SPECIAL EDUCATION STANDARD OPERATING PROCEDURES MANUAL

DARIEN PUBLIC SCHOOLS

2014 EDITION

The District understands and acknowledges that the laws and interpretations of the laws may change over time. Readers of this Manual are expected to check additional resources (Connecticut State Department of Education, U.S. Department of Education, legal counsel, etc.) to ensure compliance with the law. This Manual is intended to provide general guidance and explanation of the procedures related to the special education laws. All decisions regarding individual students who are or may be eligible for special education must be made by the multidisciplinary team, including parents and teachers, who know such students well.

This Manual is intended to be read and utilized in conjunction with special education statutes and regulations as well as guidance from state and federal authorities.

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Using Scientific Research-Based Intervention: Improving Education for All Students:
CT Framework for RtI, August 2008
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Located at: http://www.sde.ct.gov. Click onto Special Education under Quick Links, then Click onto Legal/Due Process, click onto Procedural Safeguards Notice

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Dear Colleague Letter: Students with Disabilities in Extracurricular Activities, Jan. 25, 2013 (Office of Civil Rights)

Guidance Documents and Topic Briefs, CSDE

•Located at: http://www.sde.ct.gov. Click Special Education under Quick Links, then click onto Guidance Documents and Topic Briefs

Guidelines for Assistive Technology (Updated December 2013)

•Topic Brief: Evaluation Timelines Guidance

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•Guidelines for Feeding and Swallowing Programs in Schools (2008)

•Guidelines for Occupational Therapy in Educational Settings (1999)

•Guidelines for Training and Support of Paraprofessionals (2012)

•New: Guidelines for Adapted Physical Education (2012)

•Topic Brief: Post-school Outcome Goal Statements - Frequently Asked Questions

•Guidelines for Physical Therapy in Educational Settings (1999)

•Guidelines for Developing Policies and Procedures for Reporting of Child Abuse and Neglect (2000)

•A Guide to Comprehensive School Counseling Program Development (2008)

•Guidelines for the Practice of School Psychology (2004)

•Guide for the Training, Use and Supervision of Speech-Language Pathology Aides and Assistants in Connecticut (1999)

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- Located at: http://www.darienps.org
- Click onto Board of Ed, click onto Policies, scroll down to 5200 Rights and Responsibilities
    - Misconduct Related to Voluntary School Organizations and Activities
    - Standards of Conduct
    - Student Discipline
    - Drug and Alcohol Use by Students
    - Conduct and School Buses
    - Hazing
    - Bullying Prevention and Intervention

Guidelines for In-School and Out-of-School Suspensions, Revised December 2010, CSDE

- Located at: http://www.sde.ct.gov. In the CSDE search, use the phrase "suspension guidelines" to find the document.

Discipline Flow Chart

- Located at: http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/ISS_Discipline_Flow_Charts.pdf

Questions and Answers on Discipline Procedures, Revised June 2009: US Department of Education

Questions and Answers on Serving Children Eligible for Transportation: November, 2009: US Department of Education

Appendices

Appendix A: United States Code of Federal Regulations, Part 300, Assistance to States for the Education of Children with Disabilities, also available at http://www.gpo.gov/fdsys/pkg/CFR-2013-title34-vol2/pdf/CFR-2013-title34-vol2-subtitleB-chapIII.pdf

Appendix B: Regulations of Connecticut State Agencies 10-76a-1 through 10-76h-18 and Section 10-76h-1 to 10-76l-1

Appendix C: Darien Board of Education Policy 5265, Confidentiality and Access to Education Records

Acknowledgements

The Darien Public Schools Standard Operating Procedures Manual for Special Education has been developed to provide educators and parents with specific information about the procedures utilized by the school district to provide special education and related services to children eligible for special education.

This manual was developed by the Manual Workgroup called and convened during the Spring of 2014. The work group members are: Debbie Farber, Acting Special Education Coordinator, Elementary Education, Barbara Gillespie, Special Education Coordinator, Darien High School, Rita Ferri, Principal, Hindley Elementary School, Marc Marin, Assistant Principal, Middlesex Middle School, Kasey Peck, Parent Member, Deb Ice, Parent Member, Katie Stein, Board of Education member and John Verre, Special Education Ombudsman. In addition, the Work Group was assisted by independent consultants Terri DeFrancis and Candy Lombardo.

The Work Group used the Model Policies and Procedures Manual developed by the Connecticut State Department of Education as the template for the District's Manual.

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The District would also like to thank Kathryn Foxhall, a freelance editor and writer, who meticulously edited the manual.

Introduction

All Darien community members should have a shared understanding of the legal and regulatory requirements for the provision of a public school education and, specifically, the requirements for special education and related services to students with disabilities eligible for special education. Special education is not a place. It is an array of services and supports for students, staff, and parents that provides students with disabilities access to the curriculum and learning experiences of the public school, including nonacademic and extracurricular activities, through an individualized education program that addresses the students' needs and concerns. In other words, special education gives students with disabilities the public school experience their nondisabled classmates are provided.

For community members, including interested members of the public or members of the Board of Education or Board of Finance, a basic understanding of how special education is provided is critical to making decisions for the Town of Darien and the Darien Board of Education.

For the immediate school community, parents and educators, understanding how special education is provided is critical to ensuring that children eligible for special education receive the services they are entitled to. An understanding of the fundamentals of providing special education and how the District meets the basic requirements allows the focus of interactions between parents and educators to be on meeting the needs of children eligible for special education.

***GLOSSARY* of Terms Used in This Manual**

The following terms are defined in the IDEA and the state statutes and regulations and are used throughout this Manual. District personnel should review these commonly used terms and their definitions. The citations for definitions taken from the federal and state regulations are provided below and can be found in Appendix A, 34 CFR Part 300; and Appendix B, Regulations of Connecticut State Agencies 10-76a-1 through 10-76h-18.

Assistive technology device:
IDEA Regulation, 34 CFR 300.5

Assistive technology service:
IDEA Regulation, 34 CFR 300.6

Consent:
IDEA Regulation, 34 CFR 300.9

District:
The Darien Public Schools

Eligible Student:
A student who has attained the age of majority or has been declared an emancipated minor by a court of competent jurisdiction.

Evaluation:
IDEA Regulation, 34 CFR 300.15

Extended school year services:
IDEA Regulation, 34 CFR 300.106(b)

Free appropriate public education or FAPE:
IDEA Regulation, 34 CFR 300.17

Individualized education program or IEP:
IDEA Regulation, 34 CFR 300.320

Least Restrictive Environment or LRE:
IDEA Regulation 34 CFR 300.114

Native Language:
IDEA Regulation, 34 CFR 300.29

Nonacademic and Extracurricular Services and Activities:
IDEA Regulation, 34 CFR 300.107(b)

Parent:
IDEA Regulation, 34 CFR 300.30

Planning and Placement Team or PPT for a Child with a Disability (Individualized Education Program Team (IEP Team)):
IDEA Regulation, 34 CFR 300.321

> **Please note: in the IDEA, the team called to conduct an evaluation and develop, review or revise the IEP is the Individualized Education Program Team (IEP Team). The PPT in Connecticut, for children eligible for special education, is defined as the IEP Team found in the IDEA regulations. See Regulations of Connecticut State Agencies Section 10-76d-1(15).**

Planning and Placement Team (PPT) for the Evaluation and Identification of Gifted and Talented Students
Regulations of Connecticut State Agencies, 10-76a-1(15)

Related Services:
IDEA Regulation, 34 CFR 300.34

Special Education:
IDEA Regulation, 34 CFR 300.39

Supplementary Aids and Services:
IDEA Regulation, 34 CFR 300.42

Transition services:
IDEA Regulation, 34 CFR 300.43

CHAPTER ONE: CHILD IDENTIFICATION

Process Overview

Child Find

In accordance with Part B of the Individuals with Disabilities Education Act (IDEA), the federal law and regulations concerning the provision of special education and related services to students eligible for special education, as well as applicable state law and regulations, Darien has a child identification process that provides for the location, identification, and evaluation of all children from birth through age 21 who may require special education and related services. In addition, the District identifies and evaluates students (Kindergarten through Grade 12) enrolled in the public schools of the Darien Board of Education who may be gifted or talented.

Child Find includes referral and possibly identification and evaluation of students who are:

- Advancing from grade to grade;
- Enrolled by their parents in private nonprofit elementary or private secondary schools, including religious schools located in our District (regardless of the severity of their disability);
- Wards of the state;
- Highly mobile, such as migrant and homeless children; and,
- Suspended repeatedly or whose behavior, attendance, including truant behavior, or progress in school is considered unsatisfactory or at a marginal level of acceptance.

Special Rules for the Initial Evaluation of Wards of the State

When the District seeks to evaluate a student for the first time, and the child is in the custody of the Commissioner of Children and Families and not residing with the student's parent, the District is not required to get consent from the parent to determine whether the student is disabled and in need of special education services if:

1. After reasonable efforts, the District cannot find where the parent is located;
2. The rights of the parent have been terminated by the court; or
3. A judge has ordered that decisions about the student's education are to be made by a person appointed by the court.

A "ward of the state," as used in the IDEA, means a student who, as determined by the state where the child lives, is a foster child, considered a ward of the state under state law, or is in the custody of a public child welfare agency. "Ward of the state" does not include a foster child who has a foster parent meeting the definition of a parent as used in the IDEA.

A surrogate parent who will represent the student in the educational decision-making process may need to be appointed by the Connecticut State Department of Education. A student who is entitled to receive a surrogate parent is (1) a student who is or may be eligible for special education, or was eligible for special education and is no longer eligible but receives services, or may be eligible to receive services under Section 504 of the Rehabilitation Act of 1973; and (2) a student for whom the parent or guardian cannot be identified, the whereabouts of the parent cannot be discovered after reasonable efforts to locate the parent have been made, such student is a ward of the state, or such student is an unaccompanied and homeless youth.

Private/Religious Schools

Please see chapter on "Students Participating in Private/Religious Schools" for a detailed description of child find obligations and services provided to children enrolled in private schools.

Role of the Planning and Placement Team (PPT)

Every decision regarding special education, including eligibility determinations, evaluations, programming, and services, is made by a team, which includes the parents as integral members, called the Planning and Placement Team (PPT). The composition of the PPT is specified by federal and state regulations. The PPT is convened in every school when a decision regarding eligibility for special education is to be made and ensures that the student meets the eligibility requirements of the IDEA.

Identification of Children Between the Ages of Birth to Age Three

Under the IDEA Part C, the State's early intervention system, Connecticut Birth to Three System, is responsible for identifying and providing services to children between the ages of birth and age three who are eligible to receive such services.

Because of their overlapping responsibilities, the Connecticut State Department of Education (CSDE) and the Connecticut Birth to Three System have an interagency agreement intended to ensure that children with disabilities are provided necessary services in a timely manner. The CSDE asks districts to ensure that children between the ages of birth and three are referred to the Connecticut Birth to Three System for an evaluation. Therefore, when Darien is informed of a child that age who has or may have a disability, it will either (a) make a child referral directly to the Connecticut Birth to Three System via the statewide toll-free number or (b) provide the parent with the information so that the parent can make the referral.

The IDEA provides that all eligible children are provided with FAPE no later than their third birthday. In situations where the child is referred by their parents at 34 or 35 months of age, it is important to make reasonable, good faith efforts to complete the referral process within 45 school days of the referral.

Referrals to a PPT made on or after May 1st and prior to the last day of school shall be forwarded to the appropriate school-based Special Education and Student Services (SESS) Facilitator, with a copy to the Assistant Superintendent for Special Education and Student Services. Referrals received after the last day of school and prior to the start of the following school year must be forwarded to the Assistant Superintendent for Special Education and Student Services to ensure compliance with applicable legal requirements.

Transition to Special Education from the Connecticut Birth to Three System

A student receiving services through the Connecticut Birth to Three System may be eligible to receive special education and related services through the District upon reaching age three. While the District receives contact information for all children who are age two and one half and are receiving services through Connecticut Birth to Three, parents must consent to the release of information from the Birth to Three System to the District before substantive information can be shared with the District. Some parents may wait to give the Birth to Three System consent to transfer information to the District, while others may elect not to provide consent for the release of such information.

The purpose of transition planning for children in the Connecticut Birth to Three System is to ensure that eligible children and their families experience a smooth and effective transition from the Connecticut Birth to Three System to the Darien Public Schools. If the parent has consented to the release of information, the process of transitioning the student is as follows:

- The District receives child specific information from the Birth to Three System on those children who have been determined eligible and are receiving early intervention services. The District has a
system of collecting and maintaining this data and other child specific information to track children receiving early intervention services over time to ensure they are timely evaluated, to determine eligibility, and, if eligible, to provide a free appropriate public education (FAPE) by age 3.

- The District has an assigned transition contact that is the primary person responsible for working with the Birth to Three System and their programs on transition, as well as one or more individuals who will attend all 90-day transition conferences convened by the Birth to Three System throughout the calendar year, including during the summer months.

- The District will schedule a Planning and Placement Team (PPT) meeting to discuss the referral of a child to Darien. The PPT meeting will be scheduled sufficiently early (preferably soon after the 90-day transition conference) to ensure that an eligible child will receive FAPE no later than their third birthday as required by law. Identification of PPT meeting dates can be a part of the discussion at the 90-day transition planning conference and a component of the child's written transition plan developed at the transition planning conference with the Birth to Three Program, the family and the District.

- Darien invites the child's Birth to Three providers to participate in the PPT decision-making process, and the child's Birth to Three information, including the child's Individualized Family Service Plan ("IFSP") is used in the decision-making process.

- If the child is scheduled to transition from the Birth to Three Program to Darien public schools and that child turns 3 during the summer months, the District will determine if the child is eligible for FAPE and whether the child requires extended school year (ESY) services. If the child is eligible for the provision of FAPE and requires ESY services, the District will ensure the implementation of the IEP no later than the child's third birthday, regardless of the fact that this occurs during the summer months. If it is determined that the child is eligible for FAPE and does not require ESY services, then the IEP will be implemented on the first day of school.

- The Connecticut State Department of Education and the Birth to Three System agree that late referrals to the Birth to Three System (33 months and older) should be made simultaneously to the District and the Connecticut Birth to Three System, with the ultimate goal of ensuring that these children, if eligible, are provided with FAPE by their third birthday.

A designated member of the PPT should be prepared to discuss with the parents the differences between the Birth to Three System and the public school district in the provision of special education and related services to students. Areas of discussion could include: the difference in focus (for example, the Birth to Three System is family oriented, where education is focused on the individual student with alignment of services to curriculum based standards); the difference between an Individualized Family Service Plan (IFSP) and an individualized education program (IEP); and the nature of the specialized instruction and related services the student will receive to help them to learn in school to access and make progress in the curriculum.

Identification of Children below School Age

For children who are not involved in the Connecticut Birth to Three System, including children under the age of 3, the District conducts on-going Child Find activities which include community screenings as well as individual child specific screenings to determine if a child requires further evaluation (and to determine the eligibility of children age 3 and above for special education and related services).

Through this process, children who may require special education services are referred to the Planning and Placement Team (PPT) for consideration for further evaluation. Parents and other referring parties may also contact the special education department to refer a child to a PPT.

Identification of School-Age Students (5-21 Years of Age)

Transfer Students

The principal or designee in each of our schools reviews the records of any new student transferring from another school system, whether transferring from a district within Connecticut or from out of state. If the records indicate the student has been identified as a student with a disability and requires special education and related services, the student, once enrolled, is provided a free appropriate public education including services comparable to those described on the student's Individualized Education Program (IEP). A Planning and Placement Team (PPT) meeting must be held at the earliest possible opportunity to review and revise, where appropriate, the student's IEP.

