\_\_

Other/Title: \_\_\_\_\_



## PROCEDURAL SAFEGUARDS

Procedural Safeguards refer to the formal protections, or safeguards, for the rights of children with disabilities and their parents according to the Individuals with Disabilities Education Act (IDEA), Federal regulations, and State laws and policies. According to the U.S. Supreme Court's interpretation of IDEA, the core principle of the IDEA is the cooperative process between parents and educational agencies and the importance of parental involvement in all decisions made for children with disabilities. This includes all decisions regarding the identification, evaluation, placement, and provision of special education and related services. In addition, IDEA upholds a parent's right to disagree with decisions and provides multiple avenues to resolve those disputes. Further protections address privacy of and the limited access to a child's educational records.

### Procedural Safeguards Notice

The CLAIBORNE COUNTY SCHOOL DISTRICT ensures a copy of the Procedural Safeguards Notice is provided to each parent of a child with a disability at least once a year and in the following specific situations:

- After an initial request for an evaluation is sent to the Multidisciplinary Evaluation Team (MET);
- After a request for a reevaluation;
- After the initial meeting of the Individualized Education Program (IEP) Committee;
- Upon the receipt of the first formal Clairborne or due process complaint in a school year;
- Upon a change of placement due to a disciplinary action; or after a request for a Procedural Safeguards Notice by the parent.

The CLAIBORNE COUNTYSD placed a current copy of the Procedural Safeguards Notice on its district website. The parent may also elect to receive a copy of the Procedural Safeguards Notice by electronic mail if available.

The contents of the Procedural Safeguards Notice must include a full explanation of all of the Procedural Safeguards and *Clairborne complaint procedures* relating to:

- Notifications given to the parent prior to an action or refusal of an action, including the formal Prior Written Notice;
- The requirement for informed parental consent for evaluations;
- The right to an Independent Educational Evaluation (IEE) and when it must be provided at public expense;
- The requirement to ensure the confidentiality of and access to educational records;
- An explanation of and the procedures for making a *Formal Clairborne Complaint and Due Process Complaint*;
- The options for dispute resolution including mediation, resolution sessions, hearings, and civil actions and the payment of attorney fees;
- The procedures for addressing discipline issues for children with disabilities including those that result in changes of placement to alternative educational settings; and



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- The requirements when making unilateral placements by parents of children in private schools at public expense.

The Procedural Safeguards Notice must be provided using language understandable to the general public (i.e., in laymen's terms). In addition, the Procedural Safeguards Notice must be provided to the parent in his/her native language or mode of communication to ensure the parent can understand the content of the notice. If the parent's native language or mode of communication is a written language or can be provided in a print format (e.g., Braille), the Procedural Safeguards Notice must be provided in this form, unless it is not feasible to do so. If the parent's native language or mode of communication is not a written language (e.g., oral and manual communication methods), the Procedural Safeguards Notice must be translated orally or by other means in the native language to ensure the parent understands the content of the notice, and the CLAIBORNE COUNTYSD must keep written documentation of how they met the requirements for the provision of the Procedural Safeguards Notice.

For assistance in securing translations of the Procedural Safeguards Notice, the district will contact the Mississippi Department of Education Office of Special Education.

### Invitation to Meetings

Parents have the right to participate in all meetings where decisions are made for their child including any decision whether or not to conduct an evaluation or reevaluation, the determination of eligibility status and of the disability category, and the development and revision of the child's Individualized Education Program (IEP). Parents are members of both the Multidisciplinary Evaluation Team (MET) and the IEP Committee and must be invited to participate in all MET or IEP Committee meetings. When calling an IEP Committee meeting for the development or revision of the child's IEP, the parent must be given a Notice of Invitation to Committee Meeting that includes:

- A list of who will be in attendance by name and position;
- A statement that the parent or public agency may invite other individuals who have knowledge or special expertise regarding the child; and
- The time, location, and a description of the purpose of the meeting.

