

Northwest Indiana Special Education Cooperative

“Servicing Students with Care”

It is the mission of the Northwest Indiana Special Education Cooperative (NISEC) and each of its member corporations to provide educational experiences which will enable students to develop self-worth, independence, and function to the best of their ability. NISEC provides quality, diversified, and comprehensive special education services to students aged 3-22.



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EDUCATION EVALUATION PROCEDURES

Identification and Evaluation Procedures

Educational evaluations are the procedures outlined in Article 7 to provide information about a student's disability or suspected disability for the student's case conference committee to determine whether a student is eligible for special education services and, if eligible, the nature and extent of the special education and related services that the student needs.

The following is the Northwest Indiana Special Education Cooperative (NISEC) procedures for the identification and evaluation for special education and related services. These procedures apply to students who:

- Have legal settlement within one of the districts served by NISEC,
- Attend a nonpublic school within the geographic area served by NISEC,
- Are homeless or highly mobile, living in or previously lived in the NISEC geographic area, or Are a ward of the state and living in the geographic area served by NISEC, and
- Attend a public school served by NISEC via an open enrollment agreement with the District.

The following are not considered Evaluation Procedures: A test or other evaluation that is administered to all students unless, before administration of the test or evaluation, consent is required from parents of all students,

- A screening of students by a teacher or a specialist to determine appropriate instructional strategies for curriculum implementation,
- A review of existing data regarding a student, and
- The collection of progress-monitoring data when a student participates in a process that assesses the student's response to scientific, research-based interventions.

Request for an Initial Education Evaluation - School Aged Students

A parent, teacher, school administrator, specialist or student may initiate a request for an initial educational evaluation.

Parent or Eligible Student Request

1) When a Parent or student, 18 years of age or older, wants to initiate an educational evaluation they may make their request verbally or in writing to any licensed school personnel including a teacher, school counselor, school psychologist, school social worker, principal, other administrator or District Director for Special Education Services.

2) The licensed school person receiving the request will immediately notify NISEC by completing the Notification of Request for Educational Evaluation (Form 10). This will be sent to the NISEC office the same day the request is made and will be assigned to the Building Case Manager.

3) The assigned Case Manager will work with the building principal and general education teacher(s) to review the school records, educational data and other relevant information about the student's educational performance. They will also collaborate with the general education teacher(s) to complete the Referral for Special Education Evaluation (Form 100). The Building Case Manager will also communicate with the student's parent(s) on the concerns relating to the reason for referral.

4) The Building Case Manager, in collaboration with general education staff and the parent, will determine:

- a) If the educational records indicate there may be the presence of a disability and an evaluation will be recommended.
 - i) If the student has NOT participated in scientific, research-based interventions, the evaluation will be completed and a conference held within 50 school days.
 - ii) If the student has participated in scientific, research-based interventions, the evaluation will be completed and the conference held within 20 school days.
- b) If the educational records DO NOT indicate there is the presence of a disability and the school will refuse the request for an educational evaluation.

5) The Building Case Manager will send a copy of the completed Referral, Form 100, and a copy of the Notice of Procedural Safeguards along with either:

- a) The Written Notice of Proposal for Initial Educational Evaluation and Request for Consent when there is a suspected disability OR
- b) The Written Notice of School's Refusal to Conduct an Initial Educational Evaluation, when there is not a suspected disability.

6) If an evaluation is agreed on, the parent will be responsible for completing the Initial Social and Developmental History (Form 104).

School Request

1) School Requests can be made by any teacher, school counselor, school psychologist, school social worker, principal or other administrator familiar with the student

2) When a school staff member suspects or believes a student has a disability they should request an educational evaluation. They can begin this process by contacting the School Principal or Building Case Manager.

3) The school administrator will notify NISEC by completing the Notification of Request for Educational Evaluation, Form 10. This form will be sent to the NISEC office and will be assigned to the Building Case Manager.

3) The principal, diagnostic staff and teacher will meet to review the school records, educational data and other relevant information about the student's educational performance. They will collaborate with the general education teacher(s) to complete the Referral for Special Education Evaluation (Form 100). From this discussion, an appropriate option on how to proceed will be identified:

- a. The student is currently in a scientific research-based intervention and is making appropriate progress. The student should continue in the intervention and adjustments may be considered.
- b. The student has not participated in scientific research-based interventions. Interventions will be initiated for the student, the timeline to consider progress will be identified and a determination made of when and how the parent will be contacted to discuss the concerns.
- c. If a medical condition exists that could be interfering with the student's educational progress, the parent will be consulted to obtain more information regarding any medical issues. The school staff may consider if it indicates the presence of a Section 504 Handicap and if a Section 504 Plan should be developed to address classroom accommodations for the student and/or the need for a special education evaluation.
- d. There is a suspected disability, the parent will be contacted by the building principal and general education teacher to discuss the concerns and request consent for an evaluation. A copy of the Referral and Written Notice of Proposal for Initial Educational Evaluation and Request for Consent will be provided to parents.

4) If the parent provides written consent for an educational evaluation, it will be completed as follows:

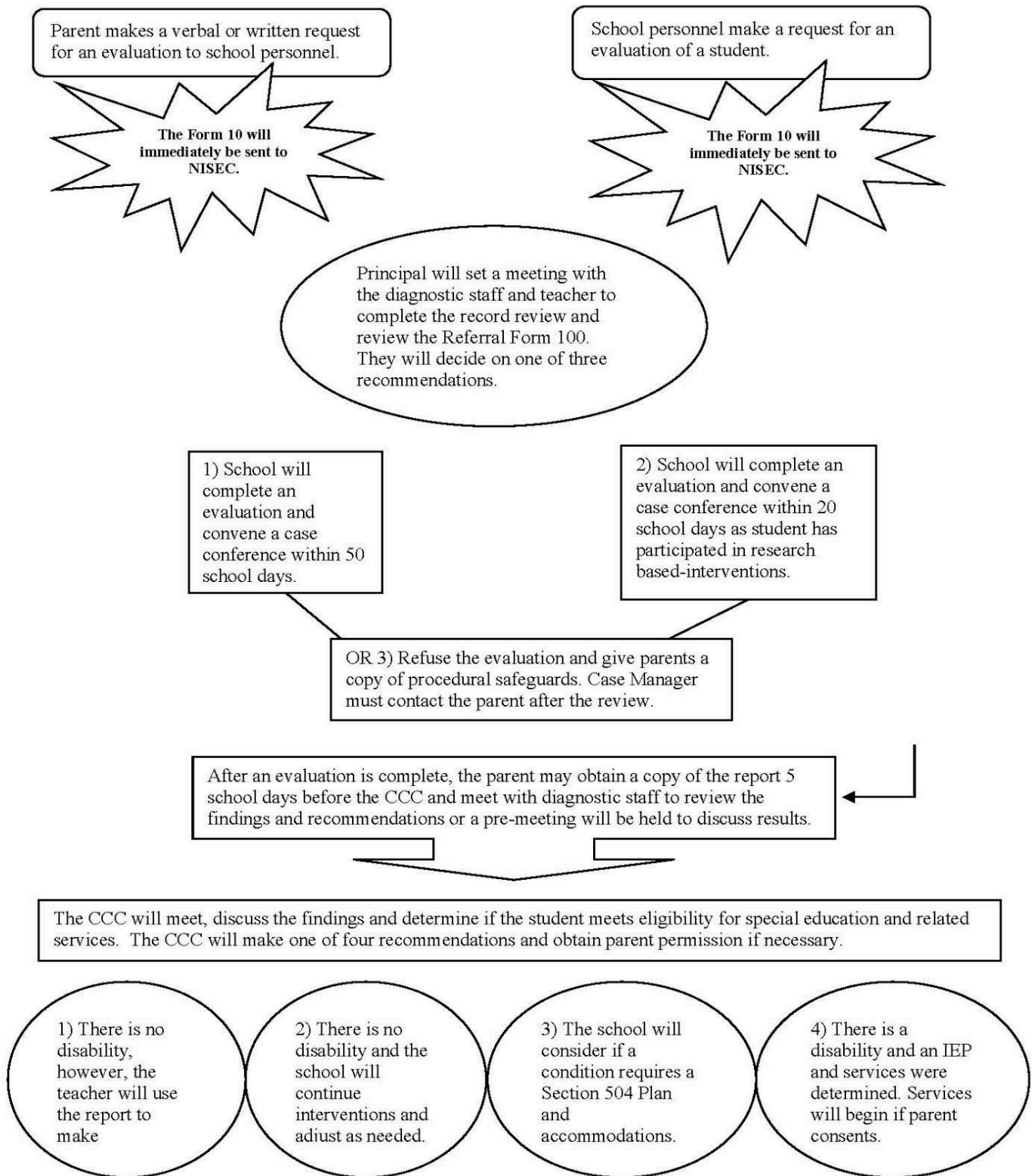
a. If the student has NOT participated in scientific, research based interventions, the evaluation will be completed and a conference held within 50 school days following receipt of parental consent.

B. If the student has participated in scientific, research-based interventions, the evaluation will be completed and the conference held within 20 school days following receipt of parental consent.

5) If an evaluation will be completed, the parent will be responsible for completing the Initial Social and Developmental History (Form 104).

