
SPECIAL EDUCATION PLAN

2024 - 2025

Phenix City Schools

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CHAPTER 1

SPECIAL EDUCATION ADMINISTRATION POLICIES

- I. Phenix City Public Schools ensures its commitment to provide Special Education Services to all students who reside within the attendance zone of the Phenix City Board of Education, and meet the requirements set in the Alabama Administrative Code (AAC) for the provision of said services.
- II. Phenix City Public Schools ensures that all procedural requirements and forms as set in the Alabama Administrative Code for the identification, evaluation, and provision of services will be utilized for its students.
- III. Phenix City Public Schools ensures that it will provide information necessary to enable the Alabama Department of Education to carry out its duties under Part B of the Act, including with respect to 34 CFR §300.157, information relating to the performance of children with disabilities participating in programs carried out under part B of the Act. 34 CFR §300.211.
- IV. Phenix City Public Schools ensures that it will maintain records that verify the correctness of information submitted. 34 CFR 376.772, 730, 731.
- V. Phenix City Public Schools ensures that it will afford the Alabama Department of Education access to records that verify correctness of information. 34 CFR §76.772; 730; 731; 740.
- VI. Phenix City Public Schools ensures that it will implement the *Alabama State Plan for Special Education*, the AAC, and all state and federal laws and regulations applicable to children with disabilities.
- VII. Phenix City Public Schools ensures it will provide instructional materials in accessible format to blind persons or other persons with print disabilities. 34 CFR §300.210 (2) (3).
- VIII. Phenix City Public Schools ensures it will make available to parents of children with disabilities and to the general public all documents related to the eligibility of the Phenix City Public Schools under Part B of the Act. 34 CFR §300.212.
- IX. Phenix City Public Schools ensures it will implement Section 1308 of the ESEA to ensure linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the states, health and educational information regarding those children. 34 CFR §300.213.
- X. Phenix City Public Schools ensures that children attending charter schools that are public schools of the public agency, will serve those children with disabilities in the same manner as the public education serves children with disabilities in its other schools. 34

CFR §300.209.

II. Residency of Students Receiving Special Education Services

- A. All students receiving Special Education Services will meet the criteria for residency within the Phenix City Public Schools LEA.
- B. Students, and parents of students, residing outside of the Phenix City Schools LEA, but who are admitted through enrollment in Phenix City Schools, will abide by the district policy for Non-resident Student Admittance/Enrollment as established in the Phenix City Board of Education Policy as indicated in the Alabama Administrative Code 290-8-9.10(1)(b).
 - a. The availability of instructional programs that meet the educational, physical, and emotional needs of the student.
 - b. The impact of the decision to enroll the student on a federal court desegregation order/consent decree on the student's resident school system or on the Phenix City School System;
 - c. The ability to accommodate the applicant without placing undue financial burden on the Phenix City School System;
 - d. The availability of space at the grade level and school;
 - e. The student's previous attendance record;
 - f. The student's academic performance at the average or above average level as determined through a review of grades, academic records, and standardized test results;
 - g. The student's satisfactory history of behavior as determined by a review of discipline records;
 - h. The student's satisfactory record of payment of school financial obligations;
 - i. The parents/legal guardians and student(s) agree to follow the rules, regulations, and codes of student conduct established by the Phenix City School System and the various schools within the school system. Failure to comply with the rules and regulations may be cause for expulsion, the withdrawal of permission to attend a Phenix City school.
 - j. The parent's/legal guardian's agree to provide transportation for the student.
 - k. The Phenix City School System does not provide transportation for non-resident students;
- C. The Phenix City School System has the right to revoke enrollment of any non-resident student based on any of the following conditions:
 - a. Inappropriate behavior or poor disciplinary record;

- b. Excessive tardiness to school or poor school attendance;
 - c. Unsatisfactory academic performance;
 - d. Falsifying school/or legal documents;
 - e. An attempt to circumvent the policies/procedures of the school and/or the school system; and,
 - f. Any other good and sufficient reason.
- D. When requesting enrollment, proof of guardianship and/or legal custody must be provided along with proof of residency for both parents/legal guardians. The Phenix City School System accepts only legal guardianship/custody documents as authorized by a court of law. Notarized affidavits, educational guardianship records, or other types of statements are not acceptable as proof of guardianship/custody. ***When divorced parents share legal custody, the residence of the primary, physical custodial parent shall be used to determine the resident/non-resident status of the enrolling student in the Phenix City Schools.***
- E. A student whose parent/legal guardian resides outside the jurisdiction of the Phenix City Board of Education may be eligible to attend a Phenix City school as a special circumstance, non-resident student in the following categories:
- a. When the parent/legal guardian of a current resident student establishes residence outside of Phenix City during the academic year, the parent/legal guardian may request his/her child(ren) be allowed to complete the current semester by submission and approval of a non-resident enrollment application. However, the Phenix City School System is not obligated to provide transportation for the student(s) under such circumstances.
 - b. Business owners who own the business property on which their business is located within the jurisdiction of the Phenix City School System who live outside of Phenix City may request enrollment for their child(ren) in the Phenix City School System by following all non-resident student procedures.
 - c. Employees of the Phenix City Board of Education who live outside of Phenix City may request enrollment for their child(ren) in the Phenix City School System by following all non-resident student procedures.
- F. Provided the Phenix City Board of Education chooses to charge an annual tuition, and if, during the school year, it becomes evident the guardianship/residency of a student has been misrepresented in order to avoid tuition and the student actually resides outside of Phenix City, tuition and a penalty fee (in an amount established by the Phenix City Board of Education) will become due immediately. If tuition including*

the applicable penalty fee is not forthcoming, the student will be withdrawn. Such a student shall fall under the admission criteria for non-resident students.

III. Homeless Students:

Nothing in this policy shall interfere with the implementation and application of the McKinney-Vento Homeless Assistance Act of 2001.

IV. Third Party Advocates

Parents/guardians of students enrolled in Phenix City Schools reserve the right to retain, at the parent/guardian's expense, the services of a third party advocate for assistance in the navigation of procedural processes, understanding the provision of appropriate Special Education Services, and in the assurance of productive and meaningful communication with schools.

LEA Policy for Third Party Advocates as Related to Special Education:

- a. Phenix City Schools encourages that any parent/guardian seeking the services of third party advocates ensures that those they have retained are knowledgeable in the practical application of special education services, maintain rigorous professional standards of behavior and practice, and commit to the demonstration of professional responsibility in guiding parents/guardians through the processes of Special Education.
2. Phenix City Schools encourages any parent/guardian seeking the services of third party advocates to only retain those advocates who are appropriately trained and/or competent in their respective areas to include appropriate collegiate degrees, professional experience, or ongoing professional development and/or membership through professional organizations.
3. Phenix City Schools encourages any parent/guardian seeking the services of third party advocates to retain the services of those who obtain and provide documentation of any necessary state, county, or municipal licensure for the conducting of their business.
4. Phenix City Schools encourages any parent/guardian seeking the services of third party advocates to only retain the services of those who provide the parent/guardian with fee schedules and tax identification information as demonstrations of professional practice as all fees and costs associated with

retaining a third party advocate are at the incurment and sole responsibility of the parent/guardian.

5. Phenix City Schools encourages any parent/guardian to discuss concerns with the Special Education Director and/or Coordinator before filing a complaint with any state or federal agency but any third-party advocates retained by parents/guardians agree to not engage in practices that are intended to intimidate, threaten, or coerce employees of the Phenix City Board of Education into agreement regarding services, evaluations, or the prolonging of procedural matters, by means which include (but are not limited to), real and/or implied threats of professional retaliation or retribution, real/implied threats for the filing of complaints with state and/or federal agencies, or real/implied threats of legal action as a primary means of cooperation or resolution.
6. Any third-party advocates retained by parents/guardians are strongly encouraged for all communication between third party advocates and the school district be handled through the Office of the Special Education Department for Phenix City Schools.
7. Any third-party advocates retained by parents/guardians are strongly encouraged to not engage in any attempt to establish communication of any form (including but not limited to: phone calls, emails, social media, and text messaging) with any special education teacher and/or paraprofessional employed by the Phenix City Board of Education, unless the student is the biological or legal child of the advocate, and/or the matter pertains directly to the biological or legal child of the advocate.
8. Any third-party advocates retained by parents/guardians are strongly encouraged to continuously demonstrate professionalism and practices of professional competence and integrity in all meetings attended.
9. Any third-party advocates retained by parents/guardians are strongly encouraged to continuously demonstrate the building and maintenance of positive relationships between parents and schools.