Currently Enrolled Students

Students attending Darien schools receive the ongoing attention of professional personnel to help support their successful learning. Students whose behavior, attendance (including truant behavior), or progress in school is considered unsatisfactory, at a marginal level of acceptance (i.e., potential drop-outs), or are suspended repeatedly, are promptly referred to a PPT with the school completing the District's standard referral and following procedures for notifying the parents (within five school days of the referral by completing the Notice of Referral to PPT). A PPT meeting is scheduled to discuss the referral concerns and to decide how the PPT will proceed. The PPT will review current data on the student and decide: (1) there is no reason to suspect the student may be a student with a disability and no further action needs to be taken; or

(2) the student may be a student with a disability and the PPT is able to determine the student's eligibility for special education and write an IEP based on the current data (including appropriate evaluations); or (3) the student may be a student with a disability and the PPT does not have enough data to determine eligibility or write an IEP and proposes the student be evaluated. For further information on the evaluation process, refer to the chapter entitled "Evaluation/Reevaluation."

Any student may be referred to a PPT at any time by a parent or guardian, as well as from a student's physician, clinic or social worker, provided the parent so permits, to determine the student's eligibility for special education and related services. See Referral Process below.

General Education Interventions

Before Darien personnel refer a student to a PPT, alternative procedures and programs in general education are explored and implemented where appropriate. Each school has a Child Study Team that provides a variety of alternative strategies to the teacher. Parents are encouraged to collaborate with the teacher and other involved staff during this time. Interventions in general education may include instructional or behavioral strategies that address the student's concerns.

Parents or school personnel may request assistance from the school's Child Study Team, which works collaboratively with the classroom teacher and parents to develop and document strategies that assist the student within the general education program. If the student's problems or difficulties persist, a prompt referral to a PPT is made.

Additionally, initiatives in general education programming such as Scientific Research-Based Interventions (SRBI) are designed to emphasize successful instruction for all students through the differentiation of instruction in the classroom. Differentiated instruction provides opportunity to maximize progress for all students in the classroom by addressing differences in student learning and adapting instruction and materials to meet their needs. SRBI emphasize high quality core general education practices, as well as targeted instruction for students experiencing learning, social-emotional or behavioral difficulties. (CSDE Overview of SRBI-2008)

SRBI are designed to ensure that all students in public school classrooms receive appropriate instruction by collecting critical information about the student's instructional strengths and needs and using this information to create effective, research-based instructional interventions in general education with frequent monitoring of student progress. The District is required to try interventions in the general education classroom as appropriate for the child before a referral is made for a special education evaluation. These interventions can range from less rigorous strategies to multi-tiered interventions. If the student's difficulties persist, a prompt referral to a PPT is made.

A parent may make a referral at any time for a special education evaluation regardless of where the District is in the intervention process. The District must hold a PPT meeting to consider any referral. The District will continue the general education interventions even though a referral for special education evaluation has been made.

SRBI are extensive, data-driven strategies, the comprehensive discussion of which is beyond the scope of this Manual. However, because general education interventions must be explored prior to referring a student to special education, District personnel are encouraged to review SRBI processes and procedures.

Referral Process

The Board of Education shall make available information, understandable to the general public, concerning the procedures for requesting an initial evaluation of a child to all parents and professional staff.

The written request for an evaluation of a child who is suspected of having a disability and may be in need of special education/related services can be made by:

- The student, 18 years or older
- A parent, guardian, or surrogate parent
- School personnel
- Any individual from other agencies (physician, social worker) to whom a parent has given permission to make a referral

A standard referral form is used to document all referrals to the Planning and Placement Team (PPT). This form is available at the Special Education Department located at the Central Office or in each of our schools. Concerned parents or staff may complete the form. Once completed, the form is given to the school-based Special Education and Student Services (SESS) Facilitator. The completion of this referral form initiates the PPT process. For purposes of determining if the evaluation timeline is met, the date of the referral is the day the District staff receive the referral, not the day the referral form is filled out by the District staff.

The parent is not required to submit the standard referral form for an initial evaluation. The District will accept a concern expressed in writing from the parent that the student be referred for an initial evaluation and will provide this to administrative personnel, which in turn will start the PPT referral process. Referrals from parents are to be accepted and processed in all cases where the parent clearly indicates a concern that the student may be a student with a disability and should be evaluated for special education and related services. If a parent makes a referral but does not complete the referral form, District personnel shall complete the referral form. A staff member in each building is available for parents or professional staff to contact regarding school policies and procedures concerning referrals.

Referrals to a PPT made on or after May 1st and prior to the last day of school shall be forwarded to the appropriate school-based SESS Facilitator, with a copy to the Assistant Superintendent for Special Education and Student Services. Referrals received after the last day of school and prior to the start of the following school year must be forwarded to the Assistant Superintendent for Special Education and Student Services to ensure compliance with applicable legal requirements.

Notification

Darien notifies parents and eligible students within five school days after the date of a referral to special education. The notice contains the following elements:

- Reason for notice
- Source of the referral
- Date of referral
- A statement of parental rights to review and obtain copies of all records used as a basis for the referral, to be fully informed of all evaluation results, and to obtain an independent educational evaluation (IEE) if they disagree with the school's evaluation.

- Description of the general evaluation procedure to be used
- Requirements for consent

A full explanation of all procedural safeguards available to the parent or eligible student is sent with the referral notice. The notice must be in writing in a language understandable to the general public and in the dominant language or other mode of communication used by the parents, unless doing so is clearly not feasible. If the dominant language (or other mode of communication) of the parent is not written, the District shall ensure first, that the notice is translated orally or by other means in the dominant language or other mode of communication of the parents, and second, that the information is clearly presented and understood by the parents. There shall be written evidence that these two steps have been taken.

Eligibility

Disabilities

A critical role of the Planning and Placement Team (PPT) is to review the information gathered and determine whether a student is eligible for special education by reason of a disability. For a student to be eligible for special education in the public schools, he/she must meet the following criteria:

- The student must be between the ages of 3 to 21
- The student must have one or more of the disabilities listed and defined under the Individuals with Disabilities Education Act (IDEA), which include the following:
  - Autism
  - Deaf-Blindness
  - Developmental delay (for 3-5 year olds inclusive)
  - Emotional Disturbance
  - Hearing Impairment (Deaf or Hard of Hearing)
  - Intellectual Disability (Note: Connecticut uses this term)
  - Multiple Disabilities
  - Orthopedic Impairment
  - Other Health Impairment
  - Specific Learning Disability
  - Speech or Language Impairment
  - Traumatic Brain Injury
  - Visual Impairment; and
- The disability must adversely affect the child's educational performance; and
- Because of the disability and the adverse impact on educational performance, the student requires special education and related services in order to help the student access the general education curriculum and to benefit from instruction.

Students Placed in Private Schools by Their Parents

Children with disabilities who are placed by their parents in private schools do not have an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in the public schools. The school district in which the private school is located is responsible for providing a proportionate share of federally funded services. Specific and detailed information regarding this area is located in the chapter: "Students Participating in Private/Religious Schools."

Gifted and Talented

In Connecticut, districts are required to identify and evaluate students who may be gifted or talented. The identification and evaluation of students who may be gifted or talented is included in the special education services provided to students enrolled in public schools in Connecticut. It is not a requirement found in the IDEA.

Students in grades Kindergarten-12 enrolled in public schools in Darien who may be gifted and talented are identified, referred and evaluated through a specific process. While identification is mandated under state law, programming is permissive. Darien does provide services to those students identified as gifted and talented.

"Gifted and talented" means a child identified by the Planning and Placement Team (PPT) as (1) possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative, or specific academic capability and (2) needing differentiated instruction or services beyond those being provided in the regular school program in order to realize their intellectual, creative, or specific academic potential. The term includes children with extraordinary learning ability and children with outstanding talent in the creative arts as defined by these regulations.

"Extraordinary learning ability" means a child identified by the PPT as gifted and talented on the basis of either performance on relevant standardized measuring instruments, or demonstrated or potential achievement or intellectual creativity or both.

"Outstanding talent in the creative arts" means a child identified by the PPT as gifted and talented on the basis of demonstrated or potential achievement in music, the visual arts, or the performing arts.

A district may identify up to 10 percent of its total school population for the district as gifted and talented.

Procedures for Identification of Gifted and Talented

The parents must be notified in writing that a referral to the Planning and Placement Team (PPT) has been made to determine a child's identification as gifted and talented. A PPT, for the purpose of identifying and evaluating students who may be gifted and talented, is a group of certified or licensed professionals who represent each of the teaching, administrative, and pupil personnel staffs and who participate equally in the decision-making process. These are persons knowledgeable in the areas necessary to identify and evaluate students to determine if they are gifted and talented.

The PPT must process the referral for an evaluation. The PPT may review existing data to determine if the student may be identified as gifted and talented. If the PPT determines that sufficient information exists to determine eligibility, further evaluation is not necessary. The parents may challenge the refusal of the PPT to find a student gifted and talented by requesting due process, discussed further below.

Steps in the Process of the Identification of Gifted and Talented Students

1. Parents must be notified in writing when the student is referred to the PPT for a consideration of identification of gifted and talented and, after the PPT has reviewed the assessment

information, notified in writing if the student has met the criteria for identification as gifted and talented.

2. If the District recommends further evaluations and uses an individual assessment procedure (e.g., an individual intelligence test), certain procedural safeguards must be followed. Individual assessment requires proper notice and informed consent. Parents are notified that their child has been referred for evaluation and written consent for the evaluation must be obtained. Parents are informed of the results of the evaluation and informed whether or not the child has been identified as gifted and talented.
3. If group assessment procedures are used to identify gifted and talented students, consent to perform such assessments may not be required. Group assessments (e.g. achievement tests) given to all students within a district are nonspecific and, therefore consent is not required. If a group of students is to be evaluated specifically to determine identification as gifted and talented, notice and consent are required.
4. If a school district uses individualized assessment procedures, an individual PPT meeting may be held with the parents to discuss eligibility. However, Connecticut law does not require districts to hold individual PPTs with parents, since an IEP will not be developed. For purposes of determining eligibility where either individual and/or group assessments are used, it is acceptable for the PPT to review student assessment data and to identify a group of gifted and talented students during a single meeting.
5. Parents have the right to review and inspect any educational records related to their child. This includes records related to the determination of a child's identification as gifted and talented.
6. If at any time in the evaluation process the parents disagree with the decisions of the PPT, the parents have the right to challenge those decisions. For example, if the parents disagree with the District's refusal to evaluate the child, the parents may request either mediation or due process hearing to challenge this refusal. If the PPT determines the child is not gifted and talented, the parents may challenge this determination by requesting either mediation or a hearing.

Programming for Identified Gifted Students in Darien

While not mandated by state or federal laws, Darien chooses to provide programming for students who are identified as intellectually gifted in grades one through nine in a program called the "Idea Program." Elementary level students meet in small groups for approximately 90 minutes per week. Scheduled classes permit students in the middle school and grade nine to continue participation in the program.

Student goals for the "Idea Program" include:

- To foster individual awareness of and respect for intellectual potential
- To emphasize the role of personal responsibility and commitment to the development of potential
- To provide challenging opportunities for learning and exchange with intellectual peers

Student learning objectives for the program include:

1. To encourage knowledge and understanding of every individual's strengths and limitations
2. To develop an awareness of the need to relate well to others
3. To contribute to the development of a positive self-image
4. To develop divergent and creative thinking skills
5. To help develop research and independent study skills

6. To experiment with and use diverse methods of communicating independent research and ideas
7. To encourage and develop critical and evaluative thinking skills
8. To provide an opportunity for exchange, work, and interaction with an intellectual peer group
9. To develop an understanding of individual perspective in human relations
10. To support emotional and social growth
11. To develop an appreciation of an opportunity for flexible, innovative thinking and an understanding of society's resistance to change and innovation

The provision of programs and services to students identified as gifted and talented is optional. If the parent disagrees with the program or services being provided, there is no right for the parent to challenge the program or services offered.

CHAPTER TWO: CONFIDENTIALITY

General Information

Darien maintains education records of students requiring special education and related services. Additionally, Darien maintains strict confidentiality of these education records and other personally identifiable information at collection, storage, disclosure, and destruction stages of handling. Parents and other appropriate persons are given access to records in accordance with federal and state law.

Darien establishes and implements policies and procedures that ensure that records are classified, filed, protected, kept confidential, reviewed, and when appropriate, destroyed according to the IDEA, the Family Educational Rights and Privacy Act (FERPA), the state regulations concerning special education and the state Records Retention Schedule for education records maintained by public school districts. The Connecticut Public Record Administrator, located in the State Library, produces the Records Retention Schedule. Parents of students receiving special education and related services are notified annually of the policies and procedures concerning education records in the *Special Education Procedural Safeguards* provided to parents. Written policies and procedures concerning education records are also available to the public in the Superintendent's Office.

FERPA is a federal law that protects the privacy of students and parents by restricting access to, and protecting the confidentiality of, education records. FERPA defines specific rights of parents and students who are 18 years or older regarding their access to, and the confidentiality of, education records. FERPA contains requirements for the District to follow to ensure that the confidentiality of student records are maintained and that only authorized individuals have access to them. FERPA applies to public schools and other education agencies that receive federal funds.

The IDEA contains specific references to FERPA in regard to how the District should maintain education records. There are additional requirements for the release of special education records found in the IDEA that will be addressed later in this Manual.

Student health information, including but not limited to records of the school nurse, occupational or physical therapist or speech pathologist, and health information that outside health care providers have provided to the District, are considered "education records" covered by FERPA; thus, FERPA obligations apply to maintaining the confidentiality of these records. The Health Insurance Portability and Accountability Act (HIPAA) generally does not apply to records maintained by the District.

Education Records

"Education records" means those records directly related to a student and maintained by the District or by a party acting for the District. Education records to which the IDEA confidentiality provisions of FERPA apply may include any records, files, documents, and other materials that are maintained in writing, found in computer memory banks, video or audio tape, film, microfilm and microfiche by the District or by a party acting for the District.

"Destruction" means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

"Personally identifiable" means information that includes:

1. The student's name, name of the parent, or the name of another family member;
2. The student's address;
3. A personal identifier, such as the student's Social Security number or student number; or
4. A list of personal characteristics or other information that would make it possible to identify the student with reasonable clarity.

Custodian of Records

The custodian of records ensures that all individuals who collect or use personally identifiable information receive training regarding the policies and procedures outlined in the IDEA and FERPA, as well as in District procedures concerning education records. The District has designated one official in each school building who is responsible for ensuring the confidentiality of any personally identifiable information.

Release of Confidential Information

Parents have the right to access the education records of their children. There are other situations when individuals other than the parent may have access to a student's education records. FERPA requires that parental consent be secured for the release of (or access to) student education records. However, there is an extensive list of individuals, groups or governmental entities to whom education records may be released without the District first securing parental consent.

Parent Consent to Release Education Records

The District protects the confidentiality of personally identifiable information at all stages of handling; this includes collection, storage, disclosure, and destruction of information. The District obtains parental consent before a student's education records are disclosed to anyone, except where consent is not required under the FERPA. Exceptions to the consent requirement are explained more thoroughly in the next section.

The District does not release information from student education records to other providers of special education and related services without parental consent unless authorized to do so under federal and state law. The IDEA specifically requires the District to secure parental consent or the consent of an eligible student, before student education records may be released to officials of participating agencies providing or paying for secondary transition services in a student's IEP. In addition, if a student is enrolled, or going to enroll, in a private school that is not located in Darien, parental consent must be obtained before education records are released between the District where the private school is located and Darien school officials. Parental consent must always be obtained before the District may provide education records to any private school.