EDUCATION EVALUATION FLOWCHART

- A request for an evaluation may be made verbally or in writing by either a parent or school personnel.
- An Evaluation is NOT, a screening, review of records, progress-monitoring or tests required of all students.



INITIAL REQUESTS FOR EVALUATION - PRE K

Early Intervention to Early Childhood Transitions

Information regarding students transitioning from First Steps is provided to the NISEC by First Steps providers prior to a child's third birthday. The transition planning process brings together families and public agencies to maximize continuity and minimize disruptions in service. Parents will be contacted by the preschool diagnostic team to schedule dates and times for the assessment to be completed.

Parents will be asked to provide residency verification information confirming their residence within one of the seven NISEC school districts. Written parent permission is required to complete the evaluation. The assessment will be completed and a case conference held to discuss eligibility prior to the student's 3rd birthday.

Parent Requests

If a parent suspects that their preschool aged child has a disability, they can initiate an evaluation request via the NISEC website, www.nisec.org. In the Parent Resources tab, there is a link to the referral document. This questionnaire asks parents to provide demographic information, in addition to information regarding the parent concerns.

The NISEC office will contact the parent within 24-48 hours. Parents will be asked to provide residency verification information confirming their residence within one of the seven NISEC school districts.

The parent will be provided a date and time to bring the student to the arena testing location. Written parent permission is required to complete the evaluation. The evaluation and case conference will be held within 50 school days.

Independent Educational Evaluation Procedures and Criteria

The Individuals with Disability Education Act (IDEA) and Indiana Special Education Rules (Article 7) allows parents the right to request an independent educational evaluation (IEE) of their child. An educational evaluation is not merely testing of a student. An educational evaluation is a process that must involve the collection of meaningful information to understand and help the student learn in the educational environment. Completing intellectual, academic and other assessments with the student are only part of the process needed to complete a

comprehensive evaluation. Record reviews, observations, gathering data and teacher input must also be part of this process.

The following procedures and criteria have been identified to assure that appropriate educational evaluations are considered for children:

1. When a parent disagrees with an educational evaluation completed or obtained by NISEC, the parent should indicate in writing the specific issues or concerns with the evaluation. This should be submitted to the NISEC Director. A case conference can be held to discuss these concerns and the possibility for NISEC to complete additional testing or utilize different diagnostic staff members to complete a NISEC assessment. However, within ten (10) business days, the NISEC Director will respond in writing to the parent's concerns and indicate if NISEC will pay for the independent educational evaluation or initiate a due process hearing to show its educational evaluation is appropriate. A copy of the Notice of Procedural Safeguards will be provided with this response as well as the following:
 - a) A list of suggested independent educational evaluators developed by NISEC in accordance with the provisions of section 5 of these procedures; and
 - b) The criteria set forth in section 5 of these procedures.
2. NISEC may refuse to pay for an IEE at public expense because of the following:
 - a) The NISEC has not completed an evaluation on the student.
 - b) The evaluation NISEC completed for some reason is not considered to be an assessment of the child's needs and ability and NISEC will first conduct its own educational evaluation. Examples of this are: screenings or assessments completed with all students, students who have changed school environments or students who have changes in behaviors but no functional assessment has been completed.
 - c) There is no disagreement with the NISEC evaluation.
 - d) For a current evaluation in question, the parent has requested and already received an independent educational evaluation paid by NISEC.
3. Parents have the right to an independent educational evaluation, at public expense, if they disagree with an evaluation provided or obtained by the NISEC. However, the school district may initiate an Article 7 due process hearing to demonstrate that its' evaluation is appropriate.
 - a) If the final decision of the hearing officer confirms the NISEC's evaluation is appropriate, the parents will have the right to an independent educational evaluation, but not at NISEC's expense.
 - b) If the NISEC's evaluation is shown to be inappropriate, the NISEC will pay for the independent educational evaluation or reimburse the parents for the cost of the independent evaluation.

4. If the parents obtain an independent/outside educational evaluation at private expense, the results of the evaluation:

- a) Must be considered by the NISEC at a case conference if it meets the NISEC criteria in section 5.
- b) Must be considered with any decision made with respect to the provision of a free appropriate public education for the child; and,
- c) May be presented as evidence at a due process hearing or mediation regarding the child.

5. When an independent educational evaluation is obtained at public expense, the party chosen to perform the independent educational evaluation shall meet the following criteria:

- a) Licensure to provide educational evaluations in Indiana,
- b) Knowledge of IDEA, Indiana Article 7 and guidelines for special education placement in Indiana.
- c) Reside or maintain an office within the general area of Northwest Indiana, unless no such specialist exists in the area.
- d) Charge a reasonable fee for evaluation as determined by average rates in the Northwest Indiana geographic areas. OR are
- e) Listed on the NISEC Independent Evaluators or Agency List, since these individuals or agencies are known to possess the criteria established by NISEC to complete educational evaluations.

6. An independent educational evaluation may be obtained in any of the following areas: Academic Achievement, Adaptive Behavior, Assistive Technology, Audiological Evaluation, Cognitive Ability, Communication Skills, Developmental Areas, Functional Performance, Motor and Sensory Ability, Neurological Evaluation, Orientation and Mobility, Occupational Therapy, Physical Therapy, Psychological Evaluation, Psychiatric Evaluation, Vision and Hearing Screenings

7. Prior to the initiation of the independent educational evaluation, parents and NISEC should agree on the qualifications of the examiner and the specific evaluation(s) to be completed. If agreement cannot be reached, it shall be the NISEC's obligation to initiate a request for mediation or an Article 7 due process hearing.

Ward of the State

Ward of the state refers to the student who has been removed from the student's home for suspected or actual neglect or abuse, and the court has issued an order restricting or terminating the rights of the student's parent.

If a student is a Ward of the State not residing with their parent, for initial educational evaluations only, the public agency is not required to obtain consent from the parent for an initial evaluation to determine whether the student is a student with a disability if:

- 1) Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the student;
- 2) The rights of the parents of the student have been terminated in accordance with state law; or
- 3) 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 an individual appointed by the judge to represent the student.

Referrals to State Facilities

When referrals for any student from birth through the school year in which the student becomes twenty-two (22) years of age are made directly to the Indiana School for the Deaf, the Indiana School for the Blind and Visually Impaired, the Indiana Soldiers' and Sailors' Children's Home or any other state-operated school by other than the designated representative of the student's public school corporation of legal settlement, the following procedures duers shall be implemented:

- 1) The state-operated school shall refer the person making the contact back to the public school corporation of legal settlement.
- 2) The parents must sign a Release of Information to have all records transferred to the state facility.
- 3) The referral, evaluation and case conference committee meeting shall be the responsibility of the public school corporation of legal settlement.
- 4) If the student is eligible to attend the state facility, the local district will provide round trip transportation.

EVALUATION PROCESS

Multidisciplinary Team

An education evaluation of a student shall determine whether the student is eligible for special education and related services. If eligible, the evaluation will also identify the special education and related services necessary to meet the educational needs of the student. The multidisciplinary team is a group of qualified individuals who conduct the education evaluation with input from the parent. This team shall be composed of:

- 1) At least one teacher licensed in, or other specialist with knowledge in, the area of suspected disability,

- 2) A school psychologist, except for a student with a suspected disability:
 - a) For a student with a suspected developmental delay, at least two (2) qualified professionals from different disciplines based upon the needs of the student,
 - b) For a student with a suspected language impairment, a speech-language pathologist and at least one (1) qualified professional from a different discipline based upon the needs of the student
 - c) For a student with a suspected speech only impairment, a speech –language pathologist may serve as the sole qualified professional on the multidisciplinary team.
- 3) For a student with a suspected specific learning disability, the following:
 - a) Student’s general education teacher or if the student does not have a general education teacher, a general education teacher qualified to teach students of the same age.
 - b) For early childhood students, an individual who holds an appropriate license to teach early childhood special education.
 - 4) For a student with a suspected low vision, blind or hard of hearing impairments, or has suspected multiple disabilities, the public agency may request that representatives of the state operated schools serve as a part of the multidisciplinary team only if the parent has provided written consent to conduct the initial educational evaluation, for the representatives participation in the education evaluation.

Assessment Assurances

NISEC provides assurances that the assessments and other evaluation materials are as follows:

- Are provided and administered in the student’s native language and mode of communication
- and racial or cultural basis. Used for the purpose for which the assessment or measures are valid and reliable.
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.
- Are technically sound instruments that may assess the relative contributions of cognitive and behavioral factors, in addition to physical or developmental factors.
- The assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient.
- The assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student’s aptitude or achievement level, or whatever other factors the test purports to measure, rather

than the student's impaired sensory, manual or speaking skills, unless those skills are the factors that the test purports to measure.

→ The student is assessed or information is collected in all areas related to the suspected disability, including, if appropriate, the following:

- ◆ A) Development.
- ◆ B) Cognition.
- ◆ C) Academic achievement.
- ◆ D) Functional performance or adaptive behavior.
- ◆ E) Communication skills.
- ◆ F) Motor and sensory abilities, including vision or hearing.
- ◆ G) Available educationally relevant medical or mental health information.
- ◆ H) Social and developmental history.