CHAPTER 2

I. FULL EDUCATIONAL OPPORTUNITY GOAL

1. Phenix City Public Schools provide appropriate educational opportunities to children with disabilities ages 3 to 21.
2. Phenix City Public Schools ensures a free and appropriate public education, consistent with the standards established by this plan and by state and federal regulations, is being provided to all children with disabilities ages 3 to 21.
3. Timetable for accomplishing the full educational opportunity goal for children ages birth to 21.
 - a. The Alabama Department of Rehabilitation Services provides full educational opportunities for children with disabilities ages birth through 2.
 - b. Phenix City Public Schools provide full educational opportunities for children with disabilities ages 3 to 21.

Phenix City Public Schools ensures its commitment to implement 34 CFR §300.101; 34 CFR §300.109 and 34 CFR §300.201; AAC 290-8-9-.01(1).

CHAPTER 3

CHILD IDENTIFICATION

I. Child Find

Phenix City Public Schools ensure that all children residing within the jurisdiction of the public education agency, ages birth to 21, regardless of the severity of their disability and who need special education and related services, are identified, located, and evaluated. Child Find applies to children who attend private schools, including children attending religious schools within the public education agency's jurisdiction, highly mobile children with disabilities (i.e., migrant and homeless children), and children who are suspected of having a disability and are in need of special education even though they are advancing from grade to grade. Child Find also includes a practical method of determining that eligible children with disabilities are receiving needed special education and related services. Child Find activities will be conducted on a continuous basis as described below:

A. Procedure used to identify and locate children

- a. Phenix City Public Schools provide public notice of the services available to students with disabilities by:
 - Posting notices in the local newspapers
 - Flyers in local schools
 - Flyers in central office locations
 - Notice in Code of Conduct/school handbook
 - LEA Website postings
 - Posters and brochures placed in public areas
 - Presentations by the LEA at local schools and PTA functions
 - Participation by the LEA on the Russell County Multi-Needs Team and in community organizations
 - Communications with agencies, physicians, day care centers, private schools, and parochial schools located in the LEA jurisdiction
- b. Phenix City Public Schools maintain contact with individuals and agencies that provide services to children with disabilities, such as:
 - Daycare/preschool centers located in Phenix City Public Schools'

attendance jurisdiction

- Private schools located within Phenix City Public Schools' attendance jurisdiction
- Pediatricians and medical clinics in Phenix City, Alabama
- East Alabama Mental Health
- Russell County Health Department
- Russell County DHR
- Head Start
- Auburn University Speech and Hearing Clinic
- Alabama Institute of the Deaf and Blind (AIDB)
- Private speech and learning providers/centers
- Department of Youth Services Children's Rehabilitation Services
- Vocational Rehabilitation Services
- Early Intervention Services
- Easter Seals of Central Alabama
- Easter Seals of West Georgia
- United Cerebral Palsy
- Private psychologists and Licensed Professional Counselors
- Local law enforcement

The Phenix City Public School System implements procedures to ensure that students who may be in need of Special Education are referred. Intervention teachers, Title I Programs, school nurses, and alternative education programs are available to help students who are at-risk of school failure and for possible Special Education Services. Special Services personnel provide in-service training for local school personnel on the referral process for Special Education Services.

Local school intervention teams are given resources to assist in developing strategies for students who are experiencing academic and/or behavioral difficulties. If difficulties continue after the implementation of appropriate interventions, the team considers a referral for possible Special Education Services. State test results and Response to Instruction (RTI) strategies are analyzed at the pre-referral stage as well as in the IEP Evaluation Team meeting to assist in determining the need for individual psycho-educational evaluation and possible special education and related services. Data meetings are held in local schools to review and analyze state testing and other available data to generate strategies for

improvement. Each Phenix City School develops a Continuous Improvement Plan (CIP) to target specific students for intensive instruction.

According to Mastering the Maze Process 1: Referral Through IEP Implementation, Before a child is referred for special education evaluation or concurrently during the evaluation process, intervention strategies must be implemented in the general education program and monitored by the Problem-Solving Team (PST) for an appropriate period of time (a minimum of eight weeks), and be determined unsuccessful. *This rule may be waived for a child who has severe problems that require immediate attention, for three- and four-year olds, for five- year olds who have not been in kindergarten, for children with articulation, voice, or fluency problems only, for children with a medical diagnosis of traumatic brain injury, and for a child who has been referred by his or her parents. AAC 290-8-9.01(4).*

B. Procedure used to determine which children with disabilities, ages 3-21, within the public education agency's jurisdiction are currently receiving needed special education and related services:

- a. Each school's Response to Instruction/Problem Solving Team (RTI/PST) will assist in identifying students who may need Special Education Services as opposed to those students who are at-risk or may not have had access to appropriate educational opportunities and interventions in the regular classroom.
- b. Phenix City Public Schools use PowerSchools Special Programs for tracking to ensure compliance for timelines from the initial referral to IEP development and to ensure: (1) 60-day compliance for initial referrals, (2) completion of triennial reevaluations, and (3) referrals from Early Intervention are completed with an IEP by the student's third birthday. This is monitored by the LEA Special Education Services Department through the review of the Special Programs reports.
- c. Phenix City Public Schools use Special Programs for tracking to ensure completion of the three-year reevaluations within the required timeline. This is monitored by the LEA Special Education Services Department through the review of the Special Programs reports.
- d. The LEA Special Education Services Department utilizes Special Programs to collect data, generate, and analyze reports in order to monitor and ensure

compliance with AAC requirements.

- e. Each special education teacher of students with disabilities is required to enter and complete all special education processes in Special Programs.
- f. Teachers are required to utilize Special Programs to determine the status of services (referral, evaluation, eligibility, reevaluation, etc.) for any student receiving special education services to ensure accurate data is regularly collected and timelines are met.
- g. The Special Education Services Department communicates frequently with the psychometrist to review compliance, and email is used to alert teachers of approaching deadlines. If personnel continues to be remiss, the Special Education The Services Department will contact the building administrator and the special education teacher regarding compliance issues. The special education teacher is required to immediately correct compliance issues.

C. Procedures used to determine which children with disabilities housed in jails/detention centers/boot camps within your jurisdiction that were eligible to receive special education services from the public education agency:

- a. Phenix City Public Schools and the Russell County Detention facility have an agreement concerning admission of special education inmates.
- b. When an inmate aged 21 or under is admitted to the jail, the jail administrator asks them if they have received special education services in the past and if they would like to continue receiving special education services.
- c. If the inmate indicates that he/she would like to continue receiving special education services, the jail administrator contacts the Special Education Services Department who then begins the process of providing services or evaluation.
- d. New Life Center for Change (Teen University), an Alabama DHR licensed Institution for neglected or delinquent children and youth, while located within the jurisdiction of Phenix City Schools, provides, through their public funding, the necessary and required personnel for the provision of services for students eligible for special education.

D. Procedures for meeting yearly with representatives of private schools regarding special education services to be provided to eligible children with disabilities who have been placed by their parents in a private school.

- a. The LEA Special Education Services Department will schedule an annual meeting in the late summer/early fall each school year with all headmasters, directors, and

principals of private schools within the jurisdiction of Phenix City Schools.