### Recording the Meeting

The parent and the CLAIBORNE COUNTY SCHOOL DISTRICT have the right to participate in the development of the IEP and to indicate their intent to make an audio recording of the proceedings of the IEP meetings. The parent or guardian or local educational agency shall notify the members of the IEP Committee of their intent to record the meeting at least twenty-four (24) hours prior to the meeting.

*NOTE: The Procedural Safeguards Notice only address audio recordings—not video recordings.*

Although there is no provision prohibiting the use of video recording, parents do not have a specific right to make a video recording of a meeting. Any use of video recording would need to be agreed upon by all parties involved and may require written releases.



### **Prior Written Notice (PWN)**

A Prior Written Notice must be provided to a parent, within a reasonable time, prior to the CLAIBORNE COUNTY SCHOOL DISTRICT's proposal or refusal to initiate or change the identification, evaluation, or educational placement of a child or to initiate

or change the provision of services to provide a FAPE to a child. The CLAIBORNE COUNTY SCHOOL DISTRICT ensures that the PWN is provided to the parent at least seven (7) calendar days before implementing any proposed action, unless the parent waives the timeline.

The Prior Written Notice must be provided using language understandable to the general public (i.e., in laymen's terms). In addition, the PWN must be provided to the parent in his/her native language or mode of communication to ensure the parent can understand the content of the notice. If the parent's native language or mode of communication is a written language or can be provided in a print format (e.g., Braille), the PWN must be provided in this form, unless it is not feasible to do so. If the parent's native language or mode of communication is not a written language (e.g., oral and manual communication methods), the PWN will be translated orally or by other means in the native language to ensure the parent understands the content of the notice, and the CLAIBORNE COUNTY SCHOOL DISTRICT must keep written documentation of how they met the requirements for the provision of the PWN.

### **Content of the Prior Written Notice**

The content of Prior Written Notice must provide the parent with sufficient information, so he/she is fully able to understand the public agency's proposed or refused action in order to make an informed decision.

The PWN must include:

- A description of the action proposed or refused by the CLAIBORNE COUNTY SCHOOL DISTRICT;
- An explanation of why the CLAIBORNE COUNTY SCHOOL DISTRICT proposes or refuses to take action;
- A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;
- A statement that the parent of a child with a disability has protections described in the Procedural Safeguards Notice provided, if inclusion is required, or the method for receiving a copy of the Procedural Safeguards Notice;
- Sources for the parent to contact to obtain assistance in understanding the provisions of IDEA and his/her rights outlined in the Procedural Safeguards;
- A description of other options the IEP Committee considered and the reasons why those options were rejected;
- A description of any other factors, which are relevant to the agency's proposal or refusal.

### **When a Prior Written Notice is Required**

The CLAIBORNE COUNTYSD provides a Prior Written Notice to a parent prior to the district's proposal or refusal to initiate or change the identification, evaluation, or educational placement of a child or to



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initiate or change the provision of services to provide a FAPE to a child. The CLAIBORNE COUNTY SCHOOL DISTRICT ensures that the PWN is provided to the parent no less than seven (7) calendar days prior to the proposed action unless the parent waives the timeline.

**PWN** is required under the following conditions:

- If the initial MET determines that an evaluation is warranted (i.e., the MET does suspect the child has a disability) or determines that an evaluation is not warranted (i.e., the MET does not suspect the child has a disability);
- If the CLAIBORNE COUNTY SCHOOL DISTRICT refuses to provide an Independent Educational Evaluation (IEE) at public expense and initiates a due process hearing;
- After the IEP Committee has developed or modified an IEP;
- If the IEP Committee refuses to convene an IEP Committee meeting at the request of a parent;
- If the IEP Committee proposes to initiate or change the identification, evaluation, or educational placement of a child or refuses a parent's request to initiate or change the identification, evaluation, or educational placement of a child;
- If the IEP Committee proposes to initiate or change the provision of services to provide a FAPE to a child or refuses a parent's request to initiate or change the provision of services to provide a FAPE to a child;
- If the CLAIBORNE COUNTY SCHOOL DISTRICT has removed the child with a disability that results in a change in placement (i.e., for more than ten (10) days, a series of removals that constitute a pattern, or a removal to an interim alternate educational setting (IAES) for more than forty-five (45) school days) due to discipline procedures;
- If the CLAIBORNE COUNTY SCHOOL DISTRICT intends to stop the provision of special education services due to ineligibility based on the results of a comprehensive reevaluation, due to ineligibility due to graduation with a standard high school diploma, or after receiving the parent's written revocation of consent for special education and related services.