Assessments of students with disabilities who transfer from one (1) public agency to another public agency in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of the evaluation.

Assessment tools and strategies provide relevant information that directly assists the committee in determining the special education and related service needs of the student.

Educational evaluations are sufficiently comprehensive to identify all of the student's special education and related service needs whether or not commonly linked to the disability category in which the student has been classified.

In conducting the educational evaluation, the multidisciplinary team must use a variety of assessment tools and strategies, to gather relevant functional, developmental, and academic information about the student, including information provided by the parent, to assist in determining the following:

- 1) Whether the student is eligible for special education and related services.
- 2) The content of the student's individual educational program, including information related to enabling the student to be involved in and progress in the general education curriculum (or for an early childhood student, to participate in appropriate activities).

Conducting the Educational Evaluation

As part of the educational evaluation, the multidisciplinary team must, with or without a meeting, do the following:

- A. Review existing evaluation data on the student, including the following:
 - 1) Evaluations and information provided by the parents of the student.
 - 2) Current classroom, local, and state assessments.

3) Classroom based observations and observations by teachers and related services providers.

B. On the basis of that review, and input from the student's parents, identify the following:

- 1) The suspected disability or disabilities.
- 2) Any additional data that is required for the student's case conference committee (CCC) to determine:
 - a. Eligibility for special education; and
 - b. The special education and related service needs of the student.
- 3) Obtain information for the CCC to use in making determinations of eligibility.

EDUCATION EVALUATION REPORT

After an educational evaluation has been completed, the multidisciplinary team must compile the findings of the multidisciplinary team into an educational evaluation report.

For a student with the suspected disability of autism spectrum disorder, the educational evaluation report must include the results of the multidisciplinary team's assessments, observations, and collection of information as aligned to the characteristics of autism spectrum disorder.

For a student with a suspected learning disability, the report must include the following:

1) For a student who has participated in a process that assesses the student's response to scientific, research-based interventions:

- A. Documentation of previous parent notification about: a. the amount and nature of the student performance data that would be collected; and b. general education services that would be provided;
- B. Strategies for increasing the student's rate of learning; and
- C. The parent's right to request an educational evaluation to determine eligibility for special education and related services; and
- D. The instructional strategies used; and
- E. The student centered data collected.

2) A synthesis of the required educational evaluation components of eligibility in relation to the following:

A. Whether the student does not achieve adequately for the student's age or to meet the state grade level standards in one (1) or more of the following areas:

1. Reading disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. It is characterized by difficulties with

accurate and/or fluent word recognition and by poor spelling and decoding abilities. A reading disability may be due to difficulties in:

- a) basic reading skills;
- b) reading fluency skills; and
- c) reading comprehension.

2. Written expression disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. Written expression is a complex domain that requires the integration of oral language, written language, cognition, and motor skills.

3. Math disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. The ability to perform mathematical computations and reasoning requires multiple core cognitive processes. A math disability may be due to difficulties in:

- a) mathematics calculation; and
- b) mathematics problem solving.

4. Oral expression disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. It is characterized by deficits in using expressive language processes to mediate learning of reading, writing, spelling, or mathematics skills.

5. Listening comprehension disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. It is characterized by difficulties in using receptive language processes to mediate learning of reading, writing, spelling, or mathematics skills.

B. Whether the student meets either of the following criteria:

1. The student does not make sufficient progress to meet age or state grade level standards in one or more of the areas identified in subsection (A) when using a process based on the student's response to scientific, research-based intervention; or

2. The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state grade level standards, or intellectual development, that is determined by the multidisciplinary team to be relevant to the identification of a specific learning disability. The multidisciplinary team is prohibited from using a severe discrepancy between academic achievement and global cognitive functioning to meet this requirement.

C. The report must consider the effect the following factors have on the student's achievement:

1. A visual, hearing, or motor disability;
2. A cognitive disability;
3. An emotional disability;
4. Cultural factors;
5. Environmental or economic disadvantage
6. Limited English proficiency; or
7. Lack of appropriate instruction in reading or math evidenced by the following:
 - a) Data demonstrating that prior to, or part of the referral process, the student was provided appropriate instruction in general education settings, delivered by qualified personnel.
 - b) Data based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

D. The report must determine whether the multidisciplinary team believes the student has a specific learning disability and the basis for having that opinion. The opinion of the multidisciplinary team is utilized by the CCC to determine whether the student is eligible for special education.

E. Each member of the multidisciplinary team must certify in writing whether the educational evaluation report reflects the member's opinion. If the report does not reflect the member's opinion, the member must submit a separate statement presenting the member's opinion.

Evaluation Report Available to Parent

When a parent provides consent for an educational evaluation they also may request a copy of the educational evaluation report prior to the CCC meeting. This copy of the educational evaluation report will be available at no cost to the parent not less than five (5) instructional days prior to the scheduled CCC meeting.

A parent may also request a meeting to have the results of the educational evaluation explained prior to the scheduled CCC meeting. The school will arrange a meeting with the parent and an individual who can explain the evaluation results within five (5) instructional days prior to the scheduled CCC meeting. The meeting shall be scheduled at a mutually agreed upon date, time, and place. A copy of the educational evaluation report must be provided at no cost to and reviewed with the parent at this meeting.

If the parent does not request a copy of the educational evaluation report or meeting to explain the evaluation prior to the initial CCC meeting, the public agency must provide a copy of the educational evaluation report at no cost to the parent at the CCC meeting. If the student is

parentally-placed in a nonpublic school, the public agency shall also provide a copy of the educational evaluation report at no cost to the nonpublic school representative.

Determination of Eligibility

Upon completion of the educational evaluation, the CCC must be convened to determine:

1. Whether the student is eligible for special education and related services; and
2. If eligible, the special education and related services necessary to meet the educational needs of the student.

The student may be eligible for:

1. Autism Spectrum Disorder (AUT)
2. Blind or low vision (BLV)
3. Intellectual Disability – which includes Mild, Moderate and Severe Intellectual Disability (ID)
4. Deaf or Hard of Hearing (DHH)
5. Deaf Blind (DB)
6. Developmental Delay – which is for students age three (3) to nine (9) (DD)
7. Emotional Disability (ED)
8. Language or Speech Impairment (LSI)
9. Multiple Disabilities (MU)
10. Other Health Impairment (OHI)
11. Orthopedic Impairment (OI)
12. Specific Learning Disability (SLD)
13. Traumatic Brain Injury (TBI)

The CCC must not determine that a student is eligible for special education and related services:

1. if the determinant factor is:
 - a. lack of appropriate instruction in reading, including the essential components of reading instruction, which means explicit and systematic instruction in:
 - i. phonemic awareness;
 - ii. phonics;
 - iii. vocabulary development;
 - iv. reading fluency, including oral reading skills; and
 - v. reading comprehension strategies;
 - b. lack of appropriate instruction in math; or
 - c. limited English proficiency; and

2. If a student does not otherwise meet the eligibility criteria for one of the thirteen disability areas identified in Article 7.

When determining eligibility for special education and related services, the CCC must consider all of the information contained in the educational evaluation report. It must not rely on any single measure or assessment as the sole criterion for determining eligibility or appropriate educational services.

If the case conference committee determines that the student only needs a related service, but not special education, the CCC cannot determine that the student is eligible for services.

If a determination is made that a student is eligible for special education and related services, an individualized education program (IEP) that meets the special education and related service needs of the student must be developed.

CASE CONFERENCE PROCEDURES

A Case Conference is a meeting of school personnel and the parent, guardian or educational surrogate parent held to develop, review, or revise the individual education program (IEP) for a student with a disability. The meeting is scheduled at a mutually agreed upon date, time and place. NISEC uses the State supported IIEP program to guide the committee through all of the required case conference components in compliance with Article 7 and IDEA.

Participants in the Case Conference Meeting

A Public Agency Representative of the school, who is knowledgeable about the availability of and has the authority to commit resources of the public agency, is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities and is knowledgeable about the general education curriculum. This is frequently a member of building administration or a special education administrator.

The student's parent(s), guardian or an educational surrogate parent, unless the parent chooses not to participate. To help ensure the parents participate, the conference may be held virtually or by telephone. Multiple documented attempts for the established conference date and time must be made before the meeting can be held without the parent, as long as the TOR has copies of the two notices of conference sent home. If the parent indicates by signing on a returned Notice of Conference that they want the committee to hold the conference without them, that is permissible. (This needs to be documented in print. A verbal statement that is documented doesn't waive the requirement of sending home notices.) If the parent does not attend, the conference should be held without them and the conference paperwork mailed home. If after multiple notices have been sent and the parent cancels the meeting at the last minute for an IEP that will expire, the TOR is to inform the parent that the conference will proceed without them, as required. However, staff will reconvene the meeting with parents at a later date.

If the student is 18 years of age or older, he/she is the active participant in place of the parent(s). If the student has been adjudicated incompetent at the age of 18, the parent remains the active participant. The parent must produce legal documentation of this. If the purpose of the meeting is to consider transition services in which case the student shall be invited. Students over 14 should be encouraged to attend and participate in the conference even if they have significant disabilities.

Not fewer than one (1) of the student's general education teachers, if the student is to participate in the general education environment.