- b. The annual meeting will address Child Find, referral, evaluation, and services for eligible children with disabilities who have been placed by their parents in a private school or umbrella organization.
- c. The following areas will be discussed:
 - i. Which students will receive services
 - ii. What services will be provided
 - iii. How, where, and by whom the services will be provided
- d. Each representative is requested to provide information regarding the needs and services of children with disabilities in each private school or umbrella organization.
- e. If a headmaster or home-school representative does not attend the meeting, a follow-up letter, including the Private School agreement, is either emailed, mailed via the U. S. Postal Service, or hand delivered to him/her. The headmaster/home-school representative is asked to sign and return the agreement and offer any input, suggestions or recommendations.

E. Procedure for ensuring participation in the transition conference for children with disabilities who participated in early intervention programs.

- a. Early intervention services for children ages 0-3 in the Phenix City Public Schools jurisdiction and will be coordinated with Early Intervention.
- b. The Special Education Services Department or contact person receives written referrals from the coordinator of the Early Intervention Program. The Special Education Coordinator then schedules a transition meeting in a timely manner to ensure that the child can be served on his/her third birthday.
- c. The Special Education Services Department is responsible for tracking the referral through the eligibility process and IEP development to ensure timelines are adhered to.
- d. The Special Education Services Department or designated contact person contacts the EI agency or parents to set up/confirm the date of the transition meeting. A designated person from the LEA attends the transition meeting. The Special Education Services Department monitors the transition timelines. The LEA Special Education Services Department encourages frequent communication between the EI agency and LEA personnel.

II. Responsibility for Child Find Activities

Person responsible for Child Find Activities:

Special Education Services Department
PO Box 460
1212 Ninth Avenue
Phenix City, AL 36868
334-298-0534

III. Child Find Compliance

Procedure to ensure that a tracking system is in place to ensure that identification, evaluation, eligibility, and Individualized Education Plan (IEP) development are completed within the time frames allowed by state and federal regulations.

- A. Special Programs reports and Special Programs queries are used to track timelines.
- B. The case manager for each student is responsible for entering the data into Special Programs. At each school a teacher is designated as the contact person who coordinates special education support and monitors the completion of IEP's based on approved timelines.
- C. The Special Education Services Department or designee reviews the system monthly or more often to determine timeline compliance.
- D. The Special Education Services Department or designee contacts the appropriate case manager to resolve/correct discrepancies.

Phenix City Public Schools ensures its commitment to implement the *Alabama Administrative Code* (AAC) 290-8-9-01 and 34 CFR §300.111; 34 CFR §300.124; 34 CFR§300.101-102; 34 CFR§300.130-131, and 34 CFR §300.201.

Phenix City Public Schools ensures its commitment to implement the AAC 290-8-9-10(7) and 34 CFR §300. 130-144.

CHAPTER 4

REFERRAL PROCESS

I. Procedures for Referrals (According to the Alabama Administrative Code and the Mastering the Maze Process 1: Referral Through IEP Implementation)

- A. **AAC 290-8-9-.01 (3) (a-g)** Education agencies must develop and implement procedures regarding the processing of referrals for special education evaluations.
- (a) The referral form must be completed each and every time a student is suspected of having a disability. The referral-to-placement process begins with the date that the education agency receives a written referral and must be completed within ninety calendar days regardless of any scheduled interruptions in the scholastic year or the scheduled summer vacation.
- (b) For a parent who is unable to complete a written referral, the education agency must obtain information from that parent and complete the written referral.
- (c) Education agencies may not limit referrals by the number per year or the time of year that referrals are accepted.
- (d) As part of the referral process, information must be gathered as part of the referral to determine if there are any environmental, cultural, language, or economic differences that might mask a student's true abilities and thereby affect the student's performance in the areas evaluated. Tests and evaluative materials selected and administered should be sensitive to environmental, cultural, linguistic, and economic differences.
- (e) The IEP Team must review the referral and determine if the child will be evaluated for special education services. If the IEP Team determines that the child should not be evaluated for special education services, written notice, that meets the requirements in Ala. Admin. Code r. 290-8-9-.08(4)(b), must be given to parents. If the IEP Team determines that the child should be evaluated for special education services, the

consent requirements in Ala. Admin. Code r. 290-8-9-.08(4)(a), must be followed. In addition to obtaining consent, for children suspected of being eligible for services in the area of mental retardation, when the parent participates in the IEP meeting to discuss the referral, a home version of the adaptive behavior assessment must be completed by the parent/guardian at that time. The parent/guardian may complete the scale or if it is an interview version, it must be completed by conducting a parental interview. If the parent/guardian does not attend the IEP meeting to discuss the referral, a home version of the adaptive behavior assessment must be sent home. If the adaptive behavior instrument is in the form of an interview, it may be sent home, but must be completed by school personnel in conjunction with the parents by telephone, home visit, or other mutually agreed upon arrangements. The local education agency must make at least two attempts, and document such attempts, to have the parent/guardian complete the home version of the adaptive behavior assessment within the 60-day referral to eligibility process. However, the absence of a home version of the adaptive behavior assessment may not delay the 60-day referral to eligibility process. The school version and the home version of the adaptive behavior assessment must be conducted using the same test instrument.

(f) If the child is evaluated, a qualified team, including the parent, has sixty calendar days from the date of the receipt of the referral to determine eligibility for special education services.

(g) If a child is eligible for special education services, the IEP Team has thirty days from the date of eligibility determination to develop an IEP.

- B. There are three types of Referrals for Special Education: From Early Intervention, Parent and School-Based.
- C. When a referral is requested, the Case Manager will provide the parent a completed ***Notice and Invitation to a Meeting/Consent for Agency Participation*** regarding the meeting to consider request for an evaluation and provide the parent with a copy of the ***Special Education Rights***. Convene the IEP Team to review the Referral for Evaluation, existing data and request, and determine the need for an evaluation.
- D. If evaluation is needed, the Case Manager will obtain ***Notice and Consent for Initial Evaluation*** from the parent prior to conducting the initial

evaluation.

1. If the parent refuses consent or fails to respond to a request for an evaluation, the public agency has four options.
 - a) The IEP Team may request that the parent participate in a conference to discuss his/her decision.
 - b) The public agency may ask for mediation from the ALSDE.
 - c) The public agency may initiate a due process hearing to have an impartial hearing officer to order an initial evaluation to be conducted over the parent's objections.
 - d) The public agency may decide to accept the parent's refusal.
2. The public agency has **60-calendar days** from the date the agency receives the signed copy of the *Notice and Consent for Initial Evaluation* to conduct the initial evaluation.
3. Following the completion of all evaluations, the IEP team or Eligibility Committee must convene within **30-calendar days**, including the parent, to determine eligibility for special education. The Case Manager will Provide the parent a *Notice and Invitation to a Meeting/Consent for Agency Participation* regarding initial eligibility determination meeting. After eligibility determination, the Case Manager will provide the parent a copy of the *Notice and Eligibility Decision Regarding Special Education Services* which includes the evaluation data. If the IEP Team is making the eligibility decision, an IEP may be developed at this meeting if the student is eligible. Initial IEP development should have been checked as a purpose of the meeting on the notice.
4. If no evaluation is needed, the Case Manager will provide the parent a *Notice of Proposal or Refusal to Take Action*. The student will then be referred to the school Problem Solving Team (PST).

E. If Eligible:

1. The public agency may offer FAPE at this time. Obtain completed *Notice and Consent for the Provision of Special Education Services*. Consent may be obtained from the parent at this time or must be obtained prior to the provision of special education services.
2. Completed *Notice and Consent for the Provision of Special Education Services* must be obtained from the parent prior to the provision of special education services.

3. If a parent refuses to give consent for the provision of services, the process ends. If the parent fails to respond to a request to provide consent, the public agency must document at least two attempts to obtain consent. The public agency may not initiate due process hearing to override the parent's refusal to give consent for the provision of special education services.
4. A meeting to develop the IEP must be conducted within **30-calendar days** from the date of eligibility determination. An IEP will be developed to offer FAPE if the IEP team determines eligibility.
5. The Case Manager will provide the parent a ***Notice and Invitation to a Meeting/Consent for Agency Participation*** to develop the IEP if the Eligibility Committee, including the parent, determined eligibility or if Develop Initial IEP was not checked on the previous notice. Convene the IEP Team to develop the IEP to offer FAPE.
6. The Case Manager will provide the parent a copy of the IEP and the ***Notice of Proposal or Refusal to Take Action***.