## INFORMED PARENTAL CONSENT FOR EVALUATION

Informed parental consent occurs when a parent has been made aware of all information pertinent to a proposed action and is able to make an informed decision to give permission for that action. The CLAIBORNE COUNTY SCHOOL DISTRICT ensures the parent understands:

- What is being proposed or refused; and
- The ramifications of what is being proposed or refused.

A parent must be informed of a proposed action in his/her native language or other mode of communication. The parent must understand that parental consent is voluntary and may be revoked at any time. By Federal guidelines, parental consent by signature is required during the following occurrences:

- Initial assessment for eligibility for special education services;
- Reevaluation of eligibility for special education services.

The CLAIBORNE COUNTY SCHOOL DISTRICT has the responsibility to ensure the child is evaluated to determine eligibility and to assist in the provision of a *Free Appropriate Public Education (FAPE)*. The MET and IEP Committee determine the appropriate evaluation and reevaluation procedures, respectively. Qualified examiners are used to administer all assessments for an evaluation or reevaluation. Parental consent is required before the collecting of any individual assessment data not collected through mass screenings or other allowed educational assessments. The parent has the right to provide or not to provide consent. If the parent refuses to provide consent, the district is not required to use due process procedures to override the parent's refusal; however, a parent refusal to the provision of special education services may not be overridden.

### Independent Educational Evaluation (IEE)

An independent education evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the CLAIBORNE COUNTY SCHOOL DISTRICT responsible for the education of the child. It can be provided at public expense if a parent disagrees with the evaluation conducted by the district. A parent has the right to an IEE at his/her own expense, at which the IEP Committee must consider the results.

### Parents Right to an IEE

If a parent makes a request, the CLAIBORNE COUNTY SCHOOL DISTRICT will, without delay:

- Provide an IEE at public expense-OR-
- File a request for a due process hearing to demonstrate that the public agency's evaluation of the child is appropriate.

If the CLAIBORNE COUNTY SCHOOL DISTRICT requests a Due Process Hearing and the final decision is that the district's evaluation is appropriate, the parent has a right to an IEE, but not at public



expense.

The IEP Committee must consider the results.

- If the hearing officer requests an IEE as part of an impartial Due Process Hearing, the cost of the evaluation will be at the expense of the district.
- If a parent requests the IEE, the district may ask the reason why he/she objects to the LEA's evaluation. The parent is not required to provide explanation and the district shall not delay providing the IEE at public expense or file a request for a Due process hearing to defend its evaluation.
- A parent is entitled to only one (1) IEE at public expense each time the district conducts an evaluation at which the parent disagrees.

### **Public Agency's Responsibilities Following an IEE**

Request Following a request for an IEE the CLAIBORNE COUNTY SCHOOL DISTRICT will:

1. File a request for Due Process Hearing to show that its evaluation is appropriate, or
2. Provide the parent information about where an IEE can be obtained and the criteria applicable for the IEE. The criteria for an IEE must include the following:
  - Location of the evaluation
  - Qualifications of the examiner
3. The district will not impose conditions or timelines related to obtaining an IEE at public expense beyond the criteria utilized by the district.

### **Informed Parental Consent for Services**

Informed parental consent occurs when a parent has been made aware of all information pertinent to a proposed action and is able to make an informed decision to give permission for that action. The CLAIBORNE COUNTY SCHOOL DISTRICT will ensure that the parent understands:

- What is being proposed or refused; and
- The ramifications of what is being proposed or refused.