For early childhood, a general education teacher may be:

- *Teacher who provides services to nondisabled student in preschool program,
- *Kindergarten teacher who provides services to nondisabled student, if the student is of kindergarten age or,
- *An individual knowledgeable about early childhood development, curriculum and integrated placement options if the school does not have a preschool program.

One of the following:

- *The current Teacher of Record (TOR) for the student.
- *For Language or Speech Impairment, only the Speech-Language Pathologist (SLP).
- *For initial eligibility, a teacher licensed in the area of the suspected disability. This may be the educational diagnostician at an initial conference for eligibility.

When an initial eligibility evaluation is completed, an individual who can interpret the instructional implications of the evaluation results. This may be the school psychologist, educational diagnostician or other members of the multidisciplinary team involved with the assessment.

Others who should be involved in conferences:

- *Other individuals identified as having knowledge or expertise regarding the student – at the discretion of the parent or schools other experts may participate in the conference.
- *Transition services are considered – when transition activities and services are being considered the parent may agree to have representatives from other agencies attend that might provide services.
- *Alternative School – a representative of the alternative school authorized to make a recommendation regarding admission and commit resources.
- *State Operated School – a representative of a state-operated school or state operated facility to make a recommendation regarding admission to the school and commit resources.
- *Nonpublic School when placed with an IEP by the Public School – a representative of nonpublic school shall participate.

*Nonpublic School when a student is placed by a parent – a representative of the nonpublic school shall participate.

Language and speech impairment “only” case conferences:

The case conference committee and annual case review for a student suspected of having only a language and speech impairment shall consist of at least the following members:

- ❖ The student’s parent, unless the parent chooses not to participate.
- ❖ The student’s general education teacher,
- ❖ The building principal or the principal’s designee.
- ❖ The Speech and Language pathologist (as Teacher of Record)
- ❖ The student, if deemed appropriate, or for students over 18 years of age
- ❖ If the purpose is for transition, a representative of other agencies, likely to be responsible for providing transition services, may be invited.

Requesting a Case Conference

The parent, student over 18 years of age or the school representative may request a case conference. The TOR should be contacted to indicate the need and or purpose for a conference.

Arrangements and Notice of Conference

The case conference or annual review must be arranged to give the parents and other conference committee members adequate notice and ensure their participation. The notice must be provided to the parents in their native language or mode of communication. The notice will include the following:

- (1) The date, time, and place of the meeting.
- (2) The purpose of the meeting.
- (3) The name and title of the designated public agency representative and a names and titles of other expected attendees

Parents and the public agency may invite any other individual who they believe has knowledge or special expertise regarding the student.

Revocation of Permission for Special Education Services:

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

- a) Putting the revocation of consent in writing, or
- b) Signing the Revocation, and
- c) Submitting the written revocation to licensed personnel.

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

- a) Specialized instruction
- b) Related services
- c) Accommodations
- d) Adaptations
- e) Modifications
- f) Supports for the student or personnel on behalf of the student
- g) Assistive technology services and devices
- h) Placement outside of a general education classroom

RE-EVALUATION PROCEDURES

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

Article 7 requires that reevaluation be discussed at least every 3 years. If it is decided that a reevaluation is not needed, the case conference notes must contain documentation regarding this decision.

Not a Reevaluation

The following procedures are not reevaluation:

- 1) A test or other evaluation that is administered to all students unless, before administration of the test or evaluation, consent is required from parents of all students;
- 2) A screening of students by a teacher or a specialist to determine appropriate instructional strategies for curriculum implementation;
- 3) A review of existing data regarding a student; and
- 4) The collection of progress-monitoring data when a student participates in a process that assesses the student's response to scientific, research-based interventions.

Reevaluation Timeline

If a case conference committee determines at an annual case conference committee (CCC) meeting that reevaluation is necessary to reestablish eligibility for special education and related services, reevaluation must occur by the next annual CCC meeting.

Reevaluation to reestablish eligibility may not occur more than once a year, unless the parent and the public agency agree otherwise.

A reevaluation must occur and the CCC convened within fifty (50) instructional days of the date that written parental consent is received by licensed personnel, if a student is being reevaluated to:

- 1) Determine that the student is eligible for special education and related services under a different or additional eligibility category;
- 2) Determine that a student is no longer eligible for special education and related services; and
- 3) Inform the CCC of the student's needs, such as the student's need for assistive technology or a related service.

Written Notice of Reevaluation

Before a public agency can reevaluate a student, or refuse to reevaluate a student, the public agency must provide the student's parent with written notice that includes the following:

- 1) A statement that the public agency is proposing or refusing to reevaluate the student that includes a description of each evaluation procedure, assessment, record, or report the public agency used as a basis for proposing or refusing to reevaluate the student.
- 2) A description of other factors relevant to the public agency's proposal or refusal to reevaluate the student.
- 3) If the public agency:
 - a) Is proposing to reevaluate the student, a description of the reevaluation process; or
 - b) Refuses to reevaluate the student, an explanation of the parent's right to contest the agency's decision by requesting mediation or a due process hearing
- 4) If a public agency is proposing to reevaluate the student, the timeline for conducting the reevaluation and convening the CCC meeting.
- 5) A statement that a parent of a student with a disability has protection under the procedural safeguards, including information regarding how a copy of the written notice of procedural safeguards can be obtained.
- 6) A list of sources for parents to contact to obtain assistance with understanding the provisions of Article 7.
- 7) The written notice must be:
 - A. Written in language understandable to the general public.
 - B. Provided 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. If the native language or other mode of communication of the parent is not a written language, the school must take steps to ensure:

- i) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - ii) the parent understands the content of the notice; and
 - iii) that there is written evidence that the requirements in clauses (i) and (ii) of this subsection have been met.
- 8) A parent may challenge the public agency's refusal to reevaluate the student by requesting mediation or a due process hearing.

Reevaluation Not Necessary

If the CCC and other qualified professionals as appropriate, after reviewing existing evaluation data, determine that no additional data is needed to determine whether the student continues to be eligible for special education and to determine the student's special education and related service needs, the school must:

- 1) Notify the parent of that determination and the reasons for the determination;
- 2) Notify the parent of the right to request an assessment to determine
 - a. whether the student continues to be eligible for special education, and
 - b. to determine the student's special education and related service needs;
- 3) Notify the parent the school is not required to conduct such an assessment unless requested to by the student's parent.

Consent for Reevaluation

If the school proposes to reevaluate the student, the parent of the student must provide consent to licensed personnel before the public agency can reevaluate the student.

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

Parental consent for reevaluation does not need to be obtained if the public agency makes reasonable efforts to obtain consent, and the parent fails to respond. To document reasonable efforts, the public agency must keep a record of its attempts to obtain parental consent, including:

- 1) Detailed records of telephone calls made or attempted and the results of the calls.
- 2) Copies of correspondence sent to the parent and any responses received.
- 3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

After a parent consents to reevaluation, or fails to respond to a request for consent, the CCC and other qualified professionals, as appropriate, must do the following:

- 1) Review existing evaluation data on the student, including: a. evaluations and information provided by the parents of the student; b. current classroom-based, local, or state assessments, and classroom-based observations; and c. observations of teachers and related services providers.
- 2) On the basis of that review, and input from the student's parent, identify what additional data, if any, are needed to determine the following:
 - a. Whether the student continues to have a disability and the special education and related service needs of the student.
 - b. The present levels of academic achievement and functional performance, and related developmental needs of the student.
 - c. Whether the student continues to need special education and related services.
 - d. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the student's individualized education program (IEP) and to participate, as appropriate, in the general education curriculum.

This review may be conducted without a meeting.

SPECIAL EDUCATION SERVICES

Special education refers to the specially designed instruction that is designed to meet the individual needs of a student that is eligible for special education and related services. These services are provided at no cost to the parent. Based on a student's needs, the Case Conference Committee determines the specific goals, accommodations and/or modifications needed. These recommendations help to determine the services that are to be provided. The NISEC is committed to providing these services in the Least Restrictive Environment (LRE). LRE means that:

1. To the maximum extent appropriate, students with disabilities are to be educated with their nondisabled peers.
2. The removal of students from the general education environment occurs only when it is documented that education in general education classes, using supplementary aids and services, cannot be satisfactorily achieved.
3. Unless the needs identified in a student's IEP require specified programming, students will be educated in their home school.

The following are considerations for the Case Conference Committee in determining the placement and LRE for any student with a disability:

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

Special education is a continuum of services which may be provided in various settings and is based on the established needs of the student through Present Levels of Performance, Progress Monitoring, and Evaluation Data. When considering placement options for a student, the Case Conference Committee must consider the potentially harmful effects of the recommended special education services.

The continuum of special education services for school-aged students includes the following:

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

The continuum of special education options for early childhood students includes the following:

- a) Early childhood general education programs.
- b) Early childhood special education programs, including but not limited to:
 - i) Special education classroom
 - ii) Separate schools
 - iii) Residential facilities
- c) Early childhood special education and related services provided at the service provider's location.
- d) Home-based early childhood special education and related services provided in the residence of the student's family or caregivers.

