

Tishomingo County School District

Together We Can Succeed!

Special Education Policies & Procedures

****Local Education Agency (LEA):**** Tishomingo County School District

****Adopted:**** August 2025

****Supersedes:**** All prior special education procedure manuals

> This manual aligns with IDEA (20 U.S.C. §1400 et seq.), its regulations (34 C.F.R. Part 300), Mississippi State Board Policy 74.19 and associated Procedures Volumes (latest guidance referenced herein), and controlling case law in the Fifth Circuit and U.S. Supreme Court. Where state requirements exceed federal minimums, LEA follows the state requirement.

1) Purpose, Scope, and Definitions

Purpose. Establish consistent, compliant, and student-centered processes for identifying, evaluating, serving, and protecting the rights of students with disabilities (SWDs) ages 3 through 21.

Scope. Applies to all LEA personnel and campuses, including charter programs operated by the LEA and all contracted providers.

Key Definitions:

- **Child Find:** Ongoing duty to locate, identify, and evaluate students suspected of having disabilities, birth–21, including highly mobile, homeschooled, private-school, and EL students.
- **Parent:** Biological/adoptive parent, foster parent if permitted by state law, guardian, person acting in the place of a parent, or surrogate parent appointed by LEA when required.
- **IEP:** Individualized Education Program.
- **FAPE:** Free Appropriate Public Education—special education and related services provided at public expense, meeting state standards, and in conformity with an IEP reasonably calculated to enable appropriate progress (see *Endrew F.* (2017)).
- **LRE:** Least Restrictive Environment—educate with nondisabled peers to the maximum extent appropriate; removal occurs only when education in regular classes with supplementary aids and services cannot be achieved satisfactorily

2) Child Find & Referral

****2.1 Child Find Activities****

- Public notices, staff training, collaboration with early intervention (Part C), private schools, juvenile justice, and community agencies.
- Screening is not required for a special education referral but may inform the referral.

****2.2 Referrals****

- Any person may refer a student ****in writing**** when disability is suspected. Referrals may result from MTSS/RTI data but ****RTI is not a prerequisite**** to evaluation when disability is suspected.

****2.3 Response Timeline****

- Within ****14 calendar days**** of receiving a written referral (including holidays and summer), the LEA convenes a ****Multidisciplinary Evaluation Team (MET)**** to determine suspected areas of disability, obtain parental ****prior written notice**** (PWN), and seek ****informed consent**** for initial evaluation as appropriate.

3) Evaluation & Eligibility

****3.1 Initial Evaluation Timelines****

- Upon receipt of ****parental consent****, complete the evaluation within ****60 calendar days****.
- Provide evaluation reports to the parent/guardian ****at least 7 calendar days**** before the eligibility meeting whenever practicable.
- Hold the ****eligibility determination meeting within 14 calendar days**** after all evaluations are completed.

****3.2 Evaluation Practices****

- Use a variety of technically sound instruments; assessments must be selected and administered so as ****not**** to be discriminatory; in the student's language/mode of communication; and administered by trained and knowledgeable personnel.
- ****Hearing and vision screenings**** (or documented reasons they could not be completed) are conducted and results considered; failure to complete screening must not create an unjustified barrier to timely evaluation.
- If parents disagree with the LEA's evaluation, they may request an ****Independent Educational Evaluation (IEE)**** at public expense or the LEA must promptly file for due process to defend its evaluation.

****3.3 Eligibility****

- Determined by a group of qualified professionals and the parent using evaluation data, classroom data, and state criteria.
- If eligible, the IEP is developed ****within 30 calendar days**** of the eligibility decision and implemented ****as soon as possible****.

4) Individualized Education Program (IEP)

****4.1 Required IEP Content****

- Present levels of academic achievement and functional performance (PLAAFP); measurable ****annual goals****; specially designed instruction; related services; supplementary aids and services; program modifications/supports; participation in state/district assessments; ****how progress will be measured**** and ****when**** parents will receive reports; start date/frequency/location/duration of services; and ****transition services**** (see 4.4).
- Consider: behavior (FBA/BIP as appropriate), ****assistive technology**** devices/services, communication, English learner needs, Braille/visual impairment needs, and ****special factors**** (34 C.F.R. §300.324).