A parent must be informed of a proposed action in his/her native language or other mode of communication. The parent must understand that parental consent is voluntary and may be revoked at any time. By Federal guidelines, parental consent by signature is required during the following occurrences:

- Initial assessment for eligibility for special education services;
- Consent for initial service;
- Reevaluation of eligibility for special education services.





The CLAIBORNE COUNTY SCHOOL DISTRICT has the responsibility to ensure the provision of a *Free Appropriate Public Education (FAPE)*. The IEP Committee determines the services that constitute FAPE for the student. In the event of disagreement over appropriate services among the IEP Committee members, the agency representative has responsibility to ensure development of an appropriate IEP that confers FAPE. Parental consent is required before the initial provision of special education and related services. This consent is for the provision of special education, not for a specific service(s). If a parent disagrees with the provision of a specific special education or related service, and the parent and district agree that the child would still be provided a FAPE without that service, the CLAIBORNE COUNTY SCHOOL DISTRICT will remove that service from the IEP. If, however, the parent and district disagree about whether the child would be provided FAPE if the service was removed, the parent may use the mediation process or due process procedures to resolve the dispute. Students with disabilities cannot receive a related service listed on the IEP if the parent refuses special education services as the related service listed is a supportive service required to assist a child with a disability to benefit from special education.

### **Parental Consent for Services Not Provided**

If the parent fails to respond to the CLAIBORNE COUNTYSD's efforts to obtain consent or if the parent refuses to provide consent for special education and related services, the CLAIBORNE COUNTY SCHOOL DISTRICT is not considered to be in violation of the requirement to provide the child a FAPE. The district will not use dispute resolution procedures (e.g., mediation or Due process) to obtain consent nor will the CLAIBORNE COUNTY SCHOOL DISTRICT be required to convene an IEP Committee meeting or develop an IEP.

The parent may choose not to sign the IEP at the IEP Committee meeting due to a desire to reflect on the IEP or a disagreement over the disability category (but not disability status). This does not mean the parent is refusing services altogether or the child should no longer be considered a child with a disability.

If the parent participates in the IEP Committee meeting to develop the IEP but is unsure about the content of the IEP document, the parent may take as much time as he/she wishes to decide if he/she is comfortable moving forward. As soon as the parent provides the district written consent, the public agency must implement the IEP immediately.

### **Revocation of Parental Consent for Services**

After written parental consent is obtained following initial eligibility, consent for special education services is presumed unless a parent notifies the CLAIBORNE COUNTY SCHOOL DISTRICT in writing that they would like to revoke all special education and related services. A parent cannot revoke an individual service. Once the parent revokes special education and related services, the CLAIBORNE COUNTY SCHOOL DISTRICT will provide a Prior Written Notice before stopping special education and related services. Dispute resolution procedures including mediation and Due Process procedures may not be used to challenge the parent's right to terminate the services. This will not be considered a violation of the district's obligation to provide a FAPE to the child. Once revoked, special education and related services cannot be reinstated at parent request. The CLAIBORNE COUNTY SCHOOL DISTRICT is not required to amend the student's educational records to remove any references to the student's receipt of special education and related services because of the revocation of consent.



## ACCESS TO RECORDS

The CLAIBORNE COUNTY SCHOOL DISTRICT will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the public agency. The CLAIBORNE COUNTY SCHOOL DISTRICT will make records available to the parent for review:

- Without delay;
- Before any meeting regarding an IEP;
- Before an impartial Due process hearing; and
- No later than forty-five (45) days after the request.

The parent's rights to inspect and review education records include:

- A response to reasonable requests for explanations and interpretations of the records;
- Copies of records containing the information if failure to provide the copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- The ability to have a representative of the parent inspect and review the records after the parent provides written authorization to the district.