RELATED SERVICES

Related services include transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education. Related services include the following:

- Audiological services
- Counseling services
- Early identification and assessment of disabilities in children
- Interpreting services
- Medical services for the purpose of diagnosis and evaluation
- Occupational therapy
- Orientation and mobility services
- Parent counseling and training
- Physical therapy
- Psychological services
- Recreation, including therapeutic recreation
- Rehabilitation counseling
- School health services
- School nurse services
- School social work services
- Transportation
- Other supportive services

These services may be provided as a direct service provided by qualified professionals or integrated services by teachers and/or paraprofessionals acting under the guidance of qualified professionals.

TRANSITION

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

- (1) are designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability;
- (2) are incorporated into the student’s transition IEP in accordance with 511 IAC 7-43-4; and
- (3) facilitate movement from school to post school activities, including, but not limited to:
 - (A) postsecondary education;
 - (B) vocational education or training, or both;
 - (C) integrated employment, including supported employment;
 - (D) continuing and adult education;

- (E) adult services;
- (F) independent living; or
- (G) community participation.

A transition IEP is first developed when a student:

- (A) Enters into grade 9; or
- (B) Becomes 14 years of age;

Whichever occurs first, or earlier if determined by the CCC

A transition IEP will also contain the following components:

Appropriate measurable postsecondary goals, based upon age appropriate transition assessments that are related to:

- (A) training;
- (B) education;
- (C) employment; and
- (D) when appropriate, independent living skills.

The transition services needed to assist the student in reaching postsecondary goals, including the individuals and agencies identified for implementing the transition services.

-If appropriate, based upon the transition services identified, documentation that the CCC reviewed information, and the public agency presented written information to the parent and student, regarding available adult services provided through state and local agencies and other organizations to facilitate student movement from the public agency to adult life. Adult services may include, but are not limited to, services provided by the following:

- (A) A vocational rehabilitation services program.
- (B) The department of workforce development.
- (C) The Social Security Administration.
- (D) The bureau of developmental disabilities services.
- (E) A community mental health center.
- (F) A community rehabilitation program.
- (G) An area agency on aging.

Beginning not later than one (1) year before the student becomes eighteen (18) years of age, a statement that the student and the parent have been informed that parent's rights under this article will transfer to the student at eighteen (18) years of age.

DISCIPLINE PROCEDURES

Removals

- Removal of a student for any part of a day constitutes a day of removal.
- A short term removal of a student that is part of their IEP is not a day of removal.
- A suspension is a day of removal. However, an in-school suspension is not considered a day of removal if the student has the opportunity to progress in the general education curriculum, receive the special education services outlined in the student's IEP, and participates with nondisabled students to the extent the student would have in their current placement.
- If transportation is part of the student's IEP, a suspension from the bus would be a removal, unless the public agency provides transportation in an alternative manner.
- If a student is removed for more than ten cumulative instructional days in a school year, the school must determine if a change of placement has occurred. A removal or series of removals from a student's current educational placement results in a change of placement in the following situations:
 - The removal is for more than 10 consecutive instructional days
 - The student is subjected to a series of removals that constitutes a pattern:
 - The removals add up to more than 10 instructional days in a school year
 - The student's behavior is similar to the student's behavior in previous incidents that resulted in a removal
 - The length, cumulative amount of time of removals, and proximity of removals to one another.

Schools are **not** required to provide services to a student with a disability during the first ten cumulative instructional days of removal in a school year for a violation of a code of conduct.

When a removal of 10 cumulative or consecutive days in the same school year results in a change of placement, the school will:

- Notify the parents of this decision
- Provide parents with a copy of Procedural Safeguards
- Conduct a manifestation determination conference

Manifestation Determination Conferences

-Within 10 instructional days of any decision to make a disciplinary change of placement, the Case Conference Committee must meet to determine whether the student's behavior was a manifest of the student's disability.

- All relevant information in the student's file must be reviewed to assist in determining if the conduct was:
 - Caused by or was related to the student's disability
 - A failure by the school in implementing the student's IEP

-If the behavior is found to be a manifest of the student's disability, the Case Conference Committee must:

- Conduct a Functional Behavior Assessment and implement a Behavior Intervention Plan or if a Behavior Intervention Plan exists, review and modify the plan as needed
- Return the student to the placement from which they were removed, unless the School and Parent agree to a change of placement.

-If the behavior was the result of the school failing to implement the IEP, the school must immediately take steps to remedy any deficiencies.

-If the Case Conference Committee determines that the behavior is not a manifest of the student's disability, school personnel may apply disciplinary procedures in the same manner and for the same duration as procedures would apply to students without disabilities. However, during a removal, a student with a disability continues to receive appropriate services. In determining the needed services, the Case Conference Committee must determine:

- How the student will continue to participate in the general education curriculum, although in another setting.
- How the student will continue to progress in meeting their IEP goals
- As appropriate, consider the completion of an FBA and behavior intervention services to address the behavior violation so it does not reoccur.

Services may be provided in an interim educational setting that is decided by the Case Conference Committee.

Weapons, Drugs and Serious Bodily Injury

School Administration may remove a student to an interim alternative placement for not more than 45 instructional days, without regard to whether the behavior is determined to be a manifest of the student's disability, if:

- 1) The student possesses a weapon at school, on school grounds, or to a school function
- 2) Knowingly possesses, uses, sells or solicits a controlled substance while at school, on school grounds, or at a school function
- 3) Inflicts serious bodily injury upon another person while at school, on school grounds, or at a school function. Serious bodily injury is defined as:
 - a) A substantial risk of death
 - b) Extreme physical pain
 - c) Obvious disfigurement
 - d) Prolonged loss or impairment of the function of a bodily member, organ or mental faculty

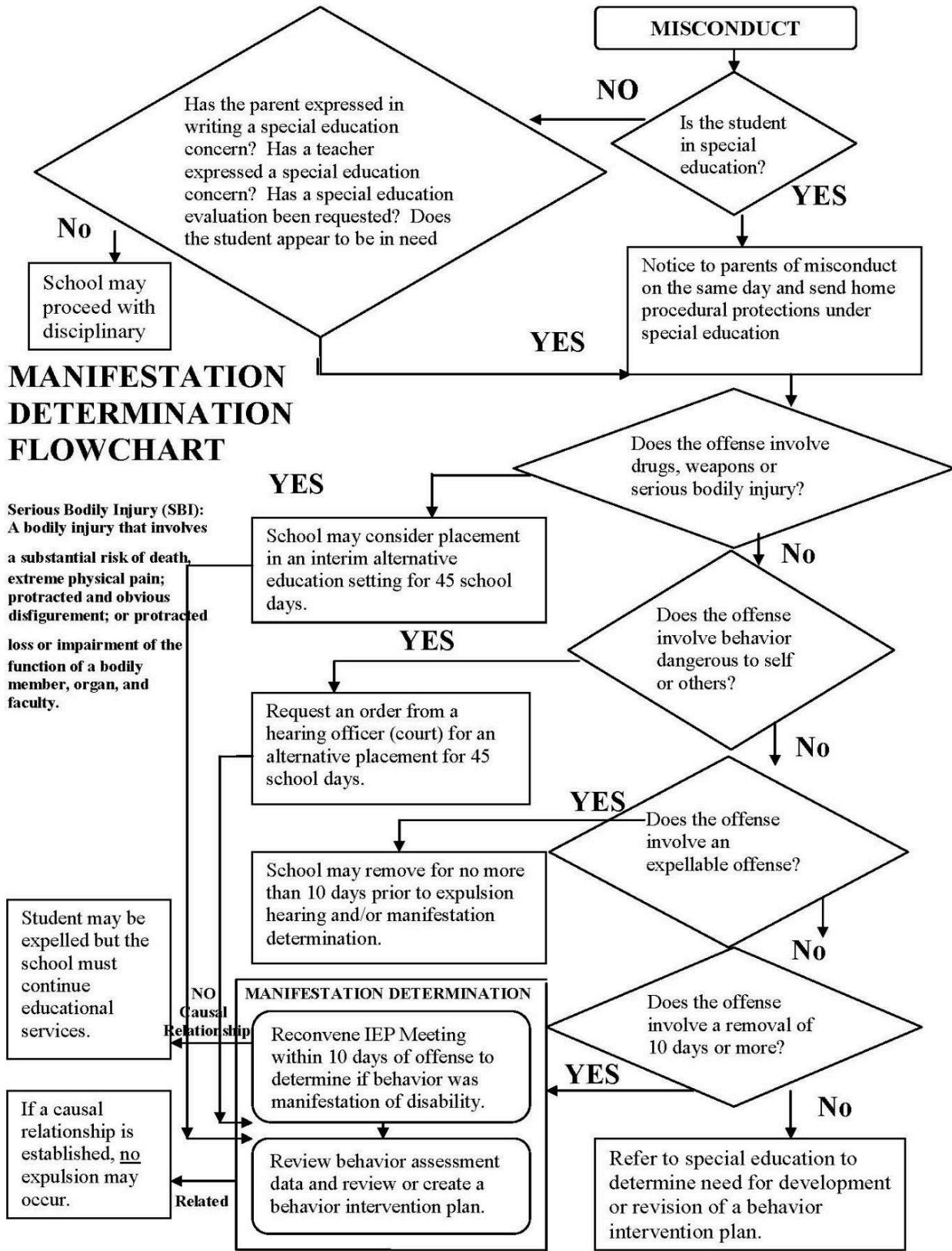
A manifestation determination conference must be held; however, if the student's behavior is determined to be a manifestation of their disability, the student remains in the interim alternative setting.