****4.2 Parent Participation & Meeting Notices****

- Provide written ****Notice of IEP Meeting**** early enough to ensure parent participation (LEA practice: no less than ****3 calendar days**** when feasible). Offer alternative means (phone/video) if the parent cannot attend. PWN is ****not**** the meeting invitation; provide PWN ****after**** proposing/refusing actions.

****4.3 Implementation & Staff Access****

- Each teacher/service provider receives timely access to the IEP and is informed of their responsibilities, accommodations, and modifications. Case managers ensure delivery of services and documentation of progress as scheduled.

****4.4 Transition Services****

- ****Begin not later than the first IEP in effect when the student turns 14****. Include age-appropriate transition assessments, measurable ****postsecondary goals****, courses of study, and coordinated activities (instruction, related services, community experiences, employment, post-school living, and daily living skills as needed).
- ****Transfer of Rights:**** Mississippi age of majority is ****21****. Provide notice to student and parents ****at least one year before**** the transfer date. At the transfer, rights under IDEA shift to the student unless a legal guardian is appointed.
- ****Summary of Performance (SOP):**** Provide at graduation with regular diploma or when eligibility ends due to age.

****4.5 Amendments****

- The IEP may be amended without reconvening the full team ****by agreement**** of the parent and LEA; provide revised pages to all implementers.

5) Least Restrictive Environment (LRE) & Placement

****5.1 Principles****

- Educate students with disabilities with peers without disabilities to the ****maximum extent appropriate****.
- Before considering removal, the team must consider ****supplementary aids and services**** and program modifications that enable success in general education.

****5.2 Fifth Circuit Standard (Daniel R.R.)****

- 1) Can education in the regular classroom with the use of supplementary aids and services be achieved satisfactorily?
- 2) If not, has the student been mainstreamed to the ****maximum extent appropriate****?

****5.3 Continuum of Alternative Placements****

- General education with supports → resource → separate class → separate school → home/hospital instruction. Placement decisions are ****IEP-driven****, individually determined, and ****not**** based on category, disability severity alone, administrative convenience, or available resources.

6) Behavior, Discipline, and Positive Supports

****6.1 Positive Behavioral Framework****

- Implement schoolwide PBIS/MTSS, teach expectations, collect data, and use function-based interventions and ****Behavior Intervention Plans (BIPs)**** where needed.

****6.2 Short-Term Removals****

- Up to ****10 school days**** in a school year: treat as you would nondisabled peers; provide services only to the extent provided to nondisabled peers, unless this constitutes a ****change of placement**** due to a ****pattern**** of removals. Transportation days count if it is a ****related service**** in the IEP and the student is removed from transportation.

****6.3 Change of Placement & MDR****

- For removals that constitute a ****change of placement**** (more than 10 consecutive school days or a ****pattern**** totaling more than 10 days), conduct a ****Manifestation Determination Review (MDR)**** ****within 10 school days****. If behavior ****is**** a manifestation, return the student to the placement (unless parent and LEA agree otherwise) and review the BIP. If ****not**** a manifestation, discipline may proceed ****as with nondisabled peers****, but the LEA continues to provide FAPE enabling participation in the curriculum and progress toward IEP goals.

****6.4 Special Circumstances****

- Weapons, drugs, or ****serious bodily injury****: the LEA may place the student in an ****Interim Alternative Educational Setting (IAES)**** for up to ****45 school days**** regardless of manifestation, with services and progress monitoring.

****6.5 Procedural Protections****

- Provide ****PWN**** for disciplinary changes of placement; offer expedited due process when requested. Use state restraint/seclusion policy (see §12).

7) Extended School Year (ESY)

- ESY is an ****individualized**** IEP team decision based on regression/recoupment and other critical factors.
- The LEA makes ESY decisions ****between January 15 and April 15**** for the current school year when practicable, documents the basis, and issues PWN.
- ESY is ****not**** summer school, credit recovery, or automatically tied to disability category. Services, setting, and duration are based on ****student need****.

8) State/District Assessments

- All students participate in state/district assessments with appropriate accommodations documented in the IEP.

- For students with the most significant cognitive disabilities who meet state criteria, the IEP team may select the **MAAP-A** (alternate assessment) consistent with Mississippi eligibility criteria and the **1% statewide participation cap**. Decisions are **not** based on disability label, placement, or reading level alone.

9) Related Services

- May include transportation, speech-language pathology, audiology, interpreting, psychological services, PT/OT, counseling, orientation & mobility, school health services and nurse services, social work, parent counseling and training, and **assistive technology** devices/services. Services are **IEP-driven** and based on need.