The parent has a right to receive a copy of the educational records. The CLAIBORNE COUNTY SCHOOL DISTRICT may charge for these copies but not if the fee would effectively prevent the parent from exercising the right to inspect and review the records. The district will not charge to search for or retrieve the records.

Parents have the right to inspect and review all records relating to his/her child unless the CLAIBORNE COUNTY SCHOOL DISTRICT has been advised that the parent does not have the authority under applicable State laws (i.e., guardianship, separation, or divorce).

### Surrogate Parent

A surrogate parent is an individual assigned by a district to assume the educational rights and responsibilities of a parent in one of the following circumstances:

- A parent cannot be identified;
- The LEA cannot locate a parent after reasonable efforts;
- The student is a ward of the State;
- The student is an unaccompanied homeless youth.

The CLAIBORNE COUNTY SCHOOL DISTRICT will determine if a student requires a surrogate parent and then assign him/her a surrogate parent. If a student is the ward of the State, the judge overseeing the case may appoint the surrogate parent, provided that the parent meets the criteria below.



### Criteria for Selecting a Surrogate Parent

To determine whether a child needs a surrogate parent and to appoint a surrogate to a child, the CLAIRBORNE COUNTY SCHOOL DISTRICT will ensure the following:

1. Identify an individual who meets the following criteria:
  - Has no other vested interest that conflicts with the interest of the child represented;
  - Has knowledge and skills that ensure adequate representation of the child; and
  - Is not an employee of a public agency responsible for the education and/or care of the child.
2. Arrange for the proposed surrogate to meet the child;
3. Ascertain whether the individual will serve as a surrogate;
4. Appoint the person as surrogate; and
5. Enter this information in the child's file.

**NOTE:** *The CLAIRBORNE COUNTY SCHOOL DISTRICT may select as a surrogate a person who is an employee of a nonpublic agency that only provides non-educational care for the child and who meets the standards outlined above.*

A surrogate parent must be formally trained to advocate for the child in the special education process, including the procedures concerning the identification, evaluation, placement and the provision of a FAPE. The method of training shall be described by the CLAIRBORNE COUNTYSD.

### TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

When a child reaches twenty-one (21), the age of majority the CLAIRBORNE COUNTY SCHOOL DISTRICT will ensure that all rights accorded to the parent under IDEA are transferred to the child (except for a child who has been determined to be incompetent under State law). If under State law a child is determined to have a severe or profound disability such that legal guardianship is required beyond the age of majority, the CLAIRBORNE COUNTYSD, upon receipt of a court order regarding the need for such guardianship, will appoint the legal guardian to represent the educational interests of the child through the age of twenty or if the child turns twenty-one (21) during the school year. If a surrogate parent is necessary due to the conditions addressed in Surrogate Parent above, the district will appoint a surrogate parent in accordance with the above procedures to represent the interests of the child.

The CLAIRBORNE COUNTY SCHOOL DISTRICT will notify the parent and the child of the transfer of rights. When rights are transferred to a child, any notice required under IDEA must be forwarded to the child and to the parent, except for those children who are incarcerated in adult or juvenile, State or local correctional institutions. For incarcerated youth adjudicated as adults, all parental rights, including the notice rights, will be transferred to the youth in accordance with State law.



## CONFIDENTIALITY and FERPA

Confidentiality is the act of protecting all **personally identifiable data**, information, and records collected, used, or kept by the school district about a student. Confidentiality requirements also apply to discussions about a student and the student's record.

Personally identifiable data includes: Child or family names and address, student social security or student number, AND descriptions that would easily identify the student

### FERPA

The *Family Education Rights and Privacy Act (FERPA)*: The *Family Education Rights and Privacy Act* of 1974, commonly known as FERPA, is a federal law that protects the privacy of student education records. Students have specific, protected rights regarding the release of such records and FERPA requires that institutions adhere strictly to these guidelines. Therefore, it is imperative that the faculty and staff have a working knowledge of FERPA guidelines before releasing educational records.