Removals of more than 10 cumulative days that are not a change of placement

When a student has been removed for more than 10 cumulative instructional days in the same school year, but the removals do not constitute a pattern that results in a change of placement, in consultation with one of the student's teachers, the school must determine the extent to which services are needed to enable the student to:

- Continue to participate in the general education curriculum in another setting
- Progress towards meeting the student's IEP goals

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



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DISCIPLINE PROCEDURES FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION

School personnel (principal or counselor) should carefully review any student's file when they reach **10 days of removal** from school or have a **major behavioral or discipline incident**. This review should determine if there was knowledge of a disability or not.

1. Determine if the school had knowledge of a disability
 - a) The parent or student has expressed concern verbally or in writing to a licensed school staff member indicating the student was in need of special education or related services. OR
 - b) The parent or student has requested an evaluation from the public schools to determine if they were eligible for special education or related services. OR
 - c) A teacher of the student or other school personnel has ever expressed to supervisory personnel any specific concerns about a pattern of behavior or significant educational weaknesses demonstrated by the student.

IF THE ANSWER IS YES TO ANY OF THE ABOVE THE SCHOOL MUST:

1. Stop the expulsion process,
2. Building Principal completes Form 109, "Expedited Evaluation due to Discipline Form"
3. Schedule and hold a record review with appropriate diagnostic and building staff

2. Determine that the school did not have knowledge of a disability

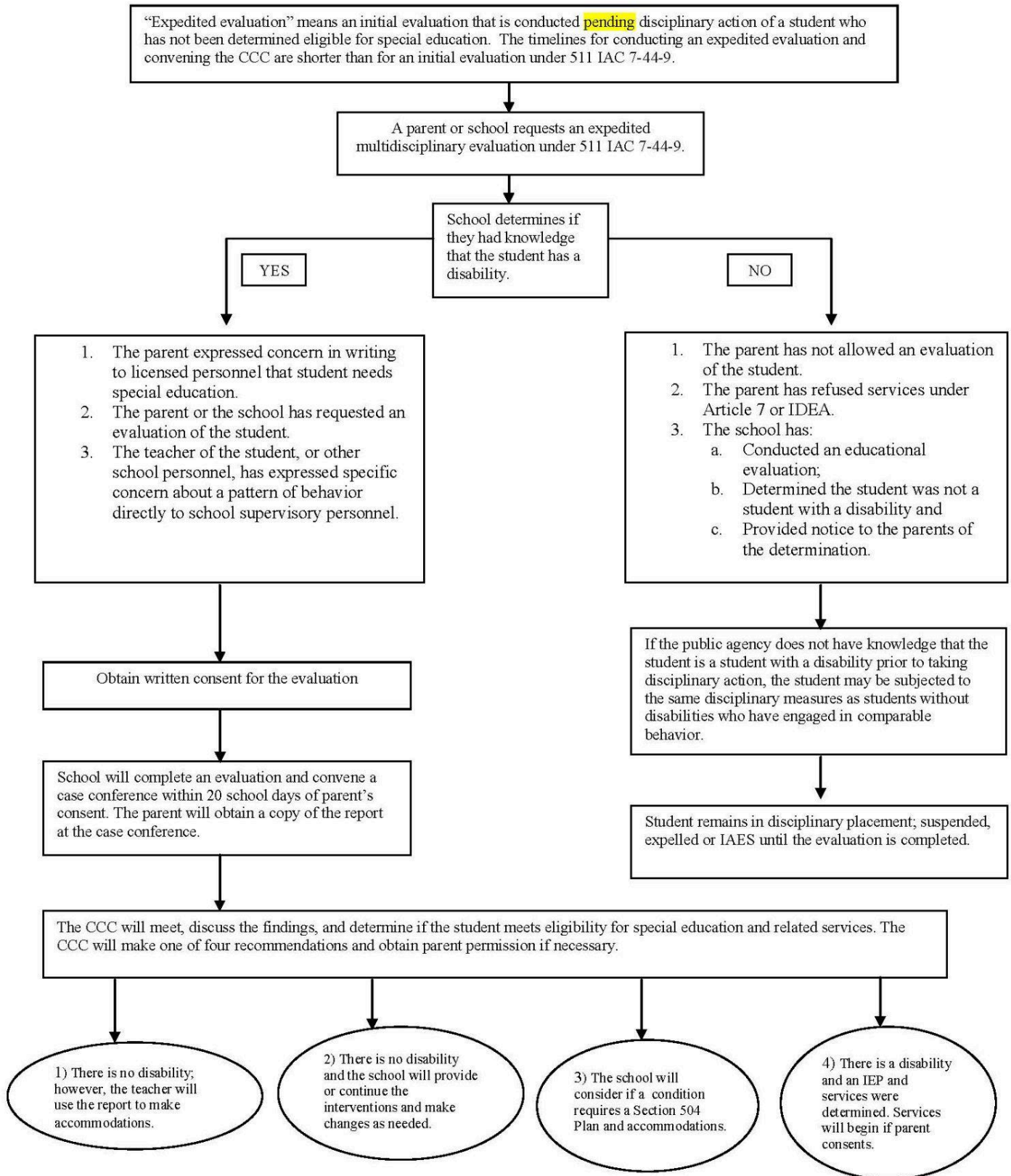
- a) The parent has not allowed or agreed to an evaluation of the student. OR
- b) The parent has refused services under IDEA for the student (including revocation of consent). OR
- c) The school conducted an evaluation, determined the student did not have a disability and provided the appropriate notice to the parent of this information.

IF THE ANSWER IS YES TO ANY OR ALL OF THE ABOVE THE SCHOOL CAN:

1. Proceed with any discipline actions and
2. The same sanctions may be used that apply to students without disabilities for comparable behaviors.

However, if the parent or student requests an initial educational evaluation for the student during a suspension, expulsion or placement in an interim alternative educational setting, the evaluation must be expedited. An expedited evaluation must be conducted in 20 school days from the written consent for the evaluation. A copy of the evaluation report shall be provided to the parent and/or student at the case conference to consider eligibility for special education services. If the student is determined eligible for special education and related services, the IEP and Services should be implemented immediately and the disciplinary action should be reconsidered.

Expedited Evaluation Flow Chart



FBA AND BIP PROCESS

What is a Functional Behavioral Assessment (FBA)? The primary goal of a Functional Behavioral Assessment is to understand what the student is seeking through his/her behavior, and then design interventions that help the student meet his/her needs through more appropriate behavior. This process is not simply employed to eliminate undesirable behavior through the use of consequence strategies, but is aimed at helping the student gain new skills or behaviors. It is vital to understand that behavior is related to the environment in which it is exhibited. The FBA process should reveal as much about the effectiveness or ineffectiveness of the settings and/or the environments as it reveals about the student's behavior. The FBA looks at a student's behavior, or pattern of behaviors, to develop targeted interventions which help a student function more appropriately in school settings. This is done by:

1. Gathering information about a student's behavior in various settings (homeroom, resource room, general education classrooms, hallways, lunchroom, playground/outside grounds, bus, etc.)
2. Exploring aspects of the instructional setting (including the nature of instruction, content of instruction, teacher/staff behavior, physical setting of the classroom, etc.) that impact student behavior.
3. Using the information to interpret (hypothesize) why the student is engaging in the target behavior.
4. Using the information and hypothesis to design a Behavior Intervention Plan (BIP) which will reduce the target behavior and increase the student's ability to utilize more appropriate behaviors to meet his/her needs/desires.

When do we complete a Functional Behavioral Assessment (FBA)?

IDEIA 2004 requires a Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) when a student with an educational disability (found eligible for special education services and with an IEP):

1. Engages in a pattern of behavior that adversely impacts his/her learning or the learning of others, or
2. When you are seeking to change a student's educational placement to a more restrictive environment in response to his/her behavior. Both suspension beyond 10 school days (cumulative)¹ and expulsion are considered a change in educational placement under IDEIA 2004.

Students identified as having an Emotional Disability, by definition, exhibit a behavior that adversely impacts their learning and academic performance. The assessment process used to identify a student with an Emotional Disability must employ a FBA as part of the initial assessment. As a result, all students found eligible for special education as a student with an Emotional Disability must have a FBA, a BIP, and Behavior Goals in their IEP.

FBA Consent

As teachers and principals see students acting inappropriately they are encouraged to use the following options. These options **do not require parental consent** but should be discussed with the parent. It is imperative that any discussion that is held or plans that are made are carefully documented, including documentation that the parent is aware of the interventions and concurs with their provision.

- 1) Use a classroom management plan to address inappropriate behaviors and modify the plan as necessary to meet the needs of all students in the classroom. This should include how the teacher will provide positive supports and strategies to assure learning is not impeded by inappropriate behaviors.
- 2) Review the existing behavioral data and meet with the parent to discuss the concerns and consider if additional strategies could be used to assist with providing the positive support needed to support the student. These meetings must be documented.
- 3) Talk with the building Response to Intervention Team or Positive Intervention Supports Team about the concerns and identify strategies and/or interventions to use to assist the student with the behaviors.