F. If Not Eligible:

1. The student will be referred to the school Problem Solving Team (PST).

G. Q & A

1. What are the avenues for making a referral for an evaluation? A referral may be made in several different ways, some of which include the following:
 - a. A referral may be made over the phone, whereby the public agency would be responsible for completing a Referral for Evaluation form.
 - b. A referral may be received through the mail. When this occurs, the public agency should call the referring person and complete a Referral for Evaluation form.
 - c. A referral may be made during a personal conference. When this occurs, public agency personnel should complete a Referral for Evaluation form.
 - d. A Referral for Evaluation form may be submitted by school personnel, e.g., classroom teacher, guidance counselor, bus driver, etc.

CHAPTER 5

EVALUATION

I. Procedure for Evaluation

A. Phenix City Public Schools will provide evaluations for any referred or identified child, birth to twenty-one, who may need special education and related services, utilizing qualified personnel and appropriate assessment instruments as outlined by state standards.

- a. For an identified child between the ages 0-2, referred from Early Intervention, parent, or other agency, referrals meetings are held throughout the calendar year as needed. The child will be assigned a case manager, and the transition process will begin through the LEA. The IEP team will select the appropriate evaluations for the suspected areas of disability according to the AAC. The Special Education Coordinator will monitor to ensure that all required evaluations according to the AAC have been administered within the appropriate time frame.
- b. To ensure required evaluations are completed on a child age 3-21 who has been referred for special education services, the child is assigned a case manager. The IEP team will select the appropriate evaluations for the suspected areas of disability according to the AAC. The Special Education Coordinator will monitor to ensure that all required evaluations according to the AAC have been administered within the appropriate time frame.
- c. To ensure required evaluations have been completed for a child who requires a reevaluation, the IEP team will determine if additional data is needed, and if so, will select the appropriate evaluations for the suspected areas of disability according to the AAC. The Special Education Coordinator will monitor to ensure that all required evaluations according to the AAC have been administered.

B. Phenix City Public Schools will contact and/or arrange for evaluations, which are not available within the LEA, but are needed for a child with a suspected disability.

C. Phenix City Public Schools will work with other agencies in the area that serve

children with disabilities to share evaluation information (Children's Rehabilitation Services, Head Start, Mental Health, university project, etc.)

D. Phenix City Public Schools will consider all evaluations including those done by other agencies or arranged by parents.

II. Receipt of Outside Evaluations

- A. When a parent/guardian presents the IEP team with an evaluation from an outside agency, i.e., Psychological Evaluation, etc. the parent/guardian will submit a copy of the evaluation to the Special Services Department. The Special Services Department will review the evaluation and upload a copy of the evaluation to Special Programs. An email will be sent by the Special Services Department to the school administrator, or designated appointee, Special Services Zone Coordinator, and case manager to make them aware of any new evaluations.

III. Independent Educational Evaluations

- A. Information regarding both public and private sources for independent educational evaluations can be received by calling the Office of the Special Education Coordinator.

Phenix City Public Schools ensures its commitment to implement the AAC 290-8-9-02 and 34 CFR §300.121-122; 34 CFR §300.131; 34 CFR §300.201; 34 CFR §300.300-301; and 34 CFR §300.303-305.

Phenix City Public Schools ensures its commitment to implement the AAC 290-8-9-03 and 34 CFR §300.8; 34 CFR §300.15; 34 CFR §300.201; 34 CFR §300.301; and 34 CFR §300.303-305.

CHAPTER 6

ELIGIBILITY

I. Eligibility Procedure

All evaluations and other pertinent information are recorded on the eligibility report and each member signs their agreement or disagreement with the conclusions of the team. One copy of the report is given to the parents and the original signed copy stays in a confidential file at the local school.

- A. The IEP team will determine eligibility. During the school year, the IEP or Eligibility Team is composed of the parents and qualified professionals including: a local education agency representative, a general education teacher, a special education teacher and; someone trained to interpret the meaning and instructional implications of the evaluation results. The student may attend the meeting if the parent requests, or if the student is transition-age or 19 years old. A representative from a transition agency may also attend if appropriate. During the summer months, the Eligibility Team is composed of the persons with the same qualifications, but one person may represent more than one required area. *(For example, the principal may serve as the representative for the local education agency, but may also be familiar with the curriculum and the child and serve as the General Education Teacher.)*
- B. When the evaluation is complete the psychometrist will notify the case manager to schedule a meeting with the IEP team to consider the results of the evaluation and make an eligibility determination. A qualified test interpreter will be present. The eligibility meetings are held at the local schools in order to provide input from parents, regular educators, and administrators who have observed the child in the general education environment. The Notice of Proposed Meeting is completed and sent to the parent by the case manager. A minimum of two documented attempts (verbal or written) are utilized to ensure parent notification. Required participants from the school and other appropriate agency representatives are invited either

verbally or in writing. Alternative methods of participation may be arranged for the parent such as telephone conferencing or prior written input. The IEP or Eligibility Team members discuss all of the information about the child and make an informed determination regarding eligibility for special education and related services. The committee decision is made in accordance with the standards of the AAC and recorded with signatures on the appropriate form, a copy of which is given to the parents. The Individualized Education Plan is either developed at the conclusion of the eligibility meeting if eligible or will be scheduled for a mutually convenient later date.

- C. Training to ensure special education teachers, general education teachers and administrators as well as testing personnel are familiar with the assessments required for each disability area is provided annually by the Phenix City Public Schools. Training provided by the Alabama State Department of Education is attended by appropriate personnel. Each case manager is provided a link to Mastering the Maze and the AAC that contain minimum evaluative components for each disability area.

Phenix City Public Schools ensure its commitment to implement the AAC 290-8-9-03 - .04 and 34 CFR §300.8; 34 CFR §300.201 and 34 CFR §300.306-308

CHAPTER 7

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

I. Procedure for IEP Development

- A. Case managers and other contributing team members review pertinent information which may include but is not limited to, current assessments, work samples, curriculum-based assessments, student profile, student progress toward meeting state standards, progress toward meeting previous IEP goals, and other data related to develop an understanding of the student. Parent input is requested either verbally or through a written input document. The current IEP draft is then written by the case manager based on the input from the above group of professionals and parents.
- B. The draft IEP is then presented to the IEP team for review, suggestions, and open discussion. The IEP team reviews the data or other factors to determine significant regression of critical skills, critical point of development, or environmental concerns that will cause the child not to be able to recoup skills in a reasonable time unless extended school year services are provided. The team determines the extent of services necessary to maintain the present level of functioning.
- C. For the initial IEP for students placed in private programs where FAPE is an issue, Phenix City Public Schools convenes the IEP team, including the parents, reviews the data and develops an IEP. The IEP team makes an LRE decision. The private program is provided with records from the LEA. The LEA ensures that a representative from the private school or facility attends or otherwise participates in the meeting. The Multi-needs team may be used as a resource for program options. Phenix City Public Schools must be invited by the private program to any future IEP meetings that the private program or parent initiates.
- D. The Special Education Department for Phenix City Schools ensures the provision of annual training on IEP development/writing. This training includes, but is not limited to, how to complete IEP team meeting notices, writing standards-based IEP goals, benchmarks (when appropriate), addressing transition needs, completing the Alabama Student Assessment forms, and writing defensible LRE justifications.
- E. For students with disabilities served in public school, the IEP team first considers providing special education and related services within the regular education

environment, with the necessary supplementary aids, services and support. If FAPE for the student cannot be provided in this environment, then the team considers providing services outside of the regular education environment. The team will consider the full continuum of services in order to provide the least restrictive environment. For students with disabilities served by public institutions, the IEP team determines the student's least restrictive environment. For students with disabilities attending private schools, Phenix City Public Schools follows its Private School Agreement, and provides services accordingly.