Conditions When Prior Consent Is Not Required to Disclose Information

In accordance with FERPA and Section 10-220h of Connecticut General Statutes, the District may disclose personally identifiable information from a student's education record without the consent of the parent or eligible student for a variety of reasons. A complete list of the conditions when prior consent is not required can be found in the FERPA Regulations, 34 CFR 99.31, which is included in the Resources at the end of this Chapter. The most common exceptions to the parental consent requirement used within the District are when disclosure is:

1. To school officials, including teachers, within the District and consultants with whom the District contracts who have been determined by the District to have a legitimate educational interest to view the student education record. The Darien Board of Education has defined "legitimate educational interest" to mean the need for a school official to review an education record in order to fulfill his or her professional responsibility. See Board of Education policy #5265.
2. To officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents or eligible student be notified of the transfer at the same time that Darien transfers the records; that they receive a copy of the record if desired; and that they have an opportunity to challenge the content of the record. When the new school informs the District in writing that the student is enrolled, Darien will transfer the record no later than 10 calendar days after receipt of the written notification.

   Section 10-220h of the Connecticut General Statues requires the transfer of records under the following conditions: ("Days" refers to calendar days, unless otherwise specified.)

   a. When a student enrolls in a school in a new school district or in a new state charter school, the new school district or new state charter school shall provide written notification of such enrollment to the school district in which the student previously attended school or the state charter school. The school district in which the student previously attended school or the state charter school that the student previously attended (1) shall transfer the student's education records to the new school district or new state charter school no later than 10 days after receipt of such notification, and (2) if the student's parent or guardian did not give written authorization for the transfer of such records, shall send notification of the transfer to the parent or guardian at the same time it transfers the records.
   b. In the case of a student who transfers from Unified School District #1, the new school district or new state charter school shall provide written notification of such enrollment to Unified School District #1 not later than 10 days after the date of enrollment, the unified school district shall, not later than 10days after receipt of notification of enrollment from the new school district or new state charter school, transfer the records of the student to the new school district or new state charter school and the new school district or new state charter school shall, not later than 30 days after receiving the student's education records, credit the student for all instruction received in Unified School District #1.
4. To authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of Education; or State or Local Educational Authorities, under certain conditions as described below. Darien will provide such authorized representatives access to student or other records, which may be necessary in connection with the audit, evaluation, or enforcement of state and federally supported education programs. Darien

will not permit such representatives to collect personally identifiable data unless specifically authorized to do so by state and federal law.

5. In connection with a student's application for, or receipt of, financial aid;
6. To parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986;
7. In connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. There must be a rational basis for the determination that a health or safety emergency exists.
8. To comply with a judicial order or lawfully issued subpoena provided that the District makes a reasonable effort to notify the parent or the eligible student in advance of compliance;
9. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests or student aid programs, and improving instruction;
10. Of student education records that meets the definition of "directory information" as that term is defined in FERPA; and
11. To the parent of a student who is not an eligible student or to the eligible student.

Several of the disclosures permitted without first securing the consent of the parent or the eligible student have detailed requirements to meet before the student's education record may be released. It is critical that any District personnel charged with the responsibility of releasing student education records ensure the release is completely in accordance with the FERPA requirements. The specific section in the FERPA regulations that addresses release of information without the consent of the parent or eligible student is 34 CFR 99.31. Please refer to this section and ensure that all requirements are met before records are released. District personnel with any questions about the release of confidential information should consult with the Custodian of Records in his or her school building.

In addition to the FERPA regulations, the FERPA statute was amended in "The Uninterrupted Scholars Act" signed into law by the President in January 2013. The amendment to the FERPA statute provides the Department of Children and Families, which is the child welfare agency in Connecticut, direct access to children's education records. DCF workers will be able to access educational records in a timely fashion to ensure children in their care are immediately and appropriately enrolled in school and receive the supports and interventions they need for educational success. This amendment also eliminates the need for duplicative notice to parents and the resulting delays in transferring student's educational records.

When the District reports the commission of a crime by a student with a disability to the appropriate authorities, the District transmits copies of the special education and disciplinary records of the student for consideration by the authorities to whom the crime is reported to the extent allowed by the Family Educational Rights and Privacy Act (FERPA), which may require parental consent before the records are provided.

Record of Access

The District maintains a record of the parties that have accessed a student's education record. With the exception of parents and authorized employees of Darien, everyone who reviews a student's educational record is documented in the record of access. The record of access includes the name of the party having access, the date access was given, and the purpose for which the party was authorized to use the records.

Disciplinary Information

Sections 10-233c and 10-233d of the Connecticut General Statutes concerning suspension and expulsion require that notice of the suspension or expulsion and the conduct for which the student was suspended or expelled must be included on the student's cumulative record.

Darien includes in the records of a student with a disability a statement of any current or previous disciplinary action that was taken against the student. Darien includes this statement to the same extent that this information is included in a nondisabled student's records as is required by Section 10-233c and 10-233d. The statement may include a description of the disciplinary action taken and any other information relevant to the safety of the student and other individuals involved with the student. If the student transfers from one school to another, the transmission of any of the student's records must include current and previous disciplinary action that has been taken against the student.

"No Child Left Behind" (NCLB) requires that States have in place procedures to facilitate the transfer of disciplinary records relating to a suspension or expulsion to any private or public elementary or secondary school in which the student is subsequently enrolled, seeks to, intends to, or is instructed to enroll. This is accomplished in Connecticut by including notice of the suspension or expulsion on the student's cumulative record and allowing the transfer of records without parental consent, which would include the transfer of disciplinary records, See the discussion on Section 10-220h above.

When the District initiates disciplinary procedures applicable to all students, the District ensures that the special education and disciplinary records of the student with a disability are transmitted for consideration to the person or persons making the final determination regarding the disciplinary action.

Referral to and Action by Law Enforcement and Judicial Authorities

The District reports criminal acts committed by a student with a disability as it does crimes committed by students without disabilities. When the District reports a crime committed by a student with a disability to the appropriate authorities, the District transmits copies of the special education and disciplinary records of the student for consideration by the authorities to whom the crime is reported to the extent allowed by the Family Educational Rights and Privacy Act (FERPA), which may require parental consent before the records are provided.

Parental Rights

Parental Inspection and Review of Educational Records

Parents (including eligible students and surrogate parents) have the right to inspect and review all education records pertaining to their child that are collected, maintained, or used by the District. The District presumes the parent has the authority to inspect and review records relating to their child unless

it has been advised the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

A parental request to review and inspect education records must be in writing. The District shall comply with a request to review and inspect the child's education records without unnecessary delay and before any meeting regarding an IEP or any due process hearing or resolution session held in accordance with the IDEA; otherwise, the District shall comply with such request not later than 10 school days of such request. A representative of the parent may inspect and review the records, so long as the parent has signed consent for such representative to review the records. The District will provide to parents an explanation and an interpretation of their child's records upon parental request. The District provides to parents, upon request, a list of the types and locations of education records collected, maintained, or used by the District.

Cost for Records or Search and Retrieval

In Connecticut, the right to review and inspect student records includes the right to one free copy of the records for students eligible for special education and related services or awaiting an eligibility determination. Parents are required to submit a written request for copies of records; the District must comply with the request for a copy of the records not later than 10 school days of the request. The District may charge for additional copies if the fee does not effectively prevent parents from exercising their right to inspect and review the records. The District does not charge parents a fee to search for or to retrieve the educational records of a special education student.

NOTE: While test instruments are considered education records, any test instrument or portion of a test instrument for which the test manufacturer asserts an ownership or copyright interest may not be copied, although they may be reviewed and inspected by parents. The District must respond to reasonable requests from the parent for explanations and interpretations of the student's education record, which may include reviewing copyrighted testing instruments.

Limitations of Parents' Rights of Inspection and Review

Review and inspection of student records is restricted to information concerning the parent's own child. If a student education record includes the names of more than one student, the parents of that student have the right to view information pertinent only to their child, or to be informed of that specific information.

Rights of Eligible Students

A student who has attained 18 years of age, an emancipated minor, or a student who is attending a post-secondary education institution has the right of access to his/her educational records, is afforded the right to privacy concerning the education records and is entitled to have the District maintain the confidentiality of the student's education records.

The rights of parents regarding educational records under FERPA are transferred to the student at age 18 or when the student is attending a postsecondary institution. Likewise, the rights given to parents under IDEA Part B are also transferred to a student who reaches age 18. When a student with a disability

reaches age 18 (this includes those students incarcerated in an adult or juvenile, state or local correctional institution, but excludes those who have been determined to be incompetent under State law) the District does the following:

- Provides all required notices to both the student and the parents;
- Transfers to the student all other rights accorded to the parents under IDEA Part B;
- Notifies the student and the parents of the transfer of rights; and
- Transfers the rights regarding education records to the student.

Surrogate Parent

The rights of a student are protected by the appointment of a surrogate parent in the following circumstances:

- When the student requires or may require special education or when the student who required special education no longer requires such education but requires or may require services under Section 504 of the Rehabilitation Act of 1973; **and**
- When the parent cannot be identified after the District has made reasonable efforts to discover their whereabouts; or
- When the student is under the guardianship of the Commissioner of the Department of Children and Families; or
- When the Commissioner of the Department of Children and Families is the student's statutory parent; or
- When the student is an unaccompanied homeless youth as defined by the McKinney Vento Homeless Assistance Act.

The surrogate parent has legal rights afforded to parents or guardians with respect to special education and related services. The surrogate parent represents the student in all matters relating to the identification, evaluation, and educational placement and the provision of a free appropriate public education (FAPE) to the student. In the above instances, notice to the District that the student may need the appointment of a surrogate parent by the CSDE is issued from the Department of Children and Families (DCF) if they have been involved in the student's placement. The District will request from the CSDE the assignment of a surrogate parent. It's important to remember that when a student is involved with DCF, multiple individuals may be attending the student's PPT meeting, including the student's parents. Once a surrogate parent is appointed, the surrogate parent has the sole authority to make decisions regarding the student's education.

Amendment of Student Records

In accordance with Darien Board of Education Policy 5265, Confidentiality and Access to Education Records, parents or eligible students may request in writing that the District amend the student's or their own (if the student is over 18 years of age) education record if they believe that information in the education record is inaccurate, misleading, or violates the privacy rights of the student. Board Policy 5265, which is included as Appendix C, outlines the process and procedure for review of requests for amendment and hearing rights in accordance with the FERPA.

Record Maintenance and Destruction of Records

The District's special education department notifies parents or eligible students when personally identifiable information, which was collected, maintained, or used under IDEA, is no longer relevant to the provision of educational services to a student and the District plans to destroy the information. Records are no longer relevant to the provision of educational services to a student when the minimum retention period as recommended by the State of Connecticut is achieved. (See Municipal Records Schedule for Educational Records (Schedule M8) at http://www.ctstatelibrary.org/sites/default/files/publicrecords/M8.pdf). Before destroying the information, the District requests permission from the state to destroy the records, notifies parents and eligible students of the planned destruction of records, and reminds parents that they or their child may need the information for Social Security benefits or other purposes in the future, such as securing services from an adult service provider.

Parents may also request that the records be destroyed if the minimum required retention period for the particular record has lapsed. The record must be maintained for the minimum state retention period. The District is required to keep a permanent record of a student's name, address, and phone number, his or her transcripts, attendance record, classes attended, grade level completed, and year completed. Those records may be maintained without time limitation. Note: The state Record Retention Schedule sets a 50-year minimum retention period for these types of records; however, the District may maintain these records for a longer period if it so chooses. If there is an outstanding request to inspect the records, the records to be inspected will not be destroyed until that request is satisfied.

Records of students placed by the District in regional education service centers (RESCS) and approved private special education programs are education records. Therefore, retention and destruction of this information is the obligation of the District. Darien notifies parents/guardians of the location of records that are maintained by these agencies and parents have access to the copy.

District personnel with questions or concerns regarding about destroying or discarding educational records should consult with their school-based Special Education and Student Services (SESS) Facilitator.

CHAPTER THREE: WRITTEN NOTICE, PRIOR WRITTEN NOTICE (PWN) AND PARENTAL CONSENT

Written Notice–General Background

Parents and eligible students are provided written notices at specific points throughout the special education process. Students age 18 or older who have not been determined to be incompetent under state law are referred to as (an) "eligible student(s)." As used in this chapter, "parent" includes the term "eligible student."

The activities or events that require the District to provide written notice to the parents are identified in the IDEA and Connecticut regulations. For example, written invitations to PPT meetings and notification of a referral to special education are events that require notice to parents.

Further, Parents must be provided with a full explanation of the procedural safeguards available under the IDEA and the Connecticut regulations at certain designated times. A copy of the safeguards must be given to the parents one time each year and also when the following occurs:

- The parent or the school district asks for an evaluation for the first time.
- The parent asks for a copy of the procedural safeguards.
- The parent requests a due process hearing or files a state complaint for the first time in the school year.
- A decision is made to take a disciplinary action against the student that is a change in placement.

The District offers parents the option of receiving documents by electronic mail, including: Prior Written Notice (PWN), Procedural Safeguards Notice and notices related to a due process hearing.

Transfer of Rights When a Student is 18

Darien sends all required notices to both the eligible student and the parent when a student reaches age 18. The District notifies both the parent and the eligible student of this transfer of rights. The transfer of rights to the student may not occur if the student is determined incapacitated by a court, if the student has authorized another adult to make educational decisions using a power of attorney issued by a court, or if the student has provided in writing that the parent shall continue to make all educational decisions. In addition, if a student age 18 or older has not been determined to be incapacitated by a court, the student may be certified as unable to provide informed consent and make educational decisions, and an educational representative may be appointed by the Darien Board of Education. In this case, the notice goes to the Educational Representative.

Communication of Written Notice

Darien communicates all written notices in a language understandable to the general public. Notice is 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 is not a written

language, Darien will take steps to ensure that there is written evidence that the notice is translated orally or by other means to the parent and that the parent understands the content of the notice.

Prior Written Notice (PWN)

PWN is a document that the District provides to the parent after a PPT meeting. This document serves to notify the parent, in writing, not later than 10 school days before Darien proposes to or refuses to initiate or change the student's identification, evaluation or educational placement or the provision of a free appropriate public education ("FAPE") to the student. PWN may be provided to the parent at the PPT meeting and the parent and the District may agree that the proposed action may be implemented immediately or a time less than 10 school days.

Graduation from high school with a regular high school diploma is considered a change in placement. Because such graduation is considered a change in placement, PWN must be provided before the student graduates. The term "regular high school diploma" does not include alternative degrees such as certificates of attendance or completion of a general educational development credential (GED).

The PWN will have the following information: [Page 3 of ED 620]

- Description of the action proposed or refused by the PPT;
- Explanation of why the PPT proposes or refuses to take the action;
- Description of any options the PPT considered and the reasons those options were rejected;
- Description of each evaluation procedure, test, record, or report Darien used as a basis for the proposal or refusal;
- Description of any other factors relevant to the PPT's proposal or refusal; and
- Statement that a parent or eligible student has the right to protection under procedural safeguards. If this notice is not an initial referral, PWN will include a description of how the procedural safeguards can be obtained. The PWN will include sources to contact for help in understanding the provisions of IDEA.

The PWN is provided in a language understandable to the general public and 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 is not a written language, the District will take steps to ensure that there is written evidence that the notice is translated orally or by other means to the parent and that the parent understands the content of the notice.

Additional Situations Requiring Notice

In addition to the above information, the IDEA requires notice be given to the parents for a disciplinary removal from school or classes that results in a change of placement. This is not Prior Written Notice (PWN) as described above and as mentioned earlier. The notice of a disciplinary action which results in a change in placement for the student must be accompanied by a copy of the Procedural Safeguards document.

The Connecticut regulations also require that notice be given to parents and eligible students in other situations in the special education process as described below. This notice is not PWN as described above, but for each situation that requires notice, there is a set of required components.