School personnel are **strongly encouraged** to complete a FBA and BIP when there are ongoing behaviors that adversely impact any student's academic performance. FBA and BIP are considered 'Best Practice' and have been found to promote student success.

The NISEC Two-Tiered System for FBA

A **Simple FBA** process will be used to address common and/or high frequency behaviors that do not pose a significant risk to the safety of others.

An **Intensive FBA** will be conducted for students who:

1. Exhibit behavior that threatens or engages in actions that would likely result in serious injury (requiring immediate professional medical attention) or death to self or others;
2. Exhibit behavior that results in the extensive destruction of property (resulting in the completion of a police report);
3. Carry or transport weapons to school or school functions;
4. Have been diagnosed with clinical levels of mental health or emotional disorders that complicate assessment and impact behavior;
5. Engage in sexually provocative behavior in the school setting (e.g., stripping, masturbation, exposing genitals/private parts, etc.)
6. Are being considered to being placed in a self-contained classroom for more than 50% of the school day in response to their display of challenging behavior;
7. Display behavior that is impacted or influenced by other extenuating circumstances such as complex family dynamics that make behavior intervention more complex; or

8. Exhibit behavior that is highly resistant to behavior change efforts (e.g., the specific nature of the behavior or behavior that has not proven responsive to Simple FBA and BIP procedures.)

The FBA Process

When a student's behavior is believed to be adversely impacting his/her learning or the learning of others or when a more restrictive educational placement is being considered, in part or in whole, due to behavior a case conference will be convened. The student's behavior will be discussed at this meeting and the behaviors that are thought to impact success to the greatest degree will be targeted for intervention. The IEP Team should attempt to identify these target behaviors. At this case conference it is sufficient to:

1. Identify those behaviors the student displays that adversely impact their school performance. [Important Note: This meeting is not to discuss the function of the target behavior. Discussing this in a large meeting will compromise data collection (independence of respondents).]
2. Determine if any of the behaviors identified serve as a 'behavioral chain'. That is, the student initially displays behavior X, s/he then displays behavior Y, and finally will escalate to behavior Z. This would suggest that addressing behavior X would likely eliminate the need to address behaviors Y or Z.
3. Explore the list of behaviors to identify potential 'classes of behavior'. For example, a student might likely hit, push, kick, and bite himself or others for the same reason and could be classed as 'aggressive behavior' and targeted together. On the other hand, a student may elope from the learning environment, engage in talk outs, refuse to complete his/her work, and fail to bring necessary materials to school. While all of these behaviors could be lumped under 'off task behavior; - there is most likely not a singular reason all of these behaviors would serve the same function for the student. The student may fail to bring necessary materials for a very different reason than leaving the instructional area (elopement).
4. Prioritize the identified behaviors to identify one or two that will be selected for intervention at this time. Often these behaviors are prioritized along the continuum of
 - 1) dangerous,
 - 2) destructive,
 - 3) disruptive, and finally
 - 4) maladaptive.
5. The IEP team should determine if the FBA being sought will be a Simple or Intensive FBA based upon the nature of the target behaviors and student needs.
6. Develop the operational definition for target behavior(s) and response definitions (if needed). [Note: The development of the operational and response definitions may need to be refined prior to data collection if the IEP team members feel others need to participate in this process.]

Behavior Intervention Plan (BIP) Process

The TOR, in collaboration with team members, will use the information gained in the FBA to assist in the development of the BIP. For example, information gained on the function and/or need for which the target behavior is displayed should be utilized in identifying the nature of the reinforcer(s) to be used to support the demonstration of the replacement behavior.

The Behavior Intervention Plan should clearly specify:

- The Target Behavior that was identified in the FBA
- The hypothesized Function(s) of the Target Behavior and/or the Need the student is attempting to meet through the display of the target behavior.
- Strengths and abilities of the student that might assist in efforts to support an alternative or replacement behavior.
- What alternative or replacement behavior has been identified to be taught and/or reinforced that is reasonably calculated to meet the function or need identified in the FBA. Note: The alternative or replacement behavior must be one the student is likely to employ. If the display of the alternative/replacement behavior requires significantly more effort than the target behavior – it is unlikely to be successful.
- Identify and clearly present the components of the actual Behavior Intervention Plan5 . These will include:
 - Necessary changes or supports within the social context/classroom to promote the display of the desired behavior (e.g., accommodations to the nature of the task, increased opportunities to be successful academically).
 - Necessary changes or supports within the social context/classroom to help prevent the display of the undesired behavior (e.g., teacher behavior when dealing with undesired behavior – tone of voice, choice of wording, etc).
 - The specific actions school personnel and others will employ to support the display of the desired alternative or replacement behavior.
 - The specific actions school personnel and others will employ in response to the display of the undesired target behavior.
- Determine if a Crisis Contingency Plan is specifically relevant for this student given the nature of the target behavior (threatens immediate serious bodily injury to self or others).
- Identify one or more behavioral goals (with benchmarks) and ensure this is embedded within the appropriate location of the student’s IEP.
- Identify how data are to be collected to track the change in the target behavior and the display of the alternative or replacement behavior. Ideally, provide copies of the data sheets and necessary procedures to be used within or included to the

BIP document that must be uploaded into IIEP. Identify how the implementation of the BIP will be monitored. Identify who will be responsible for monitoring and how often this must take place (minimally). Provide a copy of any forms that will be used in the monitoring process.

- Identify how parents or guardians will be informed of this plan. Are there efforts that parents should consider to promote generalization of the desired behavior change to the home and community?

How Often Does the FBA and BIP Need to be Reviewed and/or Revised?

1. Upon completion of the FBA, a case conference meeting **must** be scheduled to develop the initial BIP. Following this case conference a copy of the BIP must be uploaded to Indiana IEP.
2. The FBA **must** be reviewed at the annual case conference. The results of this review must be documented in the case conference notes of the IEP. A decision will be made about the need to conduct a new FBA and/or to revise the BIP. A review or revision can be sought more often if needed for the student to make progress.
3. The BIP **must** also be reviewed and/or revised as a part of the annual case conference. The committee will discuss and a consensus arrived at regarding any changes to be made to the BIP. The discussion must be noted in the case conference notes of the IEP. If the BIP is revised, the new BIP must be uploaded into IIEP.
4. A goal to address the student's target behavior (adversely impacting his learning) **must** be included in the current IEP along with a copy of the BIP

When is parent consent needed?

Article 7 requires parent consent before conducting an FBA. The current definitions of Functional Behavior Assessment and Educational Evaluation are as follows:

A "Functional behavioral assessment" is a process that uses data to identify patterns in the student's behavior and the purpose or function of the behavior for the student. A functional behavioral assessment requires written parental consent if it is an educational evaluation. Written parental consent is not required when a functional behavioral assessment reviews existing data regarding the student.

If, during a Manifestation Determination Conference, the behavior was determined to be a manifestation of the student's disability, the student's CCC must conduct a functional behavior assessment, unless a behavior intervention plan has already been developed.

EXTENDED SCHOOL YEAR SERVICES

“Extended school year services” means special education and related services that:

1) are provided to a child with a disability:

- a) Beyond the normal school year or instructional day of the public agency;
- b) In accordance with the child’s IEP; and
- c) At no cost to the parent or the student and meet the standards of the department of education.

Justification and Services

At the Case Conference for each student with a disability, the case conference committee members must consider if the student is in Extended School Year Services in order to receive a Free Appropriate Public Education (FAPE). Eligibility for ESY services cannot be based on a particular category of disability or limited to a type, amount or duration of services. It must be determined on an individual basis and must be defined in the student's IEP. The case conference committee should specify which long term goals and benchmarks are to be implemented in the ESY program. The needs for ESY services are determined annually by the case conference committee. Summer school is not ESY, but ESY services certainly may be delivered during regular school summer programming.

Factors for Determining Eligibility for ESY

The Case Conference Committee (CCC) should consider the following questions for ESY eligibility:

- Is the student expected to regress to a lower level of academic or behavioral functioning evidenced by a measurable decrease in the levels of the behaviors or skills that cannot be recouped within a reasonable amount of time after the interruption of educational services?
- Is the student at a critical point of skills acquisition or readiness that would be lost or greatly reduced as a result of an interruption of services?
- Are there special circumstances that make extended school year services necessary to the provision of FAPE.

The CCC must review and consider formal and informal data from a variety of sources, including progress monitoring to determine eligibility for ESY services. Under some circumstances the CCC may not be able to determine the student’s need for ESY services at the time the CCC is convened. In this case, the CCC Report/IEP must indicate the date it will reconvene to make the ESY determination and the plans for collecting data or other information to make the decision on ESY.