II. Procedure for Parental Involvement in IEP Development

- A. The Notice of Proposed Meeting is sent out by the case manager either by mail or by the student. A minimum of two written attempts are utilized to ensure parental involvement.
- B. If parents are unable to attend, alternative methods of participation may be arranged for the parents such as web-based video conferencing, phone conferences, prior written input, interview of parents by case manager or sending a copy of the draft IEP home for parental review and input.
- C. Minor changes to the IEP may be made to the IEP without holding an IEP meeting, as per guidelines in the AAC. The Special Education Coordinator must be made aware of, and must approve, the proposed changes prior to the changes being made. The case manager is responsible for securing the parent's written agreement to the changes and informing the IEP team of the changes. The parents are sent a copy of the amended IEP and a Notice of Intent Regarding Special Education Services form, explaining the changes.

III. Procedure for Ensuring Parental Involvement in Meetings

- A. Special education case managers and teachers will provide clear information to parents to enable them to participate in the child's IEP meeting. Case managers frequently contact the parent, prior to sending out a Notice of Proposed Meeting, to allow the parent input on convenient meeting times and dates. Notice of Proposed Meetings must be sent out at least 10 days in advance of a proposed IEP meeting unless an earlier date is mutually agreed upon.
- B. When appropriate, teachers send drafts of student profiles and suggested goals prior to the IEP meetings. Parental input can be provided through phone conversations and/or parent input forms. Parents will be encouraged to give their input during the meeting.
- C. All parents/guardians reserve the right to invite a third party advocate to any meeting regarding a student with disabilities. (*Chapter 1, Section 3*).

D. Parents of students with disabilities are given the opportunity to participate in school district activities, workshops and programs designed for all students regarding educational issues. Parents are informed by the special education office of state meetings and other district and regional opportunities, designed to enhance their understanding of the IEP process.

IV. Procedure to ensure that hearing aids used by children with disabilities are functioning properly.

- A. The speech-language therapist completes a two-part inspection (visual and auditory) to ensure that hearing aids, auditory trainers and/or external components of the cochlear implants are functioning. The visual inspection includes checking for damage to the case, tubing, ear mold, or the external component. The auditory inspection is performed with a listening stethoscope. Problems such as static, distortion and internal feedback can be detected at this time. This information is logged on a designated form and if there are problems, corrective action is taken (e.g, inserting new batteries, sending equipment for service, etc.) and the parents are notified. If there are specific problems referrals can be made to Children's Rehabilitation or Auburn University Speech and Hearing Clinic. Annual training is provided as needed by an SLP for classroom teachers on the proper functioning and operation of hearing aids and cochlear implants.
- B. The case manager or speech/language therapist will periodically check the child's personal hearing aids and/or external components of the cochlear implant.

V. Transition Services for Secondary Students

- A. The case manager or special education teacher will complete a transition assessment on each secondary (or rising secondary) student and will gather information which may include previous work experience, volunteer experience, career goals, progress/participation in career-technical courses, acquisition of driver's license, transportation needs, money management skills, readiness for independent living, diploma options, program credits, etc. in order to develop needed transition services and to evaluate services previously provided. Phenix City Public Schools will provide opportunities for students to practice and acquire needed transition skills, including transportation when necessary.
- B. This information, including the information from the transition assessment, will be reviewed by the IEP team and will be used to develop appropriate post-secondary goals in the areas of post-secondary education/employment and community living. The information may be gathered by interviewing the student and/or parent, written input from the student and/or parent, observation by the case manager

and/or special education teacher/transition aide, or evaluations of student performance in schools-or community-based settings.

- C. During the IEP meeting prior to the student moving up to ninth grade, parents are given the diploma options brochure. The brochure is reviewed with the parent(s) and student. The form *Selecting the Highest Most Appropriate Diploma Option* is also reviewed with the parent and student, and is signed by the parent/guardian. Exit options are reviewed annually.
- D. An open discussion is held in the annual IEP meeting, and throughout the year when appropriate, to discuss transition goals and interests. Parents and students are involved in these discussions. Students are invited to any IEP meeting in which transition services/diploma options are being discussed.
- E. The Special Education Coordinator provides annual training to special education teachers and staff (grades 7-12) regarding transition issues. Participation in state sponsored or recommended transition training is encouraged.
- F. Upon receiving parental consent, the Job coach and transition agencies, such as Vocational Rehabilitation Services, are invited to participate in the student's IEP. Case managers maintain on-going contact with the VR counselors and help to facilitate VR's involvement.

VI. Least Restrictive Environment (LRE)- AAC 290-8-9-.06

- A. To the maximum extent appropriate, children with disabilities ages three to twenty-one, including children in public or private institutions or other care facilities, must be educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the school that he/she would normally attend if not disabled will occur only when the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. A child with a disability cannot be removed from his age-appropriate general education classroom solely because of needed modifications in the general curriculum.
- B. LRE Determination
 - 1. Education agencies must develop and implement procedures to ensure that the educational placement of a child with disabilities, including preschool children, is:
 - (a) Determined at least annually,

- (b) Based on his/her IEP,
- (c) As close as possible to the child's home,
- (d) In the school that he/she would attend if nondisabled, unless the IEP requires some other arrangement,
- (e) Determined that there will be no potential harmful effect on the child or the quality of services that he/she needs, and
- (f) Determined by the IEP Team.

VII. Transition Procedures for Transitioning from a Self-Contained setting (LRE 04) to General Education.

- A. Before transitioning from a Self-Contained setting (LRE 04) to the General Education setting, the Case Manager of the student in the Self-Contained setting must collect at least four weeks worth of transition data (i.e., how much time the student can remain in the General Education setting, is the student able to complete tasks/assignments and with what supports, etc.
 - a. The Case Manager will then convene an IEP meeting to review the data and complete the ACAP Alternate Decision Making Tool. If the student does not qualify for the ACAP Alternate, the student will transition to the General Education setting. The IEP team will convene to amend the IEP to ensure appropriate goals, supplementary aids and services are in place and reflect the new Least Restrictive Environment (LRE).
 - b. If the IEP team determines that the student qualifies for the ACAP Alternate, then the student will continue receiving Special Education services in the Self-Contained setting. The Case Manager will continue collecting transition data.

Phenix City Public Schools ensures its commitment to implement the Alabama Administrative Code r. -8-9-05 - .07 and 34 CFR §300.5,6; 34 CFR §300.101-102; 34 CFR §300,104-108; CFR §300.110; 34 CFR §300.114-118; 34 CFR §300.201: 34 CFR §300.320-325, and 34 CFR §300.327 328.

CHAPTER 8

PROCEDURAL SAFEGUARDS

I. Confidentiality

Phenix City Public Schools provides special education training annually through formal presentations at faculty meetings and administrative staff meetings.

A. Access to Records

Parents are given the opportunity to inspect and review all of their child's educational records relating to identification, evaluation and educational placement and the provision of FAPE that are collected, maintained or used by the Phenix City Public Schools. Parents are given the opportunity to review their child's educational records *not more than 45 days after the request has been made* and before any meeting regarding an IEP or before a due process hearing, or resolution session is conducted. When requested, Phenix City Public Schools provides parents with copies of their child's records, if failure to do so would effectively prevent the parents from exercising their right to inspect and review records. Upon a reasonable request from the parents, Phenix City Public Schools provides an explanation and interpretation of the child's records to the parents. Parents may have a representative inspect and review their child's records. Phenix City Public Schools presumes that parents have the authority to inspect and review the records of their child unless our LEA has been advised that authority has been removed under state laws governing such matters as guardianship, separation and divorce.

Qualified school personnel or state and federal agency representatives who access information from any confidential folder are required to sign and date the Record of Access form on the left side of each confidential student folder. The Access to Records form is also accessible in the Special Programs student folder for each student with disabilities and automatically records entry into the student records. Individuals accessing these electronic records are instructed to electronically sign the Record of Access and list the reason that they are accessing the student record. Special Services teachers are provided with information and in-service training annually regarding confidentiality according to the Family Educational Rights and Privacy Act (FERPA).