Referral

The District notifies parents and eligible students in writing no later than five school days after the date of a referral to special education. The notice contains the following elements:

- Reason for notice
- Source of the referral for special education
- Date of the referral
- Statement of parental or eligible student's rights to view and obtain copies of all records used as a basis for referral

A full explanation of all procedural safeguards available to the parent is sent with the referral notice.

Convening of a PPT Meeting [ED 623]

At least five school days prior to a meeting to develop, review or revise a student's Individualized Education Program (IEP), the parent is advised in writing, in her or his native language, of the right to participate as a member of the PPT.

The elements of the notice include:

- The purpose for the PPT meeting;
- A time and location of the meeting with a statement that the meeting can be rescheduled at a mutually agreed upon time and place;
- Who will be in attendance and who will be invited to the meeting; and
- An indication that parents or eligible students can bring anyone of their choosing to the meeting.

If the purpose of the PPT is to develop transition goals and objectives as part of the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the PPT, the notice of the PPT indicates:

- The purpose of the meeting;
- That the student is invited;
- Identification of any other agency that will be invited to send a representative with the written consent of the parent (also see chapter five, page two); and
- All other PPT meeting notice elements listed above.

Notice and Consent to Conduct an Initial Evaluation [ED 625]

The notice to secure (original) consent for an initial evaluation includes the elements of PWN and the following elements:

- The reason for notice;
- A description of each evaluation procedure, test, record or report to be given or created;

- A statement that parents or eligible students have the right to obtain an independent evaluation as part of the evaluation process;
- A statement that parents or eligible students have the right to refuse consent and that, if given, consent may be revoked at any time;
- A statement that if parents or eligible students contest the evaluation through due process procedures, the student's current educational placement will not change until due process procedures have been completed;
- A statement that failure to respond within 10 school days from the date of the consent notice shall be construed as refusal of consent;
- An indication that a copy of the procedural safeguards document is included with the notice; and
- An indication that parents or eligible students will receive a copy of the evaluation report and documentation of determination of eligibility.

Notice and Consent to Conduct a Reevaluation [ED 627]

In addition to the elements of PWN, the reevaluation notice must include:

- The reason for notice;
- A description of each evaluation procedure, test, record, or report to be given or created;
- A statement that parents or eligible students have the right to obtain an independent evaluation as part of the evaluation process;
- A statement that parents or eligible students have the right to refuse consent and that, if consent is given, it may be revoked at any time;
- A statement that if parents or eligible students contest the reevaluation through due process procedures, the student's current educational placement will not change until due process procedures have been completed;
- An indication that parents or eligible students will receive a copy of the evaluation report and documentation of determination of eligibility.

Parents and eligible students are notified when no additional data is needed for reevaluation and they are informed of that decision, the reasons for it, and their rights to request an assessment to determine whether the student continues to be a student eligible for special education.

Disciplinary Situations That Result in a Change in Placement

In disciplinary situations, parents are notified no later than the date on which a decision is made to take an action that may or will result in one or more of the following, which constitutes a change in placement that requires notification to the parent:

- The student will be placed in an appropriate interim alternative educational setting for reasons of weapons, drugs, or serious bodily injury (see "Discipline" Chapter).
- A hearing officer has ordered a change in the placement of a student to an appropriate interim alternative setting.
- The student will be removed from school for a period of time that would be considered a change in placement.

In addition to required notice, parents are also provided a copy of procedural safeguards in cases of disciplinary removals.

Timelines for Prior Written Notice (PWN)

The District provides parents and eligible students with written notice 10 school days before the PPT proposes to, or refuses to, initiate or change the identification, evaluation or educational placement of the student or the provision of FAPE to the student. The written notice that is required explains the decisions of the PPT and is provided after the PPT meeting at which the PPT proposes to, or refuses to, initiate or change the student's identification, evaluation, or educational placement, or the provision of FAPE to the student and before the District changes or refuses to change the student's identification, evaluation, or educational placement or the provision of FAPE.

There are two options for providing PWN to parents. The first option is to give the PWN at the PPT meeting. The PPT, which includes the parents, may agree on an implementation date for the actions being proposed by the PPT; such agreement must be noted on page two of the IEP and the agreed-upon implementation date must be noted on the PWN. The CSDE recommends that districts use this first option in providing parents with PWN.

The second option is for the District to send the PWN with the IEP, which must be sent within five school days after the PPT meeting where the action was discussed. As with the first option, the team and the parents may agree to an implementation date, which agreement must be noted on page two of the IEP. If there is no agreement, the date for the implementation of the IEP is 10 school days from the date the PWN was provided to parents, which is likely 15 school days after the PPT. Adherence to these timelines is mandatory.

Informed Parental Consent

In accordance with IDEA, Darien requires informed parental (or eligible student) consent prior to an initial evaluation, reevaluation, and an initial provision of special education services and release of confidential educational records under specific conditions (see Confidentiality).

Informed Consent means that the parent (or eligible student):

- has been fully informed of all information relevant to the activity for which consent is sought. This information is given to the parent or eligible student in his or her native language, or other mode of communication unless it is clearly not feasible to do so;
- understands and agrees in writing to the carrying out of the activity for which her or his consent is sought. The consent describes that activity and lists the records (if any) that will be released and to whom they will be released; and
- understands that the granting of consent is voluntary and may be revoked at any time.

Obtaining Parental Consent

In Darien, parental (or eligible student) consent is obtained prior to an initial evaluation and reevaluation and the initial provision of special education services. Consent for initial evaluation is not construed as consent for initial provision of special education services.

Parents (or eligible students) may not object to the inclusion in an initial evaluation or reevaluation of the following:

- review of existing data, or
- testing or other evaluation that is administered to all students, unless before administering that test or evaluation, consent is required of parents of all students.

Under the state regulations, if the parent does not respond to the request for written consent within 10 school days, the parent has effectively refused to give consent for the initial evaluation, reevaluation or initial receipt of special education services. The District must make reasonable efforts to secure parental consent for the initial evaluation, reevaluation, or initial receipt of services and document all attempts it makes to secure parental consent for the initial evaluation, reevaluation, or initial receipt of services. Documentation of attempts could include the following activities:

- detailed records of telephone calls made or attempted and the results of these calls;
- copies of correspondence sent to the parents (or eligible student) and any responses received; and
- detailed records of visits made to the parent's (or eligible student's) home or place of employment and the results of those visits.

If the parent refuses consent, the District may, but is not required to, pursue due process to conduct the initial evaluation or reevaluation without parental consent.

Parental Refusal for Consent or Withdrawal of Consent

If a parent (or eligible student) revokes consent, that revocation is not retroactive. Therefore, it does not negate an action that has occurred after consent was given and before consent was revoked.

The District does not use a parent's (or eligible student's) refusal to consent to one service or activity to deny the parent or student any other service, benefit or activity in the District.

If a parent (or eligible student) refuses or withdraws consent in the case of an initial evaluation or reevaluation, the District may continue to pursue these PPT decisions by using due process, including mediation. If a hearing officer upholds the PPT decisions, the District may evaluate or reevaluate without parental consent.

If a parent (or eligible student) refuses consent or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the District is prohibited from using due process, including mediation, in order to obtain agreement or a ruling that the services may be provided to the student.

If the District recommends a private placement for the student and the parent disagrees, the student will be placed in the private placement unless the parent files for a due process hearing, or the District and the parent agree to some other placement pending due process. Under the recent revisions to the state regulations, parental consent for a private placement is no longer needed.

Consent Forms

All consent forms in Darien include:

- A statement of parents' (or eligible student's) right to refuse consent and that, if given, it may be revoked at any time;
- A statement that parental (or eligible student's) failure to respond within 10 school days from the date of the notice shall be construed as refusal of consent (not applicable to reevaluation); and
- A statement that, if contested, a student's current educational placement will not change until due process procedures have been completed.

Procedural Safeguards

The CT State Department of Education's procedural safeguard document provided to parents (or eligible students) includes the following:

- Evaluation of a child by a person who does not work for the Darien Public Schools. This is called an Independent Educational Evaluation (IEE)
- Giving the parent a copy in writing of what the school is proposing or refusing to do about a child's program (prior written notice – PWN)
- Getting parent permission before the school administers evaluations or provides special education services to a child
- Inspecting, reviewing, and obtaining a copy of a child's educational record
- Due process hearings
- Advisory opinions
- A child's program during the pendency of a due process hearing
- Procedures when disciplining a child with a disability
- Steps a parent must follow if a parent places a child in a private school and expects the school to pay
- Mediations
- Expedited due process hearings
- Bringing a case to court
- Attorneys' fees
- State complaints
- The difference between due process hearings and state complaints
- Electronic Mail

Communication of Procedural Safeguards

The procedural safeguards available to parents (or eligible students) is provided in the native language of the parent (or eligible student) or other mode of communication used by the parent (or eligible student) unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent (or eligible student) is not a written language, Darien takes steps to ensure that the procedural safeguards are translated orally or by other means to the parent (or eligible student) in his or her native language or other mode of communication that the parent (or eligible student) understands.

Darien ensures that the parent (or eligible student) understands the content of the procedural safeguards and that there is written evidence that these requirements have been met.

Parental Notification / Laws Relating to the Use of Seclusion and Restraint

Darien is required by state statute to inform parents about provisions of the state statutes and regulations regarding the emergency use of physical restraint and seclusion or the use of seclusion as a behavior intervention in a child's IEP. Every parent must be advised of these rights at the initial PPT meeting held for their child even if the emergency use of physical restraint or seclusion, or the use of seclusion as a behavior intervention in a child's IEP, is not likely to occur with their child.

CHAPTER FOUR: EVALUATION AND REEVALUATION

Background

Darien uses procedures to ensure that proper identification of students with disabilities occurs through the implementation of sound evaluation practices. Evaluation in this context means the procedures that Darien uses to determine whether a student meets the criteria for identification as a student with a disability and whether a student is eligible for special education and related services. Evaluation also provides information to the Planning and Placement Team (PPT) that allows the team to determine the nature and extent of the special education and related services to provide to the student in order for the student to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE).

If the District suspects that the student may have a disability requiring special education and related services, a full and individual initial evaluation is conducted before any action is taken with respect to the student's initial receipt of special education and related services.

The procedures for collecting and reviewing evaluative data for a reevaluation are the same as those used for the initial evaluation. A reevaluation is conducted if conditions warrant, or if a student's parent or teacher requests a reevaluation. In any event, a reevaluation must be conducted at least once every three years to determine the student's continuing eligibility for special education and the nature of the services to be provided, unless the parent and the District agree that it is unnecessary. In addition, a reevaluation will not be conducted more frequently than once a year unless the parent and the District agree otherwise.

Process

Pre-Referral: General Education Interventions Process

Before Darien personnel refer a student to a PPT, alternative procedures and programs in general education are explored and implemented where appropriate. Each school has a Child Study Team that provides a variety of alternative strategies to the teacher. Interventions in general education may include instructional or behavioral strategies that address the student's concerns. Parental consent is not required for general education interventions.

Parents or school personnel may request assistance from the school's Child Study Team, which works collaboratively with the classroom teacher and parents to develop and document strategies that assist the student within the general education program. If the student's problems or difficulties persist, a prompt referral to a PPT is made.

Multi-tiered Intervention Process

Additionally, initiatives in general education programming such as Scientific Research-Based Interventions (SRBI) are designed to emphasize successful instruction for all students through the differentiation of instruction in the classroom. Differentiated instruction provides opportunity to maximize progress for all students in the classroom by addressing differences in student learning and adapting instruction and materials to meet their needs. SRBI emphasizes high quality core general education practices, as well as targeted instruction for students experiencing learning, social-emotional or behavioral difficulties. (CSDE Overview of SRBI-2008)

There is no requirement for parents to consent to SRBI because it is part of the general education program at every school.

SRBI are designed to ensure that all students attending the Darien Public Schools receive appropriate instruction by collecting critical information about the student's instructional strengths and needs and using this information to create effective, research-based instructional interventions in general education with frequent monitoring of student progress. The district is required to try interventions in the general education curriculum before a referral is made for special education evaluation. If the student's difficulties persist, a prompt referral to a PPT is made. The District can and should refer students for evaluation at any time, including **during** the intervention period if a disability is suspected.

A parent may make a referral at any time for a special education evaluation regardless of where the District is in the intervention process. The District must hold a PPT meeting to consider any referral. The District will continue the general education interventions even though a referral for special education evaluation has been made.

SRBI are extensive, data-driven strategies, the comprehensive discussion of which is beyond the scope of this Manual. However, because general education interventions must be explored prior to referring a student to special education, District personnel are encouraged to review SRBI processes and procedures.

Initial Evaluation: Referral to Determine Eligibility for Special Education and Related Services [ED 621]

If the general education strategies are not successful, or if the parents make a written request for an evaluation, a student is referred to the PPT to determine eligibility for special education and related services. A Darien standard referral form [ED 621] is used to document the referral. This form is available to parents and school personnel in each of the schools and at the Special Education Department Office. Parents receive notice of the referral within five school days of the date of the referral, regardless of who makes the referral.

A parent is not required to submit the standard referral form for a referral for an initial evaluation. A concern expressed in writing by the parent to supervisory or administrative personnel or the student's teacher that the student be referred for an initial evaluation is a referral and is to be processed as a referral. The District accepts as a referral a written request from the parents that clearly indicates a concern that the student may be a student with a disability and should be evaluated for special education identification and services. If a parent makes a referral but does not complete the referral form, District

personnel shall complete the referral form. The date of the referral shall be the date the written concern is received from the parent, not the date the form is completed by the District.

Role of the Planning and Placement Team in Evaluation or Reevaluation

Once a referral for an initial evaluation is made, a PPT meeting is scheduled to discuss the referral. Parents receive written notification of the referral for a special education evaluation and written notice of the PPT meeting five school days prior to the meeting in the form of an invitation to the PPT meeting. The District makes reasonable efforts to schedule PPT meetings at mutually convenient times and locations for the District and the parents. The District will consult with parents on scheduling PPT meetings.

Upon the request of the parent, and prior to the PPT where the initial evaluations are planned and discussed, the District must provide the parent with an opportunity to meet with a member of the PPT. The sole purpose of this meeting is to discuss the PPT process and any concerns the parent might have about their child.

As part of the initial evaluation and any reevaluation, the PPT must review existing data on the student, including evaluations and information provided by the parents, current curricular, local or state assessments, classroom based observations, and observations by teachers or related service providers as well as attendance, disciplinary, health/nursing data, etc. Once the review is completed and the parent's input is considered, the PPT must decide if there is a reason to suspect the student has a disability that is adversely impacting the student's education. The PPT may decide an evaluation is not needed and the general education program and services are appropriate.

If the PPT decides that there should be an eligibility determination for special education and related services, or in the case of a reevaluation, a determination as to the student's continuing eligibility for special education and educational needs, the PPT must determine, based on the review of existing data and the parent's input, whether or not there is enough data to determine if the student is a student with a disability who requires special education and related services. The PPT may, based on the existing data, determine the student is such a student and find the student eligible for special education and related services. There must be data that allows the PPT to find the student eligible and determine his/her educational needs so an IEP that offers the student FAPE can be developed and implemented. If the PPT determines there is not enough data to make the decision, or there is not enough data to develop an IEP that offers the student FAPE, the PPT will design evaluations to determine eligibility for special education or support the development of an IEP.

During the PPT discussions regarding reevaluation, if the PPT decides that no additional data is needed to determine whether the student continues to be a student with a disability requiring special education, the District provides the student's parents with PWN. (See chapter on "Written Notice, Prior Written Notice (PWN) and Parental Consent" for all requirements regarding notice.)