### Educational Records

FERPA gives parents/students the following rights regarding educational records:

- The right to access educational records kept by the school;
- The right to demand educational records be disclosed only with student consent;
- The right to **amend educational records**;
- The right to file complaints against the school for disclosing educational records in violation of FERPA.

Students have a right to know about the purpose, content, and location of information kept as a part of their educational records. They also have a right to expect that information in their educational records will be kept confidential unless they give permission to the school to disclose such information. Therefore, it is important to understand how educational records are defined under FERPA. Educational records are defined by FERPA as:

- Records that are kept in the sole possession of the [institution], are used only as a memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- Educational records are directly related to the student and are either maintained by the school or by a party or organization acting on behalf of the school. Such records may include:
  - Written documents; computer media; microfilm and microfiche; video or audio tapes or CDs; film; and
  - photographs.
- Any record that contains personally identifiable information that is directly related to the student is an educational record under FERPA. This information can also include records kept by the school in the form of student files, student system databases kept in storage devices such as servers, or recordings or broadcasts which may include student projects.



## IN DISTRICT PROCEDURES

### Individual Education Plan (IEP)

Working copies of IEPs **must** be maintained in a locked setting. The working copy of the IEP should be placed in the student's binder at the end of the school year for documentation of progress and mastery of goals and benchmarks. This is essential documentation in cases involving legal action.



## Access Rights

**A current listing of names and positions of employees who have access to student information is required. This list should be updated and maintained at the school level annually. This list will be posted for public inspection at the location of special education records.**

## Who Can Access Student Records

- Parents have the legal right to review their child’s record unless the school has received legal documentation that the court has terminated parental rights regarding educational decisions.
- Foster parents have the right to review and inspect the school records of a child in their physical custody.
- Surrogate parents appointed by the school system have the right to review and inspect the records of the assigned child.
- Contract employees (PT, OT, vision teacher, homebound teacher) who are working directly with students are considered authorized school personnel and may obtain access to the records of the students with whom they work.
- General education teachers and special education teachers who work directly with the student, psychologists, psychometrists, resource specialists, school administrators, and the director of special education have access to student records.

## Protected Information

The school does not have to disclose the following to parents:

- Teacher or counselor personal notes
- School security, police records
- Personnel records of school employees

## Record of Access

A record of access form is placed in each student’s special education records and signed by all who review the records. The name of the party, date, and purpose of the review is recorded.

## Records on More than One Student

Parents will have access only to **their child’s** record. If any information contains references to another student, the parent may review only the data pertaining to their child.

## Summary

- All students have a right to their privacy.
- As professionals it is our responsibility to protect that right.
- Treat all students as if they are your own.
- Avoid “ball park talk” and community conversations – *It’s the law!*



## CONSENT

Informed parental consent is required for placement into a special education program and for any type of individual assessment including FBA, speech screening, instructional interventions, hearing, or vision.

Permission for initial evaluation is obtained using the ***Informed Parental Consent*** form.

## DISCIPLINE

The special education teacher is responsible for implementing the requirements set forth below including tracking suspension days, contacting the SPED Director for FBA, BIP and/or behavior goals and/or modifications, implementation of BIP, initiating manifestation determination reviews, documenting change in placement, IEP meetings, etc. The Director of Special Education **MUST** be notified by the principal or designee anytime a student enters a long-term suspension (more than ten (10) cumulative and/or consecutive days in a school year).

***NOTE: The Director of Special Education must be notified when a student with a disability is suspended 10 consecutive days or 10 cumulative days because services must be provided on day 11.***

### General Rules for Discipline of SWD:

1. Always give parents notice of procedural safeguards and document.
2. Agreement of parties, local education agency (LEA) and parent supersedes School Policies. *IDEA procedures for disciplining a SWD must be followed.*
3. SWD may be disciplined in the same manner as students without disabilities until the end of the tenth day of suspension in a school year.
4. Discipline is permitted only to the same extent as students without disabilities.
5. Short term removals ten (10) cumulative and/or consecutive school days or less in a school year) are allowed without services.
6. Long term removals, day eleven (11) cumulative and/or consecutive school days, in a school year constitutes a change in placement and require the provision of FAPE during removal. An IEP meeting and manifestation determination is required prior to/at the time of removal.
7. SWD may be suspended more than ten (10) days; however, they are entitled to receive FAPE on the 11<sup>th</sup> day.
8. A series of short-term removals is a change in placement (clarification below) if a pattern can be established.