B. 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 parents may review only the data regarding their child. If the data on their child cannot be isolated for review, the principal or Special Education Coordinator will inform the parent regarding the portion of the information that pertains to their child so that the confidentiality of all students is consistently maintained.

C. List of Types and Locations of Information

Upon request, Phenix City Public Schools' staff will provide to parents a list of the types and locations of educational records collected, maintained, or used by the Phenix City Public Schools pertaining to their child.

D. Request for Educational Records/Fees for Copying

Parents and/or guardians have a right to request educational records. The district will provide the requested educational records within a 48 to 72 hour time period. Due to district holidays and weekends, the request for records may be delayed.

Phenix City Public Schools may charge parents a reasonable fee for copies of educational records, but not in an amount that would effectively prevent them from exercising their right to inspect and review the records. The fee may not include a charge for the search or retrieval of the educational records. Certain educational assessment protocols may not be copied due to publishers' copyright laws.

E. Disclosure Procedures Pertaining to Special Education Records

Phenix City Public Schools will maintain for public inspection a current listing of the names and positions of those employees within the school system who have access to personally identifiable information. Phenix City Public Schools secures parental consent before personally identifiable information is disclosed to parties other than officials of participating agencies. Parental consent is not required before personally identifiable information is released to:

- a. Officials of participating agencies for the purposes of meeting a requirement of Part B of the IDEA. However, the child's parents or eligible child who has reached the age of majority (age 19) must be given prior notice of the transfer of records as required by the *Family Educational Rights and Privacy Act* (FERPA).
- b. Authorized state or federal officials in conjunction with monitoring or
- c. Enforcement of legal requirements that relate to the special education program.
- d. Law enforcement and judicial authorities to the extent permitted by FERPA when the child with a disability has committed a crime.

Phenix City Public Schools obtain parental consent, or the consent of an eligible child who has reached the age of majority (age 19), before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If a child is enrolled, or is going to enroll in a private school that is not located in the LEA of the parent's residence, Phenix City Public Schools obtains parental consent before any personally identifiable information about the child is released between officials in the LEA where the private school is located and officials in the LEA of the parent's residence.

F. Transfer of Records

To facilitate the transition for a child who has transferred to Phenix City Public Schools from another public agency in Alabama or from another state, Phenix City Public Schools will take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to FERPA; and the previous public agency in which the child was enrolled must take reasonable steps to promptly respond to such request from the new public agency (i.e. Phenix City Public Schools).

Parental consent is not required as a condition for a transfer of special education records from one public agency to another. However, FERPA requires notice to be provided to the child's parents or the student who has reached age 18.

G. Amendment of Records at Parent's Request

A parent who believes that the information in the education records collected, maintained, or used are inaccurate or misleading or violate the privacy or other rights of the child may submit a written request to the superintendent of the Phenix City School System to amend the record. In so doing, they shall identify the part of the record they want changed and specify why they believe it is inaccurate, misleading, or in violation of the student's privacy or other rights. The Phenix City Public Schools will decide on the matter within a reasonable period of time from the receipt of the request. If the Phenix City Public Schools decide not to amend the information in accordance with the request, written notice will be provided to the parent. The notice will advise the parent of the right to a local hearing before the Phenix City Public Schools.

H. Opportunity for a Hearing

The Phenix City Public Schools will, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

I. Result of Hearing

If, as a result of the hearing, the Phenix City Public Schools decide that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the information will be amended accordingly and the parent will be informed in writing. If, as a result of the hearing, Phenix City Public Schools decide that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the Phenix City Public Schools will inform the parent of the right to place in the records a statement commenting on the information or setting forth reasons for disagreeing with the Phenix City Public Schools. Any explanation placed in the records will be maintained as part of the records as long as the records or contested portion of the records is maintained by the Phenix City Public Schools.

If the records of the child or the contested portion are disclosed by the Phenix City Public Schools to any party, the explanation will also be disclosed to the party.

J. Hearing Procedures

The hearing will be conducted according to the procedures set forth in FERPA.

K. Consent

Parental consent will be obtained before personally identifiable information is disclosed to parties other than officials of the participating agencies. Parental consent is not required before personally identifiable information is released to:

- a. Officials of the participating agencies for the purpose of meeting a requirement of Part B of the IDEA. However, the child's parents or eligible child who has reached the age of majority (age 19) will be given prior notice of the transfer of records as required by the *Family Educational Rights and Privacy Act* (FERPA).
- b. Authorized state or federal officials in conjunction with monitoring or enforcement of legal requirements that relate to the special education program.
- c. Law enforcement and judicial authorities to the extent permitted by FERPA when the child with a disability has committed a crime.

Phenix City Public Schools obtains parental consent, or the consent of an eligible child who has reached the age of majority (age 19), obtained before personally identifiable information is released to officials of the participating agencies providing or paying for

transition services.

If a child is enrolled, or is going to enroll in a private school that is not located in the LEA of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the LEA where the private school is located and officials in the LEA of the parent's residence.

L. Destruction of Information

The Phenix City Schools will retain a copy of the education records containing personally identifiable information in a secure location for a period of five (5) years after the termination of the special education program for which they were used. The information must be destroyed at the request of the parents. However, a permanent education record that contains the child's name, address, telephone number, his/her grades, record of attendance for special education services, classes attended, grade level completed, and year completed will be maintained without time limitation.

- a. At the end of the five-year retention period, the Phenix City Public Schools will inform the parents when personally identifiable information collected, maintained, or used is no longer needed, via generalized newspaper announcements which maintain confidentiality.
- b. Information must be destroyed in a manner whereby confidentiality of the information is maintained, generally through shredding.

M. Disciplinary Information

The Phenix City Public Schools may include in the records of any child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with the student records of non-disabled children.

The statement may include a description of:

1. Any behavior engaged in by the child that required disciplinary action,
2. A description of the disciplinary action taken, and;
3. Any other information that is relevant to the safety of the child and other individuals involved with the child.

If the child transfers from one school to another, the transmission of any of the child's records must include both the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child to the same extent

that disciplinary information is transmitted with the records of non-disabled children.

N. Rights for Children

Phenix City Public Schools afford the child rights or privacy similar to those afforded to parents regarding records taking into consideration the age of the child and type and severity of the disability. Although the rights of parents under the IDEA transfer to the student at the age of majority (age 19), the rights of parents regarding educational records under FERPA transfer to the student at age 18.

O. Parental Notice and Consent

Phenix City Public Schools will provide notice to parents and obtain consent prior to specific actions:

a. Parental Consent

- i. Phenix City Public Schools will obtain informed written consent prior to initial evaluation, prior to the initial provision of special education and related services, and prior to any reevaluation that requires additional data to be obtained. Consent for initial evaluation will not be construed as consent for the initial provision of services. If the parent of the child with a disability refuses or fails to respond to a request to provide consent for initial evaluation or a reevaluation that requires evaluation of the child, the Phenix City Public Schools may, but are not required to pursue consent by using mediation and/or due process procedures. The Phenix City Public Schools does not violate its obligation under the Child Find requirements if it declines to pursue an initial evaluation or reevaluation.
- ii. Phenix City Public Schools will make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child. If the parent of the child refuses to consent to the initial provision of special education and related services or the parent fails to respond to a request to provide such consent, the Phenix City Public Schools may not use mediation or due process procedures in order to obtain agreement or a ruling that services may be provided to the child. However, the Phenix City Public Schools will not be in violation of the requirement to make available FAPE to the child for the failure to provide the child with the special education and related services for which the Phenix City Public Schools requests consent, and Phenix City Public Schools are not required to convene an IEP meeting or develop an IEP for the child for the special education and related services for the Phenix City Public Schools requests of such consent.