Transportation. If transportation is required to access FAPE, it is a **related service**. Buses and equipment meet safety standards; staff are trained in securement and emergency procedures. Behavior on the bus is addressed through the IEP/BIP when necessary.

10) Transfer Students & Records

- **From another MS district:** Provide **comparable services** without delay using the existing IEP until the LEA adopts it or develops a new IEP.
- **From out of state:** Provide **comparable services** and promptly determine eligibility under MS criteria; if needed, conduct evaluations; **no interruption** in services.
- Obtain and review **records** promptly (within **5 school days** when feasible). Document attempts if records are delayed.

11) Procedural Safeguards & Dispute Resolution

- Provide the ****Procedural Safeguards Notice**** at least annually and upon initial referral/parental request for evaluation, first filing of a complaint or due process hearing, and upon disciplinary removal constituting a change of placement.
- Disputes may be addressed via ****IEP facilitation****, mediation, state complaint, or due process hearing. Following **Fry v. Napoleon** (2017) and **Perez v. Sturgis** (2023).

12) Restraint & Seclusion

- The LEA adheres to Mississippi policy governing ****seclusion and restraint****. Physical restraint and seclusion are ****not**** used except in emergencies to protect the student or others from imminent serious physical harm, and never as a means of discipline or convenience. Staff receive required training, incidents are documented and reported to parents promptly, and IEP teams consider preventive supports.

13) Confidentiality & Records (FERPA/IDEA)

- Keep IEPs and records ****secure**** (locked storage or secure electronic system). Working copies are treated as confidential and destroyed/shredded when no longer needed in accordance with records retention schedules. Parents have the right to ****inspect and review**** records; fees may not be charged for searching or retrieving records.

14) Private Schools & Proportionate Share

- For parentally placed private-school students residing in the LEA, the district of location is responsible for equitable services consultation and service plans. IEPs are not required unless the student enrolls in public school; services are based on ****proportionate share**** consultation outcomes.

15) Fiscal Compliance

- The LEA complies with IDEA Part B fiscal rules, including **Maintenance of Effort (MOE)**, CEIS/CCEIS, and allowable costs. **MOE** is a fiscal requirement (not a parent survey) measured under the four allowable methods. Exceptions and adjustments follow 34 C.F.R. §§300.204–205.

16) Medicaid / Third-Party Billing

- With parental consent, the LEA may seek reimbursement for covered services. Parents are notified that refusal to consent does not relieve the LEA of its duty to provide FAPE and does not incur cost to the parent.

17) Compliance Checklists

****Initial Referral → Services Timeline****

1. ****Day 0:**** Written referral received.
2. ****By Day 14:**** MET/Review Team convened; provide PWN; seek consent.
3. ****Day 0 of Consent:**** 60-day clock begins.
4. ****By Day 60:**** Complete evaluations; provide reports ≥ 7 days before meeting when possible.
5. ****Within 14 days of completion:**** Eligibility meeting.
6. ****Within 30 days of eligibility:**** IEP developed.
7. ****ASAP:**** Implement IEP; service providers informed and scheduled.

****Annual Cycle****

- IEP reviewed at least annually; parent receives progress reports as stated in IEP.
- ****ESY decision window:**** Jan 15–Apr 15 each year when practicable.

****Discipline****

- Track removals; MDR by ****10 school days**** of any change of placement; services provided after day 10; consider BIP/BAT.

18) References

- IDEA (20 U.S.C. §1400 et seq.) and 34 C.F.R. Part 300.
- Mississippi State Board Policy 74.19 and Procedures Volumes (Child Find/Evaluation/Eligibility; IEP/Placement; Discipline; etc.).
- *Endrew F. v. Douglas County School Dist. RE-1*, 580 U.S. 386 (2017).
- *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036 (5th Cir. 1989).
- *Fry v. Napoleon Community Schs.*, 580 U.S. 154 (2017).
- *Perez v. Sturgis Public Schools*, 598 U.S. 142 (2023).
- Mississippi policy on Restraint & Seclusion (latest rule as adopted by State Board).
- MAAP/MAAP-A participation guidance; 1% alternate assessment cap under ESSA.

19) TCSD Local Contacts

- District contact directory:

Cliff Nunley:Director cnunley@tcsk12.com

Nacole McDuffy:Psychometrist

Barbara Borden:Case Manager

Ann Feltman:SPED Secretary

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