The District also notifies the parents of their right to request an assessment to determine whether the student continues to be a student with a disability and to determine the student's educational needs. The District is not required to conduct an assessment to determine continuing eligibility for special education unless requested by the parents.

If the PPT decides additional data is needed to determine the student's eligibility and educational needs, or in the case of a reevaluation, to determine the student's continuing eligibility for special education and related services and educational needs, the PPT, which includes the parent as an integral member, designs the evaluation.

Parents must give consent for the initial evaluation and are asked to give written consent by signing the Notice and Consent to Conduct an Initial Evaluation, (ED 625). Parents must also give consent for the reevaluation and are asked to give written consent by signing the Notice and Consent to Conduct a Reevaluation, (ED 627). Please refer to the chapter on "Written Notice, Prior Written Notice, and Parental Consent" for more specific information on consent. Written consent signed by a parent is required to evaluate or re-evaluate.

Under state regulations, if the parent does not respond to the request for written consent within 10 school days, the parent has effectively refused to give consent for the evaluation or reevaluation. Unlike the IDEA requirements, the District may not evaluate or reevaluate the student without parental consent. The District must make reasonable efforts to secure parental consent, and all attempts should be documented. For more specific information, see the chapter on "Written Notice, Prior Written Notice and Parental Consent."

After the initial evaluation or reevaluation, the PPT makes the determination of whether the student is a student with a disability and in need of special education. Upon the parent's request, the District must provide the parent with copies of the assessment and evaluation results that will be considered in determining the student's eligibility for special education at least three school days prior to the PPT meeting where they will be discussed. This only applies to the initial determination of eligibility. If the parents do not make this request, they are provided with a copy of the evaluation report at or prior to the PPT meeting.

If the student is found eligible for special education, the development of the Individualized Education Program (IEP) for the student is based on the diagnostic findings of the evaluation study and the student's present level of academic achievement and functional performance. Implementation of the IEP based on an initial referral is not to exceed 45 school days from the date of referral, or 60 school days for students placed in a private school by the PPT to meet their educational needs, exclusive of the time necessary to secure written parental consent for the initial evaluation and initial receipt of special education and related services.

After each meeting where the evaluation or reevaluation is discussed by the PPT, the parent will receive prior written notice (PWN) before the District takes the action as discussed by the PPT. Please refer to the chapter on "Written Notice, Prior Written Notice and Consent" for a full explanation of prior written notice for evaluation or reevaluation.

Students Transferring into the District

Evaluations of students with disabilities who transfer from one school district to another in the same academic year are coordinated with the student's prior and subsequent schools, as necessary, and as expeditiously as possible, to ensure prompt completion of full evaluations.

If the records of a new student indicate the student has been identified as a student with a disability and requires special education and related services, the student, once enrolled, is provided a free appropriate public education including services comparable to those described on the student's Individualized Education Program (IEP). A Planning and Placement Team (PPT) meeting must be held at the earliest possible opportunity to review and revise, where appropriate, the student's IEP.

Interpretation of Evaluative Data in Making Educational Decisions

The PPT must interpret the evaluation data to determine if a student has a disability requiring special education and what the student's educational needs are. Darien uses information from a variety of

sources, including aptitude and achievement tests, parent input, classroom observations or other observations, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

Reevaluation

In addition to determining the student's continuing eligibility for special education and related services and the student's educational needs, (for procedures, see above) the reevaluation provides information that will help the PPT determine if any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

Ongoing Evaluations of Student Performance (Including Progress Reporting and Evaluation Prior to Termination of Special Education Eligibility)

Student performance is continuously evaluated to determine whether or not the student is achieving satisfactorily in the general education curriculum and meeting the goals and objectives in the IEP. Each student's IEP describes a variety of evaluation procedures and performance criteria that allows the PPT to determine progress on the goals designed to address the student's educational needs.

In addition to evaluating student progress in the general education curriculum and on achieving the goals of the IEP, a student's IEP may also contain a set of "exit" criteria to determine when and if a student is no longer eligible for special education and should be exited from special education eligibility and no longer receive special education and related services. An evaluation before the termination of a student's eligibility for special education and related services is not required if the student graduates with a regular high school diploma or exceeds the age of eligibility for FAPE under state law.

Signed parental consent is not required to monitor student progress on goals and objectives or student performance in curriculum based materials. Consent is required for any assessment that is designed to assist in a determination regarding a student's eligibility for, or changes to the nature or extent of, special education instruction.

Evaluation for Determination of Eligibility and Receipt of Special Education and Related Services

An evaluation of a student in Darien includes reports concerning educational progress, structured observation, and such psychological, medical, developmental, and social evaluations as may be appropriate to determine the nature and scope of the student's exceptionality if any. The evaluation study may include information concerning the student's physical condition, socio-cultural background, and adaptive behavior in home and school.

The evaluation report documents the sources of all information. If an assessment is not conducted under standard conditions, a description of the extent to which it varies from standard conditions is included in the evaluation report. In evaluating each student with a disability, Darien's evaluation is sufficiently comprehensive to identify all the student's special education and related services needs, whether or not commonly linked to the student's disability category. A student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. No single

procedure is used as the sole criterion to determine whether a student has a disability or to design an appropriate educational program for the student.

Results of standardized or local tests of ability, aptitude, affect, achievement, and aspiration are not exclusively used as the basis for determining whether a student is a student with a disability within Darien. An evaluation study shall document and carefully consider the sources of all information.

Evaluation Tools and Measurements

Tests, evaluation materials, procedures, and techniques used for evaluation are chosen carefully to ensure accurate results. They are selected and administered so as not to discriminate on a racial or cultural basis. They are used to gather relevant functional, developmental, and academic information including: information provided by the parent and information related to enabling the student to be involved in and progress in the general curriculum.

For a preschool student, Darien looks at information to enable the student to participate in appropriate activities. This information will help the PPT determine the student's disability status and needs and thus the content of the student's IEP.

The evaluation tools Darien uses are administered according to instructions provided by the producers/publishers and have been validated for the specific purpose they are used. They are administered by trained and knowledgeable personnel who are appropriately certified or licensed. Darien ensures they are technically sound instruments that may assess the relative contribution of cognitive, behavioral, physical, or developmental factors. The standardized evaluation tools and measurements that Darien uses include those tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient. These assessment measures provide relevant information that directly assists in determining the student's educational needs. Standardized tests and measurements Darien uses are selected and administered to ensure the test results accurately reflect the student's aptitude or achievement level or whatever factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills.

A Note on Functional Behavioral Assessments

There are times when the PPT needs to consider additional behavioral data to make decisions on eligibility and/or programming for a student. At such times a functional behavioral assessment (FBA) is done. An FBA is an "evaluation" for which signed parental consent is required if the purpose is to determine eligibility or the nature or extent of special education or related services.

In summary, a functional behavioral assessment includes:

- A clear description of problem behaviors, common patterns, and sequences
- The collection of data and indirect observational data regarding targeted behavior
- Identification of events, times, and situations and predictions as to when behavior will or will not occur across the full range of a typical day
- Summary statements or hypotheses about behavior
- The manipulation and control of variables
- Desirable alternative behaviors that will achieve the same function as the challenging behavior

Language Issues in Evaluation

Assessments, evaluation material, procedures, and techniques used for evaluation are selected and administered so as not to be discriminatory on a racial or cultural basis. They are provided and administered in the student's native language and in a form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to do so.

If a student is dominant in a language other than English, the evaluation study also includes systematic teacher observation of the specific areas of concern. Detailed information about the student's performance at home and in the community and any prescriptive or diagnostic teaching that have taken place is included. Darien uses a language dominance proficiency assessment prior to an evaluation when appropriate. Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure they measure the extent to which the student has a disability and needs special education rather than measuring the student's English language skills.

Independent Educational Evaluation (IEE)

Parents may request an independent educational evaluation (IEE) at public expense if the parents disagree with an evaluation completed or obtained by the District. Darien provides to parents, upon request, information about where an IEE may be obtained and Darien's criteria applicable for an IEE.

If a parent requests an IEE at public expense, Darien will, without unnecessary delay, either --

- File a due process complaint to request a hearing to show Darien's evaluation is appropriate; or
- Ensure that an independent educational evaluation is provided at Darien expense, unless the District demonstrates in a hearing that the evaluation obtained by the parent did not meet District criteria.

It is important to distinguish between (1) when the parent disagrees with the evaluation conducted by the District, which requires prompt action by the District, and (2) when the parent agrees with the evaluations conducted by the PPT and is requesting additional testing. A parent may agree with all the evaluations conducted by the PPT, but would like additional evaluation(s). This is not a request for an IEE. Under these facts, the District should schedule a PPT to discuss the parent's request for additional testing.

Also, it should be noted that if the District uses an outside evaluator to perform an evaluation, for example, a psychiatrist, or other evaluator not on the staff of the District, and the parent disagrees with the evaluation, the parent has the right to obtain an IEE at public expense unless the District files a due process complaint to request a hearing to demonstrate the appropriateness of the District's evaluation.

The parent is not required to request an IEE at a PPT meeting, nor is the District required to hold a PPT meeting to consider the parent's request for an IEE. The District may ask for the parent's reason for objection to the evaluation conducted by the District. The District may not require the parent to provide an explanation and may not unreasonably delay either providing the IEE or filing for due process to request a hearing to defend its evaluation.

The District may hold a PPT meeting to consider the parent's request and review the District's evaluation(s) being contested provided that any such meeting cannot be used to unnecessarily delay or interfere with the parent's right to obtain an IEE at public expense.

The parent is entitled to request only one IEE at District expense for the District evaluation with which the parent disagrees.

If the District files for a hearing in response to a parent's request for an IEE, and the final decision is that the District's evaluation is appropriate, the parent still has the right to an IEE, but not at public expense.

When an IEE is at Darien expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner and timelines, must be the same as the criteria Darien uses when it initiates an evaluation. Darien may not impose additional conditions or timelines beyond what Darien uses. To preserve the parent's right to obtain an IEE, the criteria must allow exceptions in the event an IEE is needed that does not meet the usual standards.

For example, the student's needs are so unique and the type of evaluator needed to perform an appropriate evaluation does not meet the District criteria.

If the parent obtains an independent educational evaluation at private expense, Darien will consider the results in any decision on the provision of FAPE if the parent submits the evaluation to the PPT. The results of an IEE obtained by the parent at private expense may be presented as evidence at a hearing under the provisions of IDEA.

Evaluation: Trial Placement for Diagnostic Purposes

A trial placement for diagnostic purposes is an evaluation. This is generally referred to as a "diagnostic placement." If at the end of the evaluation, the District and parents cannot agree on an appropriate program for the student and a request for a due process hearing is filed, the student cannot remain in the trial placement unless the District and parents agree to maintain the student in the placement pending due process.

The purpose of a diagnostic placement is to assess the needs of a student for whom special education and related services may be necessary, but for whom the evaluation or reevaluation is either inconclusive or the data insufficient to determine the student's eligibility or to develop or revise the student's IEP. A diagnostic placement is a structured program of not more than 40 school days duration.

The following steps are implemented in Darien when it has a student in a trial placement:

1. The PPT specifies, in writing, the diagnostic goals and objectives, as well as the types and amounts of services needed to conduct the program to determine more conclusively the student's needs.
2. The PPT--or if the parents and the PPT agree to designate members of the PPT such designated members--meet at least once every 10 school days with personnel working with the student to discuss the student's progress and to revise, where necessary, the services provided. The parents and the District may agree to meet less frequently, but any such agreement must be documented. The PPT decides whether the student's time is divided between the trial placement and another program, or the student may be placed in the diagnostic program full time.
3. A diagnostic program shall be terminated as soon as the student's needs have been determined, but in any event no later than 40 school days after the trial placement begins.
4. Five school days before the end of the trial placement, the PPT will re-convene and, if required, write the student's IEP based on the findings during the trial placement, as well as other evaluative information on the student.

CHAPTER FIVE: PLANNING AND PLACEMENT TEAM

Background

The IDEA commonly refers to a group of individuals who come together to make decisions on a student's eligibility for special education; to plan and review evaluations; to develop, review, or revise individualized education programs (IEPs); to make decisions regarding the instructional site where students will receive special education and related services; or to determine discipline matters. Under the IDEA, the group is called the IEP team, which is responsible for reviewing, revising, developing the student's IEP as well as determining whether evaluations are necessary, or determining what services a student should receive if the student is removed from school for disciplinary reasons.

Connecticut uses the term Planning and Placement Team, or PPT, to describe two very specific groups of individuals who have specific activities assigned to them:

- When used in the context of providing a free appropriate public education (FAPE) to an eligible student with a disability, the PPT means the same as the IEP team as constituted under the IDEA. However, unlike the IDEA IEP team, the PPT in Connecticut is responsible for all of the activities necessary to ensure an eligible student receives a FAPE.
- When used in the context of identifying and evaluating students who may be gifted and talented, the PPT means a group of certified or licensed professionals who represent each of the teaching, administrative, and pupil personnel staffs and who participate equally in the decision making process.

Purpose of the PPT

The PPT meeting is initiated and conducted for the purposes of:

- Determining eligibility by designing and reviewing evaluations and reevaluations;
- Developing, reviewing, and revising the student's IEP;
- Addressing all of the student's academic and functional needs in the IEP components;
- Making placement decisions including determining educational services to be provided to a student with a disability who may be excluded from school for discipline reasons; and,
- Ensuring a student with a disability who is eligible for special education and related services is provided with a free appropriate public education (FAPE) in the least restrictive environment (LRE).

In the context of PPTs called when a student with a disability may be subject to the school disciplinary code, the purpose of the PPT meeting includes, where appropriate, developing and reviewing a functional behavior assessments (FBA); developing, reviewing, or modifying a behavioral intervention plan (BIP); conducting a manifestation determination; and making an interim alternative educational placement decision.

See chapters on “Child Identification,” “Evaluation and Reevaluation,” “Individualized Education Program,” “Least Restrictive Environment,” and “Discipline” for a full explanation of PPT activities.

Occasions Where a PPT meeting is not required

The IDEA defines a “meeting” for purposes of determining if a full PPT meeting must be convened. The IDEA does not consider a meeting to be informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions. A “meeting” also does not include preparatory activities that district personnel engage in to develop a proposal or a response to a parent proposal that will be discussed at a later meeting. In preparation for a PPT meeting, school staff may, and would be expected to, speak to each other about the student. School staff may also speak with district administrators about proposed services for a student.

Parents and school staff are encouraged to communicate throughout the school year concerning the student’s needs, including but not limited to implementation of the student’s IEP, the student’s progress and any questions or concerns that may arise. Parents and school staff may also meet informally, outside of the PPT process, to discuss these matters. Communication between parents and school staff is an important part of the education of the student.

These discussions do not constitute prior approval of proposed services to be included in the IEP. The PPT has the sole authority to determine the individualized service needs of each student.

PPT Timelines

The PPT reviews the student’s IEP periodically, at least annually, to determine whether the goals are being achieved. The PPT revises the IEP, as appropriate, to address:

- Any lack of progress toward the annual goals and in the general curriculum;
- The results of any reevaluation;
- Information about the student provided to, or by, the parents;
- The student’s anticipated needs; and
- Other matters related to the provision of a FAPE to the student.

Parents must receive notice, usually provided in the form of a “Notice of Planning and Placement Team Meeting” (ED 623), which advises the parents of the date, time, location and purpose of the meeting, who has been invited and their role at the meeting, and contact information if the parent has any questions or wishes to reschedule the meeting. Notice of PPT meetings must be provided to the parents at least five school days prior to the meeting. The District makes every effort to schedule PPT meetings at mutually convenient times and locations for parents and school staff.