- iii. Phenix City Public Schools will not use a parent's refusal of informed written consent to deny the parent or child any other service, benefit, or activity of the Phenix City Public Schools, except as described in paragraphs (i) and (ii) above.
- iv. Informed written consent is not required:
 - 1. For reevaluation, if Phenix City Public Schools can demonstrate that it has made reasonable efforts, (at least two attempts) to obtain that consent and the child's parent has failed to respond.
 - 2. Before reviewing existing evaluation data as part of an evaluation or reevaluation or administering a test or other evaluation that is administered to all children, unless, before administration of that test or evaluation, consent is required of parents of all children.
 - 3. For the type of evaluations listed on the IEP to evaluate the mastery of annual goal(s).
 - 4. For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if despite reasonable efforts to do so, the Phenix City Public Schools cannot discover the whereabouts of the parent of the child; the rights of the parents of the child have been terminated in accordance with State law, or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by any individual appointed by the judge to represent the child.
- v. If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, Phenix City Public Schools will not use the consent override procedures of mediation or due process, and Phenix City Public Schools is not required to consider the child as eligible for services under these rules.
- vi. To meet the reasonable efforts requirement regarding consent for initial evaluation, reevaluation and initial provision of services, Phenix City Public Schools will document its attempts to obtain parental consent using the procedures under these rules.

b. Parental Notice

- i. Written notice will be given to parents a reasonable time before Phenix City Public Schools proposes or refuses to initiate or change the identification evaluation, education placement, or the provision of FAPE to a child. Written notice will be given when a child graduates from high school with a regular diploma or exits because the child has exceeded the age of eligibility for FAPE.
- ii. Parental notice will include a description of the action proposed or refused by the agency, the reason for the proposed or refused action, a description of other options Phenix City Public Schools considered and why those options were rejected, a description of each evaluation procedure, assessment, record, or report Phenix City Public Schools used as a basis for the proposal or refusal and a description of any other factors that are relevant to the proposal or refusal. The notice will also include a statement that the parents of the child have protection under the Special Education Rights and if this notice is not an initial referral for evaluation, the means by which a copy of the rights can be obtained, and sources for parents to contact to obtain assistance in understanding the provisions of the notice. To ensure that parents understand the content of each notice, Phenix City Public Schools will provide written notice in language understandable to the general public, provide notice in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so, and take the necessary steps to ensure, that when the native language or other mode of communication of the parent is not a written language, that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication. Phenix City Public Schools will ensure that parents understand the content of the notice and maintain written evidence that the notice requirements have been met. Parents may request to receive notices by electronic mail if the public agency provides notices by electronic mail.

II. Person responsible for the confidentiality of all personally identifiable information

Special Education Services Department
Phenix City Public Schools
P.O. Box 460

1212 9th Avenue Phenix City, AL
36868
(334) 298-0534

III. Types and locations of educational records maintained and collected.

A. A complete set of current and archived records for each eligible and ineligible student with disabilities, is maintained in the Special Education office of the Phenix City Public Schools in locked filing cabinets.

i. *Beginning in August 2021, all newly eligible students' records will be kept at their school of enrollment.*

B. A complete copy including current IEP and behavioral intervention plan, when appropriate, for each student located in the case manager's classroom in a locked filing cabinet. All records created since the implementation of Special Programs are maintained through the PowerSchools Special Programs platform.

IV. Procedure for Surrogate Parent

A. Identification of children in need of a surrogate parent.

Phenix City Public Schools will ensure that the rights of a child are protected when no parent can be identified.

A surrogate parent is needed when no parent can be identified; the Phenix City Public Schools, after reasonable efforts, cannot locate a parent; or the child is a ward of the State. In the case of a child who is a ward of the State, a surrogate may alternatively be appointed by the judge overseeing the child's case, provided that the surrogate meets the criteria. In case of any unaccompanied homeless youth as defined in section 725(6) of the *McKinney-Vento Homeless Assistance Act* (42 U.S.C. 11434a(6)), the Phenix City Public Schools will appoint a surrogate.

B. Appointment of Surrogate Parent

The Special Education Services Department will appoint the surrogate parent. Phenix City Public Schools will ensure that the person selected as a surrogate parent:

- a. Is not an employee of the SEA, LEA, or any other agency that is involved in the education or care of the child;
- b. Has no personal or professional interest that conflicts with the interest of the child he/she represents; and

- c. Has knowledge and skills that ensure adequate representation of the child. In the case of a child who is an unaccompanied homeless youth, appropriate staff or emergency shelters, transitional shelters, independent living programs and street outreach programs may be appointed as temporary surrogate parents without regard to any of the above provisions, until a surrogate parent can be appointed that meets the criteria for selection of a surrogate parent. Phenix City Public Schools may select as a temporary surrogate a person who is an employee of a non-public agency that only provides non-educational care for the child and who meets the surrogate parent criteria.

The Special Education Services Department will send written notification of the appointment to the surrogate parent and the person/agency who made the request for the appointment.

C. Training surrogate parents

The Phenix City Public Schools Special Education Services Department is responsible for providing training for surrogate parents utilizing the Alabama Administrative Code (r. 290-8-9-.08 (1) (c) (iii) and the Special Education process. This training is provided individually or in small groups annually or as the situation dictates.

D. Rescission of a surrogate parent

The Special Education Services Department acting on behalf of the Phenix City Public Schools will rescind the appointment of a surrogate parent and send written notification of the rescission to the parties involved when:

- a. A surrogate parent sends written notice to the school system of their resignation: or
- b. A surrogate parent has been unable or unwilling to perform assigned responsibilities, or
- c. A student no longer requires a surrogate parent

E. Tracking Requirements

- a. A tracking system of students who were considered for or who were appointed a surrogate parent will be maintained by the Special Education Services Department.
- b. Copies of letters and other data relative to the student's consideration for surrogate parent services will be maintained by the Special Education Services Department.
- c. Documentation of surrogate parent training will be maintained by the Special Education Services Department.

F. Procedure for maintaining records that demonstrate that complaint resolution, mediation agreements, and due process hearing decisions are implemented.

- a. The Phenix City Public Schools will maintain records in the office of the Special Education Services Department that document the actions that ensure the implementation by the school system of complaint resolution, mediation agreements, and due process hearing decisions.
- b. The Special Education Services Department will inform those who have a need to know of the pertinent information. The Special Education Services Department will be aware of any and all complaint agreements, will be responsible for monitoring the situation to ensure that the aforementioned actions are properly implemented and will maintain documentation that the decision/agreement has been followed.
- c. The Special Education Services Department will ensure the confidentiality of all personally identifiable information. The documentation of implementation will be available for review by the State Department as part of the required verification procedures.

The Phenix City Public Schools ensures its commitment to implement the AAC 290-8-9-.08 and 34 CFR §300.9, 34 CFR §300.32; 34 CFR §300.121; 34 CFR §300.123; 34 CFR §300.150-153; 34 CFR §300.201; 34 CFR §300.229; 34 CFR §300.300; 34 CFR §300.500-504; 34 CFR §300.530 536; 34 CFR §300.610-627; And 34 CFR Part 99 (*Family Educational Rights and Privacy Act*).

CHAPTER 9

SYSTEM OF PERSONNEL DEVELOPMENT

I. Qualified Personnel.

- A. Phenix City Public Schools ensures that qualified personnel will be provided to implement Special Education services.
- B. Procedure to recruit and retain qualified personnel.
 - a. Phenix City Public Schools actively advertises and recruits highly qualified Special Education teachers. Phenix City Public Schools' representatives regularly attend interview days at the colleges and universities in the state and immediate area, use professionally developed recruiting brochures, and use the Teach-in-Alabama and LEA websites.
 - b. Phenix City Public Schools provides numerous lab and internship placements through the training programs at Auburn University, Troy University, Columbus State University, as well as other colleges and universities in the area. Through these placements the school system has been able to recruit excellent teachers.
 - c. Phenix City Public Schools believes that both physical and emotional support are essential if dedicated, highly qualified teachers are to be retained. Phenix City Public Schools supports special education teachers with continuing staff development and with a strong mentoring program. In addition, we support teachers in the following ways: reasonable caseloads, adequate materials and supplies, help from paraprofessionals, assistance from lab students, interns, financial support and respect for the expertise that they provide in the total program.