Developing the IEP for ESY

When an Extended School Year Program is identified as a need for a student, the case conference committee must discuss why it is needed (justification) and document this need in the CCC notes, as well as the appropriate sections of the IEP. The goals and benchmarks to be continued into the ESY services must be identified on the IEP for the ESY program. The committee should determine the **critical goals and benchmarks** the student needs to work on during the ESY. The IEP Goals must be part of the current IEP. The committee should also discuss the **amount of time** needed to complete these goals and indicate this on the IEP. The following should be used as a guide in developing the IEP:

- a. Could the student's needs be met in a regular education summer school or remedial summer program, or does the student require a specific special education program to meet their needs?
- b. Could the student's needs be met by sending instructional materials home for the parents to complete with the student?
- c. What other options can be considered?
 - Community-based day camp
 - Providing the parents with materials and instruction
 - Community agencies or summer programs (YMCA, recreation programs, day camps etc.)
 - Tutoring programs at a designated center

RESOLVING DISPUTES

Parents that disagree with the results of an education evaluation and/or subsequent eligibility determination or the outcome of a case conference are encouraged to contact the NISEC office at 219-769-4000 and schedule an appointment to talk with NISEC administration.

If parents are seeking additional support, they are also encouraged to refer to the Resources outlined in the Indiana Department of Education Notice of Procedural Safeguards. If, after attempts to resolve a dispute have not been successful, parents or the public agency may file a complaint with the Indiana Department of Education or request Mediation or a Due Process Hearing.

A Complaint is a written, signed allegation of a procedural violation of federal or state statutes, regulations, rules, or constructions governing special education that is submitted to the division of special education for investigation.

Mediation is a voluntary process in which the parent and NISEC attempt, with the assistance of a trained impartial mediator, to resolve a complaint or dispute regarding eligibility of a student,

the appropriateness of an educational evaluation or a student's current level of services or placement. Other issues regarding a Free Appropriate Public Education (FAPE) may also be the subject of mediation.

A Due Process Hearing is a formal proceeding initiated by a parent or NISEC and is conducted by an Independent Hearing Officer (IHO) when there is a dispute regarding the eligibility of a student, the appropriateness of an education evaluation, a proposed placement or level of services for a student. Other disputes affecting the provision of FAPE may also be disputed through a due process hearing.

Prior to a parentally initiated Due Process Hearing, a Resolution Meeting will be initiated by NISEC to discuss the hearing request and the facts that form the basis for the request, unless both parties agree to waive the meeting or alternately use the mediation process. The Resolution process provides a public agency with the opportunity to resolve the dispute.

NONPUBLIC SCHOOL SERVICES

The Northwest Indiana Special Education Cooperative (NISEC) provides special education and related services for all "nonpublic" or private, parochial and home schooled students that meet the definition as such and are contained within the boundaries of the seven NISEC member corporations. These services include child identification and evaluation services, special education and related services to students with disabilities, due process and procedural safeguards according to 511 IAC Article 7. NISEC reserves the right to determine the location of these services based on administrative need.

Evaluation and Records for Students Attending Nonpublic Schools

If a student attends a nonpublic school that is located within the boundaries of NISEC, and the student lives within NISEC's boundaries as well, services will be provided as follows:

1. When an education evaluation is requested, the NISEC will complete the evaluation and conduct a case conference to determine eligibility.
2. If the student is determined eligible for services, the committee will develop an IEP and identify the appropriate services and programming for the student that would be provided if they attended public school (FAPE). The parents may consider that option. If they determine that these services are appropriate for their child, they may withdraw their child from the nonpublic school and enroll them in public school.
3. If the parent's do not choose to withdraw from the nonpublic school, they may not have the IEP services. They may sign the Rejection of Services in a Public School which explains that by not attending a public school, they agree to different special education services. If they choose to do so, they may then continue in the nonpublic school and the committee will develop a Services Plan for the student.

When a student attends a nonpublic school located within the boundaries of NISEC, and the student lives OUTSIDE of NISEC's boundaries, services will be provided as follows:

1. When an educational evaluation is requested, NISEC will meet with the parent to explain the evaluation process, including the right of parent(s) to elect that the school corporation where they reside complete the evaluation. The advantage to this is that the corporation where the family resides is the only entity that can offer FAPE or an IEP to the family. NISEC may not do that. Additionally, the family may not obtain a Private School Services Plan from NISEC until an IEP from the home corporation has been offered and received by NISEC.
2. Should the parents prefer NISEC conduct the evaluation, NISEC will continue with the same evaluation process that they use for students living within NISEC's boundaries. They will hold a case conference to review the evaluation results and determine eligibility. If the student is eligible for special education services, the CCC will develop a service plan. After the service plan is developed, the student's parents are entitled to a free appropriate education from the school district of legal settlement.
3. Should the parents prefer the home corporation conduct the evaluation, NISEC will have the parents put in writing their decision to withdraw their request for evaluation from NISEC. This will terminate the request for evaluation from NISEC. The parent(s) should then contact their home corporation and request in writing an assessment from them. After the evaluation is completed, and the child is found eligible for services and an IEP is developed, the parent(s) should bring that IEP to the nonpublic school/NISEC. NISEC will then conduct a conference to develop a Service Plan from that IEP for the student.

EVALUATION OF NONPUBLIC SCHOOL STUDENTS

A request for an educational evaluation is received for a student attending a nonpublic school within NISEC's seven corporation boundaries

The referred student lives within NISEC:

Diagnostic staff conducts a file review. Parent is notified of outcome of review. If student is being testing, diagnostic staff gains consent, conducts the evaluation and if eligible, develops an IEP (offer of FAPE).



Parent/guardian chooses IEP, withdraws student from nonpublic school and enrolls in public school with IEP services.

OR



Parent/guardian elects to have student remain in nonpublic school. They refuse IEP and committee develops a Services Plan, after parent signs rejection of FAPE.

The referred student lives outside of NISEC:

Diagnostic staff meets with parent/guardian, explains that they have the option to have their child evaluated by either NISEC's staff or from their home corporation.



Parent chooses to have NISEC conduct evaluation, which NISEC does, including the determination of eligibility. Parents asked to sign consent to release evaluation and records to home school corporation.



Parent chooses to withdraw request for NISEC to conduct the evaluation and returns to home school corporation to request an evaluation.



* NISEC may offer a Service Plan to any student who does not reside within NISEC's seven member corporations if eligible for services once the parent/guardian has signed the Rejection of FAPE.



Parent presents nonpublic school or NISEC with the IEP from home corporation. NISEC conducts an Initial Service Plan Conference to develop the Services Plan. Parent signs Rejection of FAPE.

Procedures for Nonpublic and Home School Services

The Northwest Indiana Special Education Cooperative must provide any student with an identified disability attending a public school the needed special education services.. NISEC may limit the amount of services that will be provided for students who attend nonpublic school setting or are home-schooled. Services may be less for students who are enrolled in either of these settings.

A case conference with the District Director or their designee as Chairperson must first identify the student as eligible for special education services. When the student resides within one of the seven districts served by NISEC, an IEP will be developed to address the student's needs if they were to attend their local public school. The complete IEP with goals, benchmarks and services will be written to provide the student with a free appropriate public education (FAPE).

If the parents choose to continue the student in the nonpublic or home school setting, the case conference committee will develop a SERVICE PLAN to identify the goals and objectives for the student. The special education and related services provided to the student will be based on the information listed below. The proposed Service Plan, including goals, services, and progress reports will be discussed with the parent at the conference. All special education and related services will be provided in a neutral site at the nonpublic school. All home-schooled students will be provided services at an identified public school within the NISEC boundaries.

MAXIMUM SPECIAL EDUCATION AND RELATED SERVICES FOR SERVICE PLAN:

Related Services including: Occupational Therapy/Physical Therapy/Assistive Technology/Behavioral Consultation

1. 10 to 15 minute consultation with teacher/parent 1 time per week (via e-mail, phone or in person) or
2. Up to a maximum of (1) - 30 minute session per week

Special Education services from Certified Teachers:

1. 10 to 15 minute consultation with teacher/parent 1 time per week (via e-mail, phone or in person) or
2. Up to a maximum of (2) - 60 minute sessions per week

Special Education Services from Speech and Language Pathologists:

1. 10 to 15 minute consultation with teacher/parent 1 time per week (via e-mail, phone or in person) or
2. Up to a maximum of 1-30 minute session per week

If the parent feels the child needs the amount of services identified in the IEP, such as daily or three times per week, they must enroll the child full time in the local public school. If the parent declines public school enrollment, the limited services will be provided at a neutral site at the nonpublic school. The discussion of services needs to be clearly documented in the case conference paperwork to show the child's needs, the services offered in the IEP and then the Service Plan developed if continuing at the nonpublic school. Both the initial IEP and the Service Plan must be attached to the conference paperwork sent to the NISEC. Copies of the initial IEP, if developed, and the Service Plan should be provided to the Nonpublic School Representative, Parent and Classroom Teacher.

The services for students in Nonpublic Schools must be reviewed annually and a new Service Plan developed. The District Director or designee is the Case Conference Chairperson for these conferences. If the parent chooses to continue the student in the Nonpublic School only a Service Plan needs to be developed. The Service Plan should reflect the amount of services as indicated above, measurable goals, location of services, initiation and duration dates of the service plan.

Students in nonpublic schools should be considered for Reevaluation every 3 years. The school year before this evaluation is due; the case conference committee should determine the extent of the evaluation and document this discussion. Parents should be offered the option of an evaluation even if the student with a disability is not receiving any special education or related services.