PPT Membership to Consider the Needs of a Student with a Disability

If the PPT is convened to determine the needs of a student with a disability, then the PPT is composed of:

- The child’s parents;
- Not less than one regular education teacher of the child if the child is, or may be, participating in the regular education environment;

- Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- A representative of the District who--
    - Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
    - Is knowledgeable about the general education curriculum; and
    - Is knowledgeable about the availability of District resources;

(While it is not required that the representative of the District be an administrator, the District representative must be able to commit the resources of the District.)

- An individual who can interpret the instructional implications of evaluation results, who may be a school staff member as described above;
- At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate;
- Whenever appropriate, the student with a disability.

These are the same individuals who constitute the IEP team defined in the IDEA.

Note: an "administrative designee" can serve a dual role as "representative of the District who is qualified to provide, or supervise the provision of, specially designed instruction" as well as a role of "service provider" at the PPT.

A parent is not required to provide the District with advance notice if they intend to bring an attorney, advocate, outside evaluations or evaluator/evaluations to the PPT or record the PPT. The spirit of the law presumes there will be reciprocal, ongoing communication and relationship-building on behalf of the student. However, if the PPT is to be recorded by anyone attending the meeting, the participants must be informed before recording begins.

Both parties should notify each other of persons or documents they plan to bring to the PPT if the lack of prior notification might be a distraction from the student's needs.

PPT Membership for Out-of-District Placements

PPT meetings, conducted to review or revise the program for a student eligible for special education in an out-of-District placement, include a representative from that facility (in addition to the membership identified above) who contributes to the development of short-term instructional objectives and otherwise participates in the PPT process.

PPT Membership for Secondary Transition Considerations

If the meeting's purpose is consideration of secondary transition services, the student (regardless of age) and a representative of any agency that is likely to be responsible for providing or paying for transition services are also invited. Parents of minor students will ultimately decide if the student attends the PPT meeting.

Representatives of outside agencies may only be invited with the consent of the parent or eligible student. Examples of outside agencies are: *The Department of Rehabilitation Services* and *the Department of Developmental Services.*

If the student does not attend the PPT, the District takes steps to ensure that the student's preferences and interests are considered.

PPT Attendance [ED 633]

A PPT member may be excused from attending a PPT meeting or their attendance may not be necessary under the following circumstances:

- If the parent and the District agree in writing before the meeting starts that the school member's attendance is not necessary, in whole or in part, because that member's area of the curriculum or related service is not being modified or discussed in the meeting;
- If the parent and the District agree in writing to excuse a school member, in whole or in part, from a PPT meeting when it involves a modification or discussion of the member's area of the curriculum or related service. The school member of the PPT must submit written input to the parent and the District prior to the PPT meeting;
- A parent's consent to a team member's absence from a PPT meeting, whether because their attendance is not necessary or they have been excused and have submitted written input to the parent and PPT, must be given in writing and on a form the District provides, the ED 633.

Parents and the District can mutually agree upon alternative means (such as conference calls, or video conferences) for school member participation in PPT meetings when school members are unable to attend in person.

Participants in the PPT meeting are determined by the reason for the PPT and will include those necessary to properly constitute the PPT. No teacher or related service provider is excluded from PPT participation unilaterally by administration.

Role of the Regular Education Teacher in the PPT

The regular education teacher of the student (as a member of the PPT) will, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including input regarding:

- Appropriate positive behavioral interventions and strategies;
- Supplementary aids and services, program modifications or supports for school personnel that will be provided for the student consistent with the IEP; and
- Participation in the general education curriculum.

In addition, the teacher will be prepared to update the team on the student's general education program and provide the PPT with the most recent assessments to document the student's progress in the general education curriculum.

Parental Involvement in the PPT

The parents of a child with a disability are integral members of the team in determining whether their child is eligible for services and in developing the IEP and must be afforded the opportunity to be meaningful participants of the meeting.

Requirements for parental participation in the development, revision, and implementation of the IEP are outlined in IDEA as follows:

> The parents of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their child. This is an active role in which the parents:
>
> 1. Provide critical information regarding the their child's strengths and express their concerns for enhancing the education of their child;
> 2. Participate in discussions about the child's need for special education and related services and supplementary aids and services; and
> 3. Join participants in deciding how the child will be involved and progress in the general curriculum and participate in State and district wide assessments, and what services the district will provide to the child and in what setting. (Assistance to States for the Education of Children with Disabilities; 2002)

The District takes whatever action is necessary to ensure that parents understand the proceedings at the PPT meeting. This includes, but is not limited to, arranging for an interpreter for parents with deafness or whose native language is not English. Meetings are scheduled at a mutually agreed upon time and place. If neither parent can attend the PPT, the District makes reasonable efforts using other methods to ensure parent participation, including individual or telephone conference calls or home visits. If the parent(s) cannot be convinced they should attend a PPT meeting, the District will document the attempts to arrange a mutually agreed on time and place using form ED624.

This documentation may include a record of phone calls made or attempted and results of those calls; copies of correspondence sent to parents and any responses received; and records of visits to the parent's home or place of employment and results of those visits.

PPT Responsibilities in the Development of the Individualized Education Program (IEP)

In developing, reviewing, and revising a student's IEP, the PPT considers the following:

- The student's strengths and the parent's concern for enhancing the student's education;
- The results of the initial evaluation and most recent evaluation, or the results of any reevaluations;
- The results of the student's performance on any general state or district wide assessment programs, as appropriate;
- The communication needs of the student;
- The academic, developmental, and functional needs of the student;
- Positive behavioral interventions, strategies, and supports to address behavior that impedes a student's learning or that of others;
- In the case of a student with limited English proficiency, the language needs of the student;
- In the case of a student who is blind or visually impaired, instruction in Braille and the use of Braille. The use of Braille and instruction in Braille is provided unless the PPT determines that neither of these are appropriate. The determination not to use Braille or not to provide instruction in Braille is made only after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media. This evaluation must also include an assessment of the student's future needs for Braille instruction;

- In the case of a student who is deaf or hard of hearing, the student's language and communication needs and opportunities for direct communications with peers and professional personnel, including the development of a Language and Communication Plan for a student who is deaf or hard of hearing. In addition, the PPT will consider the student's academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and
- Whether the student requires assistive technology devices and services.

If, in considering these factors, the PPT determines that a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order to receive FAPE, the team will include a statement to that effect in the IEP. Beginning not later than the first IEP to be in effect when a student turns 16, or younger if determined appropriate by the PPT, a student's IEP must include appropriate measurable postsecondary goals based upon age appropriate assessments related to training, education, employment, and where appropriate, independent living skills, and the transition services needed to assist the student in reaching those goals.

If a participating agency, other than the LEA, fails to provide the transition services described in the IEP, Darien reconvenes the PPT as soon as possible to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

For further information on the development of a student's IEP, please refer to the chapter entitled "Individualized Education Program."

PPT Responsibilities When Disciplinary Action Is Being Considered

Disciplinary Action

Students with disabilities are subject to the same disciplinary actions as their nondisabled peers. However, procedural safeguards must be applied when a student with a disability is subject to a disciplinary action taken by the District.

When a student with a disability engages in behavior that is in violation of a code of student conduct and the District has made a decision to remove the student from school, which results in a change of placement, the PPT is responsible for conducting a review of the relationship between the student's disability and the student's behavior to determine if the behavior is a manifestation of the student's disability (manifestation determination) or if the behavior was the direct result of the District's failure to implement the IEP. Please see the chapter on Discipline for further explanations.

Determination of Interim Alternative Educational Setting (IAES)

A student with a disability who is eligible for special education may be removed from school and placed in an interim alternative educational setting (IAES) for not more than 45 school days if the student:

- Carries a weapon to or possesses a weapon at school, on school premises or to or at a school function under the District's jurisdiction;

- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the District's jurisdiction; or

- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the District's jurisdiction (see Discipline chapter for definition of "serious bodily injury.")

The PPT is responsible for determining the IAES to which the student is removed. See "Discipline" chapter for further explanation.

PPT for Gifted and Talented Identification

The identification of gifted and talented children is required under Connecticut special education law. Gifted and talented means a child identified by the PPT as (1) possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative or specific academic capability and (2) needing differentiated instruction or services beyond those being provided in the regular school program in order to realize their intellectual, creative, or specific academic potential.

Parents must be notified in writing that a referral to the PPT has been made to determine a child's identification as gifted and talented. In this case, the PPT is defined as a "group of certified and/or licensed professionals, who represent each of the teaching, administrative, and pupil personnel staffs and who participate equally in the decision-making process."

The PPT must process the referral for an evaluation and review existing data to determine if the child may be eligible. If the PPT determines sufficient information exists to determine eligibility, further evaluation is not necessary.

Parents must be notified in writing when the student is referred for consideration and if the student has met the criteria for eligibility. Please refer to the chapter on "Child Identification" for a complete description of identifying and evaluating students who may be gifted or talented.

CHAPTER SIX: INDIVIDUALIZED EDUCATION PROGRAM

Background

Darien provides a free appropriate public education (FAPE) in the least restrictive environment (LRE) to all students with disabilities age 3 through the end of the school year in which the student turns 21 if they require special education and related services and have not graduated with a regular high school diploma or exceeded the age of eligibility. This includes students who are advancing from grade to grade. For students with disabilities who have been suspended or expelled from school, there are very specific requirements for providing FAPE. Please see the chapter on "Discipline" for these requirements.

In order to provide FAPE, an individualized education program (IEP) is developed for each child who is determined to be eligible for special education and related services. The services and placement provided for each eligible student are based on the student's unique needs and not on the student's disability. However, the disability label can be important in considering the scientific, research based instruction that may benefit the student. Through a team approach, with the child's parent as a critical member, the IEP is developed, implemented, reviewed, and revised for all students eligible for special education and related services served by the District. This includes students placed in, or referred to, a private school or facility by the District. Special education and related services are provided in accordance with each student's IEP. Please see below for further explanation of this process.

An IEP is developed before special education and related services are provided to an eligible student, except in the case of a "diagnostic placement" in special education, wherein the placement is used to conduct evaluation of the student's need for special education and related services. Darien implements each IEP within 45 school days of the initial referral for in-district placements during the school year and 60 school days for out-of-district or private school placements (in both cases exclusive of time needed to obtain any required parental consent).

At the beginning of each school year, an IEP must be in effect for each student with a disability who requires special education and related services.

Role of the Planning and Placement Team

Darien develops a written plan for each student requiring special education and related services, called an Individualized Education Program (IEP). Every decision regarding the IEP is made by a team, called a Planning and Placement Team (PPT), except as noted above regarding the amendment of the IEP outside the PPT with the written consent of the parent and the District. At its meeting, the PPT develops, reviews, or revises the IEP to meet the needs of each student who requires special education and related services. In addition to school staff, parents of the student are integral members of the team for the development of the individualized program for the child. For further information on the PPT, refer to chapter on "Planning and Placement Team."

IEP Components

Specific, detailed information about the IEP is contained in the IEP Manual and Forms published by the Connecticut State Department of Education (CSDE). It is available on the CSDE website.

Darien uses the standard state IEP form that has numerous legally required components that help guide the PPT in the development, review, revision, and implementation of the student's program. Many of these various components are listed and described in this section of the procedures.

IEP Initial Pages

Cover Page

The cover page of the IEP provides:

- basic demographic information about the student along with the reason for the PPT meeting,
- the primary disability,
- team members present, and
- information regarding the next meeting and evaluations.

Page two of the IEP provides a list of PPT recommendations and a summary of the PPT meeting. Meeting summaries, or minutes of a PPT meeting, are optional. However, most school districts, including Darien, provide a summary to explain how the PPT reached its decisions on the student's identification, evaluation, program, or provision of FAPE. A meeting summary or minutes of the PPT meeting is not a transcript of the PPT discussions.

Prior Written Notice

Page three of the IEP is titled Prior Written Notice (PWN) and serves to notify parents and eligible students, in writing, 10 school days before Darien takes any action as a result of the PPT decisions. PWN is provided to the parent after the PPT meeting where the PPT proposes, or refuses to, initiate or change the student's identification, evaluation, educational placement, or the provision of FAPE to the student. This is not to be confused with the invitations to PPT meetings, which also may be called "notice," and go out to parents and PPT members before the scheduled meeting.

The PWN includes the following information:

- Description of the action proposed or refused by the PPT;
- Explanation of why the PPT proposes or refuses to take the action;
- Description of any options the PPT considered and the reasons why those options were rejected;
- Description of each evaluation procedure, test, record, or report Darien used as a basis for the proposal or refusal;
- Description of any other factors that are relevant to the PPT's proposal or refusal; and
- Statement that a parent or eligible student has protection under the IDEA and state procedural safeguards. If this notice is not an initial referral, prior written notice will include a description of how the procedural safeguards can be obtained. Prior written notice will include sources to contact to obtain assistance in understanding the provisions of IDEA.

Prior Written Notice is described in greater detail in the chapter: "Written Notice, Prior Written Notice (PWN) and Parental Consent."

Present Levels of Academic and Functional Performance

Present Levels of Academic and Functional Performance include a description of how a student is currently performing in many important academic, behavioral, vocational, and adaptive areas. In addition, it includes a description of strengths, concerns, and needs that require specialized instruction and a description of how the students' disability impacts their involvement and progress in the general education curriculum or appropriate preschool activities. The Present Levels of Academic and Functional Performance document parent and student input and concerns. The PPT must ensure that parent and student input on the student's academic achievement and functional performance is sought out as part of the planning process.

The student's present levels of performance provide the team with critical information for many of the decisions about the IEP.

Transition Planning

Transition planning and related goals and objectives are an integral part of the IEP beginning at the annual review following a student's 15th birthday, or earlier if determined appropriate by the PPT, and annually thereafter.

Transition services are a coordinated set of activities for a student with a disability, designed to be a results-oriented process. The services are focused on facilitating the student's movements from school to post school activities and include:

- Postsecondary education;
- Vocational education;
- Integrated employment (including supported employment);
- Continuing and adult education;
- Adult services (e.g., Bureau of Rehabilitation Services [BRS], Department of Developmental Services [DDS], Bureau of Education and Services for the Blind [BESB], Department of Mental Health and Addiction Services [DMHAS]);
- Independent living; and/or
- Community participation.

Transition services, written as goals and objectives in the IEP, are based on the individual needs of each child, taking into account the child's strengths, preferences and interests, and include activities in the areas of:

- Instruction and related services;
- Community experiences;
- The development of employment and other post–school adult living objectives; and
- If appropriate, the acquisition of daily living skills and provision of a functional vocational evaluation.

When appropriate, and with the consent of the parent or eligible student, Darien will invite to the PPT meeting a representative of any participating agency that is likely to be responsible for providing or supporting transition
services. If the participating agency fails to provide the transition services described in the IEP, Darien will reconvene the PPT as soon as possible to identify alternate strategies to meet the transition needs in the IEP.

For children with disabilities who require special education and related services who are convicted as adults under state law and incarcerated in adult prisons, transition planning and services do not apply if their eligibility under Part B of IDEA will end (due to age) before they are released from prison (based on their sentence and eligibility for early release).

The IDEA requires that, at least one year prior to reaching age 18, the student be informed of his/her rights under IDEA that will transfer to him/her at age 18.

Measurable Annual Goals and Short-Term Objectives

Measurable annual goals and short-term objectives should align with the present levels of academic achievement and functional performance and describe expected learning outcomes for the student. The specified goals and objectives should align with the grade level general education curriculum standards, functional performance and Connecticut Frameworks.

Annual goals are used to estimate what outcomes a child can be expected to achieve in one year based on the student's present levels of performance. Short-term objectives describe meaningful intermediate and measurable outcomes between the student's current performance level and the annual goal.

Measurable annual goals and short-term objectives correlate to meeting the student's academic, social, and functional needs that result from the student's disability and enable him/her to participate and progress in the general curriculum.