### Suspension of a SWD constitutes a “change in placement” if:

- the removal is more than ten (10) consecutive or cumulative school days and/or
- the child has been subjected to a series of removals that constitute a pattern (clarification below)

### In order for a removal to **constitute a pattern**:

- the series of removals must total more than ten (10) school days (day 11) in a school year



## ESY, Discipline, Procedural Safeguards – CCSD Office of Special Services Procedures

- the child’s behavior must be substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and
- additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another must be considered.

The IEP team will determine on a case-by-case basis whether a pattern of removals constitutes a change in placement.

If a series of short suspensions **constitute a “change of placement”**, the IEP committee must ensure:

- the SWD continues to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and
- the SWD progresses toward meeting the goals set out in the child’s IEP and receive, and, as appropriate,
- a FBA and BIP and modifications are designed to address the behavior violation to prevent said behavior from recurring.

A **long-term suspension of up to forty-five (45) school days** is allowed when SWD:

- has a weapon at school or a school function
- has illegal drugs, or sells a controlled substance, at school or a school function
- inflicts serious bodily injury (a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or faculty, IDEA, 2004) to another person at school or a school function.

**ISS: In-School Suspensions MAY** not count as a day of suspension if the SWD is:

- afforded the opportunity to progress in the general education curriculum and
- enabled to progress toward meeting the goals set out in the IEP including related services

### Manifestation Determination Review

Manifestation determination review (MDR) must be convened immediately, if possible, but no later than ten (10) school days after the date on which a disciplinary change of placement decision is made. A MDR must be conducted by the student’s IEP Committee, including the parent, and other qualified personnel.

The IEP Committee **must** determine whether the conduct in question (*the behavior that is resulting in the disciplinary removal(s)*) was the results of or had a direct and substantial relationship to the student’s disability or was the direct result of the LEA’s failure to implement the IEP including the behavior plan. Based on this information, the IEP team must determine whether the student’s behavior that is subject to the disciplinary action is a manifestation of their disability.

Manifestation determination is documented on the **Manifestation Determination Review** form and is maintained with the IEP.





### Disciplinary Guidelines (Activities to be Avoided)

Districts may not use punishment for behavior that is caused by or the results of the the SWD's disability. For example, a student with Autism, students with ADHD characteristics, students with Traumatic Brain injuries, students with Intellectual Disabilities, etc.

The following are **NEVER** allowed in the school. The use of

1. locked rooms, locked boxes, or other locked structures;
2. spaces from which the student cannot readily exit;
3. noxious substances such as sprays, an offensive odor, etc;
4. deprivation of basic rights, such as withholding meals, water, or fresh air;
5. treatment of a demeaning manner; and/or
6. suspension or removal from classes for disciplinary reasons that form a pattern.

**Students with an IEP or 504 Plan MAY NOT receive corporal punishment.** Punishments that are not aligned with district/school policy.

### FUNCTIONAL BEHAVIOR ASSESSMENT (FBA) AND BEHAVIOR INTERVENTION PLAN (BIP)

A SWD's behavior must be addressed in the IEP by means of FBA, BIP, and/or behavior goals and/or modifications if his/her behavior impedes his learning and/or the learning of others.