II. Procedures to fully inform teachers and administrators of their responsibilities for implementing least restrictive environment requirements.

- A. Phenix City Public Schools does not limit the continuum of placements as mandated by Least Restrictive Environment. Phenix City Public Schools offer a full spectrum of placements as required and recommended by the IEP team. Training is provided on alternative placement availability and awareness of options is monitored by the Special Education Services Department
- B. Phenix City Public Schools utilizes a wide variety of training for general education

teachers, special education teachers, and administrators on their responsibility to implement least restrictive environment requirements. This includes ongoing professional development and training activities such as trainer of trainers, annual teacher meetings, small-group focused presentations, policy and procedure manuals, postings to web-sites, handouts, as well as frequent reminders to teachers and administrators.

III. Procedures to fully inform general educators and administrators of the special education process.

- A. Phenix City Public Schools utilizes a wide variety of activities to fully inform general education teachers, special education teachers, and administrators on the special education process. This includes ongoing professional development and training activities, annual teacher meetings, policy and procedure manuals, handouts, as well as frequent reminders to teachers and administrators. Teachers and administrators will be provided the opportunity to attend state training workshops and conferences.
- B. Training for special education teachers will include, but not be limited to, how to complete IEP team meetings notices, write standards-based IEP goals, benchmark, address transition needs, complete the "Alabama Student Assessment Forms" and write defensible LRE justification.

Phenix City Public Schools ensures its commitment to implement the AAC 290-8-9-01-.07; and 34 CFR §300.119; 34 CFR §300.119.156, and 34 CFR §300.704(iv) (4).

CHAPTER 10

DISCIPLINARY PROCEDURES

I. Procedures for the suspension and expulsion of children with disabilities.

A. Suspension / Expulsion

- a. Suspension/expulsion of children with disabilities is monitored in the individual schools by the local administrators in coordination with the student's Special Education case manager. The Special Education Services Department is kept closely informed and involved. The Phenix City Public Schools policy related to the suspension and expulsion of children with disabilities follows the mandates of the most current reauthorization of IDEA and the Alabama Administrative Code. Phenix City Public Schools follows the procedures outlined in the following flow charts:
 - i. IDEA Student: Violates Code of Conduct (removal constitutes a change of placement; removal does not constitute a change of placement)
 - ii. IDEA Student: Possesses Weapons/Uses Illegal Drugs
 - iii. IDEA Student: Removal Due to Dangerous Behavior
 - iv. Protections for Students Not Yet Eligible for IDEA: Violates Code of Conduct.
- b. Suspension and expulsion may be appropriate disciplinary action for a student with disabilities. If suspension is considered, the IEP Team must decide whether the offense is related to the disability, through a Manifestation Determination review.
- c. A short-term suspension, up to ten school days, may be used for any one disciplinary incident for a student with disabilities. Suspension, which results in more than ten consecutive scholastic days, or a series of suspensions that create a pattern of exclusion, are considered significant changes in placement and require Due Process through IEP Team action.
- d. After ten days of removal from the school setting, decisions regarding suspension or expulsion must be made during an Individualized Education Program (IEP) meeting that includes all appropriate IEP Team members. A disabled student may be suspended if it is determined that the offense is not related to the disability. A written statement regarding any suspension

decision shall be maintained in the local school office and are filed electronically through Special Programs (computerized school database program).

- e. A student with disabilities may not be expelled (total removal from a student's current education service) from school for any behavior that has a direct and significant relationship to that student's disability. An IEP Team in a Manifestation Determination meeting makes this decision. If the IEP Team determines that the behavior in question does not have a direct and significant relationship to the student's area of disability, the school system may expel the student. A complete cessation of education services is not permissible. Expulsion constitutes a change in placement that requires due process through IEP Team action.
- f. Phenix City Board of Education maintains an on-campus suspension program as necessary to provide a structured disciplinary atmosphere in which a student is isolated or removed from regular classroom activities, but is not dismissed from the school setting. Access to the student's Special Education services are made available. All expelled students in Phenix City Schools are afforded an expulsion hearing. The Special Education Services Department is a member of the committee that conducts these hearings. It is the responsibility of the Special Education Services Department to ensure that special education services are considered for any student facing an expulsion from school.

B. Manifestation Determination

- a. 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 Phenix City Public Schools, the parent, and relevant members of the child's IEP team (as determined by the parent and the Phenix City Public Schools) must 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:
 - i. caused by, or had a direct and substantial relationship to, the child's disability, or
 - ii. if the conduct in question was the direct result of the Phenix City Public Schools failure to implement the IEP.
 - iii. Parents will be provided a copy of Special Education Rights if the disciplinary removal constitutes a change of placement.

- b. The conduct must be determined to be a manifestation of the child's disability if the Phenix City Public Schools, the parent, and relevant members of the child's IEP Team determine that either condition in paragraph one is met. If the Phenix City Public Schools, the parent, and relevant members of the child's IEP Team determine that there was a failure to implement the IEP, the Phenix City Public Schools take immediate steps to remedy those deficiencies.

C. Procedure

- a. Under the provisions of IDEA, as a proactive measure a student in any Phenix City School whose behavior impairs or impedes his/her learning or that of others should have included in the Individualized Education Program (IEP) strategies, supports, and positive behavioral interventions to address the behavior before disciplinary removals become an issue. If the student already has a behavior plan but it is ineffective or needs modification, teachers or parents may request an IEP team meeting to express their concerns and to change the plan.
- b. Before implementing disciplinary proceedings, a Phenix City principal or assistant principal must notify the pupil of the misconduct with which he is charged. The student is entitled to:
 - i. A written or oral statement of the charges against the student,
 - ii. If the student denies the charge, a summary of the evidence against the student
 - iii. An opportunity to explain the student's conduct.
- c. Phenix City school personnel should be aware of constitutional due process protections that apply to the removal of all students, including students with disabilities. Discipline provisions for students with disabilities are most important and parents must be included in the decision making process during every phase of the discipline process. Decisions regarding suspension or expulsion must be made during an (IEP) meeting that includes all appropriate IEP team members. Parents are included as members of the team and must be invited to all meetings. Suspensions and expulsions may be deemed an appropriate disciplinary action for students with disabilities. Suspension and expulsions of more than ten days is a change in placement and triggers the procedural protections of the law.

Phenix City Public Schools ensures its commitment to implement the AAC 290-8-9-09 and 34 CFR §300.520 and 34 CFR §300.530-537.



CHAPTER 11

FINANCIAL REQUIREMENTS

- I. Phenix City Public Schools will use funds provided under Part B only for costs that exceed the amount computed under 34 CFR §300.184 and that are directly attributable to the education of children with disabilities.
- II. Phenix City Public Schools will use funds provided under Part B to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of children with disabilities, but in no case to supplant those state and local funds.
- III. Phenix City Public Schools will not use Part B funds for services for children with disabilities unless state and/or local funds are first used to provide services to those children that, taken as a whole, are at least comparable to services provided to other children with disabilities.
- IV. Phenix City Public Schools will describe how it will use Part B funds by completing the annual budget application data requirement and submitting it to the Alabama Department of Education for approval prior to the receipt of funds.
- V. Phenix City Public Schools ensures its commitment to implement 34 CFR §76.650-662 and 34 CFR §300.16; 34 CFR §300.200; 34 CFR §300.202; 34 CFR §300.220; 34 CFR §300.224; 34 CFR §300.226, and 34 CFR §300.228.
- VI. Phenix City Public Schools will use funds under Part B of this Act to carryout schoolwide programs under Section 1114 of the *Elementary Secondary Education Act* (ESEA), not to exceed the amount received by the public education agency under Part B of this Act for that fiscal year. 34 CFR §300.206.