In order to determine on a regular basis whether the student's short-term objectives are achieved, Darien includes additional information in the IEP: performance criteria, evaluation procedures, evaluation schedule, and a statement of how the student's progress toward the annual goals will be measured.

Program Modifications/Accommodations, Nonacademic, Extracurricular

The IEP will include a statement of the special education and related services and supplementary aids and services (based upon peer reviewed research to the extent practicable) to be provided to the student or on behalf of the student, as well as a statement of the program accommodations, modifications, and supports for school personnel that will be provided, so that the student:

- advances appropriately toward attaining the annual goals;
- is involved and progresses in the general curriculum;
- as determined appropriate by the PPT, participates in extracurricular and other non-academic activities;
- as determined appropriate by the PPT, is educated and participates with students with and without disabilities.

The IEP will specify supplementary aids and services provided to or on behalf of the student, program accommodations, and modifications and supports for school personnel, as appropriate, including:

- The specific required accommodations and modifications including assistive technology devices and services as appropriate,
- The location and duration of the accommodations and modifications that will be included, and,
- The specific frequency and duration of supports for school personnel to implement the IEP.

Special Education, Related Services, Regular Education

Special education and related services, which are related to specific annual goals and objectives, will be described in the IEP as follows:

- The frequency of the service;
- The responsible staff;
- The service implementer;
- The start and end date of the services provided;
- The instructional site of these services; and
- If needed, a description of the instructional service delivery.

The frequency of services must be indicated in a way that most accurately reflects the service implementation and is stated in the IEP so the District's commitment of resources is clear to parents and staff.

Description of Participation in General Education

The IEP contains a brief statement of the extent of the student's involvement in the general education curriculum. For example, "The student will participate in third grade classes for all academic subjects."

Justification for Removal from General Education

For each student who is removed from general education for any portion of her/his school day, a justification for that removal is indicated on the IEP.

Additionally, the IEP will include an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities.

Nonacademic and Extracurricular Activities/Services

Darien takes steps to provide nonacademic and extracurricular services and activities to students with disabilities in order to meet their unique needs. These may include social skills groups, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Darien Public Schools, referrals to agencies that assist individuals with disabilities, and employment of students (including both employment by Darien and assistance in making outside employment

available), in such manner as is necessary to afford students with disabilities an equal opportunity for participation in those services and activities.

Transportation

The IEP contains information about the type of transportation to be provided to the student. All students requiring special education are entitled to participate in the transportation services available to all students in the district. The PPT must determine if the student can participate in the regular transportation or if specialized transportation must be provided. If specialized transportation is required, it is considered a related service for the student and must be specified in the student's IEP. A related service helps the student to benefit from the special education instruction provided for in the IEP.

Total travel time shall not exceed one hour each way to and from a special education facility except with written parental consent, and all decisions relating to travel time shall take into account the nature and severity of the student's disability and the student's age. If an appropriate placement cannot be made without exceeding the one-hour travel limit, written parental consent is obtained prior to implementing the transportation service.

Physical Education

The IEP contains information about how the student will participate in physical education. All students requiring special education are entitled to participate in the general physical education program offered to all students. This is the case unless the student is enrolled in a separate facility or the student needs specially designed physical education as prescribed in his/her IEP. Students enrolled in a separate facility receive appropriate physical education services, including specially designed services, if necessary.

The PPT must decide if the student can participate in the regular physical education program (with or without supplementary aids and services) provided to all students, or if specialized physical education, known as Adaptive Physical Education (APE), should be provided. If a student requires specialized physical education, the services must be specified in the student's IEP.

Assistive Technology

The IEP contains information about whether the student requires Assistive Technology. Assistive technology (AT) devices, services (or both), are made available to a student with a disability as required to assist the student to benefit from special education, and as such, are considered related services designed to help the student benefit from instruction. Assistive technology needs should be reflected in the student's Present Levels of Academic and Functional Performance, as well as in the Goals and Objectives written for a student, if appropriate.

Assistive technology may be a part of one or more of the following: special education, related services, or supplementary aids and services. Darien provides the AT devices in all settings specified in the student's IEP. The PPT will determine if the student needs access to the AT device at school, home, and community work sites.

Darien makes efforts to ensure that hearing aids worn in school by students with hearing impairments, including deafness, are functioning properly. In addition, the District will ensure that the external components of surgically implanted medical devices are functioning properly.

The IDEA adopted the National Instructional Materials Accessibility Standard (NIMAS) for the purpose of increasing the availability and timely delivery of textbooks and other core instructional materials in accessible formats to blind or other persons with print disabilities in elementary and secondary schools.

Darien will coordinate with the National Instructional Material Access Center (NIMAC) to assure the timely provision of instructional material for blind or other persons with print disabilities. Darien requires textbook publishers to submit a NIMAS file to the NIMAC, or may purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. However, Darien remains responsible for ensuring that accessible specialized formats are provided to students with print disabilities in a timely manner. This is particularly important if teachers are using material not readily available through NIMAC, such as materials they create on their own. Specialized material developed by teachers must be made accessible for use by students with disabilities when necessary.

Vocational Education

All students eligible for special education have access to all career and vocational services available to students in general education. Vocational services are provided for each student whose IEP requires such services; and such vocational services must have an academic component. Vocational education services are specified in the IEP.

Length of School Day and Year

The IEP will specify the length of the school day and school year, as determined by the PPT based on the unique needs of the student. The length of the school day and year for students requiring special education and related services is the same as for students in the general education program, unless otherwise specified in the IEP. Extended school year (ESY) services are available as necessary to provide the student with a free appropriate public education (FAPE). Darien provides ESY services only if the PPT that develops the student's IEP determines, on an individual basis, that the services are necessary for the provision of FAPE. Darien does not limit extended school year services to particular categories of disabilities, and does not unilaterally limit the type, amount, or duration of those services.

The District has the responsibility to offer all special education services to students in the least restrictive environment for the student during the school year and extended school year programs.

Darien has a district memo outlining the requirements for ESY Services and useful case studies to help with ESY determinations. In addition, the CSDE has a Topic Brief on ESY located on the CSDE website.

Summary of Performance

When a child's eligibility for special education and related services is ending due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility, Darien will provide

the student with a summary of his or her academic achievement and functional performance, which will include recommendations on how to assist the student in meeting their postsecondary goals. This information is included in the Summary of Performance (ED 635) and is not a formal part of the IEP, but is required under IDEA.

Special Factors, Progress Reporting, Exit Criteria

Special Factors

The PPT must consider special factors when developing a student's IEP. They are: (1) behavioral strategies and interventions and supports for students with behavioral concerns; (2) the language needs of students with Limited English proficiency; (3) the use of Braille for students who are blind or visually impaired; and (4) the development of a Language and Communication plan for students who are deaf or hard of hearing. For students who are deaf or hard of hearing, the development of a Language and Communication Plan is required.

Progress Reporting

The IEP includes information on when parents will be periodically informed of the student's progress toward meeting the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the school year. This will be at least as often as progress reporting is provided for parents of students without disabilities. District personnel are encouraged to provide annotations or narrative descriptions of progress reporting in the IEP.

Exit Criteria

"Exit criteria" applies to every special education student, not just students currently being exited. "Exit criteria" means the anticipated criteria to be used in the future which will determine that the student no longer requires special education services.

Assessment/Accommodations

Students with disabilities must be included in state and district wide assessment programs, with appropriate accommodations, where necessary. The PPT determines for each special education student individually the accommodations to the district wide assessments.

Additionally, the PPT determines for each special education student individually the need for accommodations to the Smarter Balanced Assessment Consortium (SBAC). The PPT should reference the Smarter Balanced Usability Guidelines (www.smarterbalanced.org) to determine what accommodations are allowable and the conditions under which they may be used.

With respect to state wide assessments, it is the PPT's responsibility to determine if a student will be assessed with an alternate assessment. Every state must have an alternate assessment available for those students with disabilities who are unable to participate in the standard grade level assessment, even with accommodations. Only students with significant cognitive impairments may participate in an alternate assessment.

If the PPT determines that a student will not participate, even with accommodations, in the standard administration of a district-wide assessment of achievement, or will not participate in any part of a district wide assessment, the IEP must include a statement explaining why that assessment is not appropriate for the student, and how the student will be assessed. In this case only, the PPT will determine the procedure for the alternate assessment.

Transitioning Three Year Olds from Birth to Three System

A student receiving services through the Connecticut Birth to Three System may be eligible to receive special education and related services through the District upon reaching age three. While the District receives contact information for all children who are age two and one half and are receiving services through Connecticut Birth to Three, parents must consent to the release of information from the Birth to Three System to the District before substantive information can be shared with the District. Some parents may wait to give the Birth to Three System consent to transfer information to the District, while others may elect not to provide consent for the release of such information.

If the District has been provided with the information necessary to properly transition the student from the Birth to Three System to the District, and the District finds the student eligible for special education and related services, an IEP is developed and implemented by the student's third birthday.

If a child is scheduled to transition from Birth to Three programs to Darien Public Schools, and the child turns three years during the summer months, Darien will determine whether the child is eligible for a free appropriate public education (FAPE) and whether the child requires extended school year services (ESY), all prior to the student's third birthday. If the student is eligible for FAPE and requires ESY services, Darien will implement the IEP by the student's third birthday, even though this occurs in summer months. If the student is eligible for FAPE and does not require ESY services, the IEP will be implemented on the first day of school.

Additional information related to identifying and providing services for three year olds is contained in the chapter: "Child Identification."

Students Who Transfer from Other Districts or from Out-of-State

If the records of a new student indicate the student has been identified as a student with a disability and requires special education and related services, the student, once enrolled, is provided a free appropriate public education including services comparable to those described on the student's Individualized Education Program (IEP). A Planning and Placement Team (PPT) meeting must be held at the earliest possible opportunity to review and revise, where appropriate, the student's IEP.

Agreement to Change an IEP without Convening a PPT Meeting [ED 634]

In making changes to a child's IEP after the annual PPT meeting for a school year, Darien and the parent of a child with a disability may agree not to convene a PPT meeting to make those changes through the use of Form ED 634.

In that situation, the IEP may be amended (without redrafting the entire IEP) by attaching to Form ED 634 pages one and two of the IEP, as revised, the Prior Written Notice page and those pages of the IEP that will be different due to the changes. Then, those pages are attached to the front of the original IEP.

Other members of the PPT shall be informed of the changes made to the IEP. Upon request, the parent will be provided with a revised copy of the IEP with the amendments incorporated.

IEP Access

The student's IEP is accessible to each general education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. District personnel are each informed of her/his responsibilities related to implementing the IEP and specific accommodations, modifications, and supports that must be provided in accordance with the IEP. A full copy of the IEP is given to parents at no cost within five school days after the PPT meeting. Darien takes very seriously it obligations relative to maintaining the confidentiality of student information. Information included in the student's file is confidential and should not be disclosed internally except to those with a legitimate educational interest. Please see chapter on "Confidentiality" for more specific information about student records.

CHAPTER SEVEN: LEAST RESTRICTIVE ENVIRONMENT

Background

Each student who is eligible for special education is entitled, under state and federal law, to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). FAPE requires that special education and related services are provided at public expense (no cost to parents) under public supervision and direction; meet the standards of the Individuals with Disabilities Education Act (IDEA) and Connecticut State Department of Education; include appropriate preschool, elementary, and secondary education; and are provided in conformity with an Individualized Education Program (IEP) that meets IDEA requirements. FAPE is available to all students eligible for special education, enrolled in the public schools, and residing in the District from age three through the end of the school year the student turns 21. This includes students who have been suspended or expelled from school.

Darien ensures that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled. Placement of students in special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The purpose of LRE is to ensure that students with disabilities are provided with the same public school experience as their non-disabled peers.

Continuum of Alternative Placements

Darien provides a continuum of alternative placements to meet the needs of students with disabilities who require special education and related services. These alternative placements are available to the extent necessary
to implement a student's IEP. This continuum of placements includes, but is not limited to, instruction in general education classes, special classes, special schools, home instruction and instruction in hospitals and institutions. In addition, supplementary aids and services (such as a resource room or itinerant instruction) are provided in conjunction with regular class placement, other education related settings, and in extracurricular and non-academic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate, consistent with the IDEA'S LRE requirements.

The terms "regular education," "general education" or "regular classes" mean the educational programs and services offered to typically developing students in the public school setting. Over the years, data have been collected to describe the time students with disabilities spend with their nondisabled peers, referred to as "time with nondisabled peers." The data are reviewed to ensure that for each student with a disability, the time spent with nondisabled peers is considered on an individual basis and is the maximum amount of time appropriate for the student. In addition to access to and participation in the general education curriculum, students with disabilities are also entitled to participate in the variety of

educational programs and services that are available to nondisabled students in the District. These programs and services include but are not limited to art, music, industrial arts, consumer education, and vocational education as well as non-academic and extracurricular activities.

In order to better define for District personnel the possible settings where special education services may be delivered, definitions from the U.S. Department of Education, Office of Special Education Programs (OSEP) Data Dictionary, and OSEP Comments, have been included here. The definitions have been included for reference only and are not intended to bind the District or any individual PPT to placing a student in a particular setting for any period of time. All programming decisions must be made by an individual student's PPT, taking into consideration the unique needs of that student.

> A regular or general education class includes students who receive the majority of their education program in a regular or general education classroom and receive special education and related services outside the regular or general education classroom for less than 21 percent of the school day.
>
> A regular or general education environment means regular or general education classrooms and other settings in schools such as lunchrooms and playgrounds in which students without disabilities participate.
>
> Resource room includes students who receive special education and related services outside of the regular or general education classroom for at least 21 percent but no more than 60 percent of the school day.
>
> Separate class includes students who receive special education and related services outside the regular or general education classroom for more than 60 percent of the school day.
>
> Separate school includes students who receive special education and related services in a public or private separate day school for students with disabilities, at public expense, for more than 50 percent of the school day.
>
> Residential facility includes students who receive special education in a public or private residential facility, at public expense, for more than 50 percent of the school day.
>
> Homebound/hospital environment includes students placed in and receiving special education in a hospital or homebound program.

Determining Placement –The Role of the Planning and Placement Team (PPT)

In determining the educational placement of a student with a disability, including a preschool student with a disability, the District ensures that the placement decision is made in conformity with the LRE provisions of IDEA. The placement decision is made by the PPT.

The placement of each student with a disability is determined at least annually, based upon the needs of the student. That is, the PPT considers what the least restrictive environment is in order for the student to receive FAPE. The goals and objectives, based on the student's present levels of academic achievement and performance, are determined before the PPT discusses the instructional site in which the student should receive the services in the IEP. In selecting the LRE in which the student will receive the special

education and related services described in the student's IEP, consideration is given to any potential harmful effect on the student or on the quality of services the student needs. Each IEP includes an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities, as well as a justification for removal from regular education. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum. Each student requiring special education and related services is educated in the school he or she would attend if he or she did not require special education and related services, unless the PPT determines the student requires another placement in order to receive FAPE in the LRE. Students are educated as close to their home as possible.

Parental Involvement

Darien takes steps to ensure that one or both of the parents are present at (or afforded the opportunity to participate in) each PPT meeting regarding every aspect of their student's IEP, including decisions related to identification, evaluation, educational placement, and the provision of a free appropriate public education (FAPE). The District must schedule the PPT meeting at a mutually agreed upon time and place. If the District is unable to obtain parent participation in a PPT meeting where placement is discussed, the District must have documentation of the attempts to encourage the presence of the parents at the PPT meeting. Records of phone calls made or attempted, results of those calls, copies of correspondence sent to parents and any responses received, documentation of visits to parents' homes or places of employment and results of those visits are examples of methods that could be used by the District staff to encourage parent attendance. If neither parent can participate in a meeting at which a decision is made related to changing the IEP of their student, the District will use other methods to ensure parent participation (including conference calls).