An FBA provides the process for developing a useful understanding of how behavior relates to the environment. It incorporates the following: Interviews, Observations, Reports from teachers and other professionals and record reviews. **An FBA is initiated and adopted through the IEP process. If a parent requests an FBA, the IEP will convene immediately to discuss and make a decision.**

A BIP is developed collaboratively by the IEP Committee, is based on an FBA and becomes part of the **IEP**. The BIP must include methods that utilize positive reinforcement and other positive techniques to shape a SWD's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards. A BIP is initiated and adopted through the IEP process.

The SWD's IEP committee determines whether an FBA, BIP, behavior goals, and/or behavior modifications are recommended. When placed in an interim alternative educational setting (IAES), when weapons or drugs are involved, and if a change of placement occurs the committee **must** initiate the FBA process and conduct the FBA within ten (10) calendar days for suspensions of more than ten (10) days. If a BIP is recommended, it will be developed by the sped behavior specialist with input from those with knowledge of the student.

An IEP meeting must occur to review, discuss, and accept the plan. The special education teacher will share a copy of the BIP with the SWD's general education teachers and all staff who are responsible for implementing the SWD's **IEP**. This is the responsibility of the SWD's special education teacher. Training will be provided to such faculty and staff by the special education behavior specialist or designee as necessary. The FBA & BIP shall be maintained in the SWD's file with the current year's paperwork.



If a BIP and/or behavior goals/modifications are recommended, these must be documented through the IEP process and initiated within ten (10) calendar days for suspensions of more than ten (10) days, when placed in an interim alternative educational setting (IAES), when weapons or drugs are involved, and if a change of placement occurs. A copy of the plan/goals/modifications shall be shared with the SWD's general education teachers and all specialty staff who have contact with the student. This is the responsibility of the student's special education teacher. Training will be provided to such faculty and staff by the behavior specialist or designee as necessary.

For students with a BIP, the special education teacher is responsible for delivering a copy of the plan to and explaining the plan with the student's general education teachers no later than the first student day of each school year. When/if a change is made to the plan during the school year the same process applies (updated copy & explanation).

The special education teacher is responsible for the progress monitoring of the BIP and/or behavioral goals on the IEP. Progress monitoring must be conducted as directed by the BIP and/or IEP. Progress monitoring data must be provided to parents on the same schedule as other goal(s) progress is reported to the parent. The Behavior Plan must be reviewed and revised based on the progress monitoring data in order to ensure progress on the behavioral goals/replacement behaviors.

### **HEARING & VISION SCREENING**

Students must pass both hearing and vision prior to the administration of any assessment as part of the comprehensive assessment. Refer to the district's policy.

### **PARENT INVOLVEMENT**

Research has proven that parent involvement in education is a predictor of a child's academic success. Good communication between parent and school will alert you to whether any changes such as new goals need to be added to the IEP. Respect between school and parents will help negotiations run smoother. Working on goals in both the school and home environment consistently will help students succeed. Document every parent contact and/or attempted contact. A ***Parent Contact Documentation*** form is provided for your optional use or you may input into Sped Track.

### **PARENT SURVEY (MDE REQUIRED)**

The MDE requests parents to complete a survey regarding their child's services and experience in special education annually. The parent survey may be completed at any point during the school year; however, this is routinely part of the spring IEP meeting. The parent completes the survey online. Use the ***Parent Survey Documentation*** form to indicate which of your parents completed the survey.



## MDE Special Education Parent Survey Teacher Parent Survey Completion Tracking/Recording Form

Teacher: \_\_\_\_\_ School: \_\_\_\_\_

Student's Name	Parent/Guardian Name	Has Parent Completed the Current School Year's Parent Survey ( Yes or No )	Date Parent Completed Survey or shared with you that survey was completed

Please scan and email Parent Survey Completion Form to the Office of Special Services verifying that all of your parents/guardians of the students on your Teacher Caseload have completed the MDE Special Education Parent Survey for the current school year. Please retain this running completion log form as it will be requested to be submitted on or before the last Friday in April.

The goal is 100% for every special education teacher. The parent survey typically remains open until June 1. The survey is one of the district's SPP/APR indicators, so completion of this is very important.