If the District is unable to obtain parent participation in a placement decision, after multiple attempts and documentation of such attempts, the PPT may make a placement decision without the parent being present at the PPT meeting.

The District presumes that divorced parents have equal rights under state and federal law to participate in all aspects of their student's education, unless either or both parents do not have authority under applicable state law governing matters such as guardianship, separation, or divorce (in which case copies of the most recent court order must be kept in the student's file). The District makes reasonable efforts to ensure that parents understand, and are able to participate in, any group discussions relating to the educational placement of their student. Such efforts would include arranging for an interpreter for parents with deafness or whose native language is other than English.

Nonacademic and Extracurricular Activities

Darien ensures that in providing for nonacademic and extracurricular activities and services, each student with a disability participates with nondisabled students to the maximum extent appropriate to the needs of the student. All activities and services available to nondisabled students are made available to students with disabilities and include, but are not limited to meals, recess, counseling, athletics, transportation, health services, recreational activities, and special-interest groups or clubs sponsored by the District.

The PPT determines the supports necessary to enable the student to participate in nonacademic and extracurricular activities. If there are criteria for participation that must be met (for example, a student must try out for chorus or an athletic team), the PPT should consider what supports the student may need to try out for an activity. The PPT does not have the authority to modify criteria for participation, but should provide the student with the supports necessary to have an equal opportunity to try out and if the criteria are met, to enable the student to participate.

Private Special Education Programs

The PPT, after writing the IEP for a student with a disability, may determine that the student's needs cannot be met in the public schools. The PPT may consider a private special education program. If the PPT recommends that the student's IEP be implemented in a private special education program and the parents agree with this placement, a student with a disability who is placed in a private special education program by the PPT is provided special education and related services in conformity with the student's IEP. This is done at no cost to the parents.

Any placement initiated by the District must be at a private special education program that meets the state standards for approved private special education programs. Prior to the student's placement, the District holds a PPT meeting to review or revise the student's IEP. A representative of the private special education program must attend the meeting or participate via telephone. The student has all of the rights of a student with disabilities who is served within the District schools, including the awarding of a general education high school diploma by the Darien Board of Education provided the student: meets the requirements for graduation, is provided a free appropriate public education by the Darien Board of Education, and is enrolled by the PPT in a program that does not award a diploma for purposes of high school graduation. The student's IEP will be fully implemented in the approved private special education program and, if necessary, by other providers authorized by the District.

All out-of-state private special education programs will meet the educational standards for private special education programs of the receiving state. If no such standards exist, the District will provide the Connecticut State Department of Education with documentation that the private placement is appropriate to the student's needs as set forth in the student's IEP.

Residential Placement

If the PPT determines that a student's IEP cannot be implemented in a public school, Regional Education Service Center (RESC) or a private special education day program, it may determine that a student receive services in a residential facility. When the PPT makes this determination, the total cost of the placement, including tuition, nonmedical care and room and board is the responsibility of the Darien Public Schools. Once the PPT determines that a residential placement is appropriate in order for the student to receive a free appropriate public education (FAPE), the District assumes the cost of placement. Under no circumstances may a PPT place a student in a residential facility and then seek to shift the non-educational costs to the parent.

There may be instances where a parent has placed a student in a residential facility and then approaches the District to request that the District pay either (1) the tuition or (2) assume the entire cost of the residential placement. There are several scenarios that can result in cases where students are placed by parents:

(1) Parent places a student eligible for special education in a facility approved for special education. The District can accept programmatic responsibility for the student's education through the development and implementation of an individualized education program (IEP) and would then accept fiscal responsibility by paying the costs for the student's placement by the parent at the approved facility. In other words, the PPT agrees the student needs a residential placement for educational reasons.

(2) Parent places a student eligible for special education in a facility which may or may not be approved for special education. CGS Section 10-76d(d) allows that students eligible for special education may need services other than educational services, such as medical, psychiatric, or institutional care or services, even though the District is able to meet the student's educational needs through a program and placement offered by the District. In this situation, the parent places the student and requests that the District pay for the cost of special education instruction at a private school, hospital, or other institution which may or may not have an approved special education program. The District may meet its obligation to provide special education to the student by agreeing to pay the reasonable costs of special education instruction.

(3) Parent makes a residential placement for a student who is not identified and then requests the District to assume responsibility for the placement. The District should schedule a PPT meeting to discuss the student's eligibility for special education, decide if evaluations should be conducted to determine eligibility, and review the evaluations to determine eligibility. If the student is found eligible, the PPT should develop an IEP and determine what an appropriate placement should be.

(4) Parent disagrees with the program and placement offered by the District, places the student in a residential facility and then requests the District place the student in a residential facility in order to receive an appropriate education. The District and the parent may come to an agreement through the PPT process or mediation on whether the student needs to receive instruction in a residential facility. In this situation, the District and the parent may agree that the District will not place the student in the residential facility, but the District is willing to assume some or all of the costs of the student's tuition and other expenses associated with the placement. If the District and the parents cannot come to an agreement, the parent may file for a due process hearing to challenge the program offered by the District.

Homebound or Hospital Instruction

Students Unable to Attend School for Medical Reasons

The Darien Public Schools provides instruction to students who are unable to attend school due to a verified medical reason that may include mental health issues.

The student's treating physician must provide a statement in writing directly to the District, on a form provided by the District, which states:

(1) The student's treating physician has consulted with school health supervisory personnel and has determined that attendance at school with reasonable accommodations is not feasible;
(2) The student is unable to attend school due to a verified medical reason;
(3) The student's diagnosis with supporting documentation;

(4) An indication that the student will be absent from school for at least 10 consecutive school days or the student's condition is such that the student may be required to be absent from school for short, repeated periods of time during the school year; and
(5) The expected date the student will be able to return to school.

Instruction shall begin no later than the 11th school day of absence from school, provided the District has received notice in writing that meets the five requirements stated above. The District may begin services earlier if it receives adequate notice prior to the student's absence from school. If the student cannot receive instruction while he or she is absent, the student's treating physician shall determine when instruction should begin and shall notify the District.

Non-Special Education Students

In the case of a student not otherwise in need of special education and related services, homebound or hospitalized instruction shall maintain the continuity of the student's general education program. The requirements of evaluation and an individualized education program shall not apply and a PPT need not be convened.

"Maintaining the continuity of the student's general education program" means the student will receive instruction in core academic subjects required by the District or by an inter-district magnet school or charter school for promotion or graduation.

Special Education Students

If a student has been receiving special education and related services and requires homebound or hospitalized instruction, the PPT modifies, if necessary, the short-term instructional objectives in the student's IEP.

The instruction provided will maintain the continuity of the student's general education program and in the case of a student with a disability, will be provided to the student such that the student can continue to participate in the general education curriculum and progress toward meeting the goals and objectives in the student's IEP. "Maintaining the continuity of the student's general education program" means the student will receive instruction in core academic subjects required by the District or by an inter-district magnet school or charter school for promotion or graduation.

Instruction is provided as follows:

- For any student with a disability from three to five years of age, the amount of time determined appropriate by the PPT;
- No less than one hour per day or five hours per week for students in Kindergarten through sixth grade;
- No less than two hours per day or 10 hours per week for students in seventh through twelfth grade.

The time requirements can be increased or decreased if evaluative data indicates and the parents and the District agree, or the PPT recommends an increase or decrease. The location of the instruction may be the student's home or the hospital or other sites in the area such as the town library, taking into consideration the student's medical condition.

Students with Disabilities Who Are Medically Complex

"Medically complex" refers to a student who has a serious, ongoing illness or chronic condition (for at least a year) and requires prolonged or intermittent hospitalization and ongoing medical treatments or medical devices to compensate for the loss of bodily functions.

In the case of a medically complex student with a disability who is not able to attend school due to medical reasons, the PPT must consider and make accommodations for the student's program to be moved from a public school to home or health care facility, including but not limited to, a hospital, psychiatric facility, or rehabilitation center, and back to school when the student is able to return to school.

Instruction for a student with a disability who is medically complex will begin no later than the third school day of absence, provided the student is able to receive instruction.

Students Who Are Pregnant/Postpartum

In the case of a student who is pregnant/postpartum, the student's treating physician must provide a statement in writing directly to the District, on a form provided by the District, which states:

(1) The student's treating physician has consulted with school health supervisory personnel and has determined that attendance at school with reasonable accommodations is not feasible;
(2) The student is unable to attend school due to a verified medical reason,
(3) The student's diagnosis with supporting documentation;
(4) The student will be absent from school for at least 10 consecutive school days or the student's condition is such that the student may be required to be absent from school for short, repeated periods of time during the school year; and
(5) The expected date the student will be able to return to school.

Instruction shall begin no later than the 11th school day of absence from school, provided the District has received notice in writing that meets the five requirements stated above. The District may begin services earlier if it receives adequate notice prior to the student's absence from school. If the student cannot receive instruction while she is absent, the student's treating physician shall determine when instruction should begin and shall notify the District.

The homebound instruction and other instruction to be provided to a student who is pregnant or has given birth will enable the student to remain in school or otherwise have access to instruction and support services. The District will consider the student's individualized needs and will provide, as appropriate, services that may include transportation, a shortened school day, counseling, modified assignments, or modified class schedule.

Instruction is provided as follows:

- No less than one hour per day for a student through sixth grade;
- No less than two hours per day for a student in grades seven through 12.

The time requirements can be increased or decreased if evaluative data indicates and the parents and the District agree or the PPT recommends an increase or decrease, as appropriate. The location of the

instruction may be the student's home or the hospital or other sites in the area such as the town library, taking into consideration the student's medical condition.

The instruction provided will maintain the continuity of the student's general education program. "Maintaining the continuity of the student's general education program" means the student will receive instruction in core academic subjects required by the District or by an inter-district magnet school or charter school for promotion or graduation.

CHAPTER EIGHT: STUDENTS PARTICIPATING IN PRIVATE/RELIGIOUS SCHOOLS

Background

Students eligible for special education participate in private, including religious, schools or facilities in several different ways. A student may be placed by their parent in a private, including religious, school or facility that meets the state definition of an elementary or secondary school. A parent may enroll a student in a private school or facility when the provision of a free appropriate public education (FAPE) is at issue. Finally, the District may place a student in a private school or facility in order to provide a FAPE to that student. The District has varying responsibilities for students eligible for special education placed in private, including religious, schools or facilities.

The Darien Public Schools ensures that children with disabilities, including children who are educated at home, homeless children, children who are wards of the state, and children attending private schools, regardless of the severity of their disability, and who are in the need of special education and related services are located, identified, and evaluated in accordance with IDEA. This responsibility includes cooperating with other agencies in a position to identify children with disabilities.

For purposes of this chapter, the terms "private school students," "students attending private schools," "students with disabilities in private schools," or "private school students with disabilities" refer to parentally placed private school children with disabilities who are eligible for special education and related services and who attend private, including religious, schools or facilities that are located within Darien.

"Private school" means a nonprofit elementary or secondary school. In Connecticut an "elementary school" is one that has at least a Kindergarten grade. The IDEA requirements for providing services to parentally placed private school students do not apply to students attending private, nonprofit daycare centers, nursery schools, or preschools without at least a Kindergarten grade; however, the Child Find requirements do apply to these students. Additionally, the IDEA requirements for providing parentally placed private school students with services do not apply to students attending private, for profit, elementary or secondary schools; however, the Child Find requirements do apply to these students.

Therefore, children enrolled in for-profit private schools are not counted for the purpose of determining the proportionate share and eligibility to receive equitable services. The IDEA regulations specify that in order to qualify, schools must be nonprofit.

In Connecticut, children who are being home-schooled by their parents are not considered parentally placed private school children for the purposes of receiving special education and related services under IDEA. Home-schooled students are included, however, for purposes of the Child Find requirements.

Currently, there is one private school in Darien, Pear Tree Point, which is a for-profit school. Darien has child-find procedures in place for students who attend Pear Tree Point.

If a student with a disability who is eligible for special education and related services is placed by the District in a private school in order for the student to receive FAPE, the District remains responsible for the student.

Child Find

The IDEA Child Find requirements make clear that Darien must conduct a thorough and complete Child Find process to determine the number of parentally placed students with disabilities who attend private, including religious, schools or facilities located within the town borders regardless of where the students live. "Child Find" for students who reside in Darien but who attend schools outside of Darien is the responsibility of the school district where the private, including religious, school or facility is located.

Darien is responsible for locating, identifying, and evaluating all students with disabilities who are enrolled by their parents in private, including religious, schools or facilities located in Darien. This responsibility includes students placed by their parents in a private school in Darien where the provision of a FAPE is at issue. Darien will undertake activities similar those taken for children enrolled in the Darien Public Schools through its Child Find process. The Child Find process is ongoing throughout the year. If the student was placed by the District in a private school in order to provide the student with FAPE, the District already has the Child Find information on the student and does not need to engage in additional Child Find activities for this student.
The IDEA regulations require that Darien maintain in its records and provide to the state the number of parentally placed private school children evaluated, the number determined to be children with disabilities under Part B and the number of children who are provided equitable services.

Equitable Services and Service Plans

Any student with a disability who is attending a private, including religious, school or facility located in Darien and is eligible for special education and related services receives a services plan from the Darien Public Schools regardless of the fact that the student may not reside in Darien. This applies whether or not the parents are challenging the provision of FAPE to the student.

A student with a disability who has been placed in a private school in Darien (or elsewhere) by Darien in order to receive FAPE is not entitled to a services plan because FAPE is being provided by Darien in a private school and the student's IEP is being implemented.

Students with disabilities in private schools located in Darien may receive a different amount of services than students with disabilities enrolled in the public schools. Darien does not have the responsibility to offer a free appropriate public education (FAPE) to students who attend private schools in Darien.

Darien takes seriously its obligation to provide equitable services funded with Federal Part B funds to parentally placed private school students with disabilities in accordance with provisions in the IDEA.

Under the IDEA, Darien has the responsibility to provide parentally placed private school children with disabilities, who attend private school in Darien, an opportunity for equitable participation in the services funded with Federal Part B funds. How, where, and by whom any special education and related services will be provided for parentally placed private school children with disabilities is determined during the consultation process. After timely and meaningful consultation with private school staff and parents of children with disabilities, the District will make the final decisions about all aspects of services to be made available to the population of private school students with disabilities attending a private, including religious, school or facility located in Darien. The amount of funds available for these services is based on the proportionate share calculation discussed later in this chapter.

Equitable services to parentally placed private school students attending a private, including religious, school or facility located in Darien must be provided in accordance with a services plan. The services plan must describe annual goals and the specific special education and related services that will be provided. It is reviewed periodically, at least annually, and revised as appropriate. Parents are required participants in the development, review, and revisions of the services plan. The regulations explicitly provide that children with disabilities enrolled by their parents in private schools do not have an individual right to receive some or all of the special education and related services they would receive if they were enrolled in the public schools.

Consultation with Representatives of Private School Students

An integral part of the process of determining equitable participation in federally funded services for eligible students is consultation with parents and staff at the private schools in Darien. To ensure timely and meaningful consultation, Darien will consult with representatives of private schools located in Darien, and parent representatives of parentally placed private school students regarding key issues relating to the equitable participation of eligible private school children with disabilities in federally funded special education and related services.

Effective consultation provides a genuine opportunity for all parties to express their views and to have those views considered by Darien before any decision is made regarding services to parentally placed students with disabilities in private schools. Such consultation will be timely and collaborative.

The consultation process will address the following:

- The Child Find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
- The determination of the proportionate share of Federal funds available to serve parentally placed private school children with disabilities, including the determination of how the proportionate share of those funds was calculated;
- How the consultation process among representatives of Darien, the private schools and parents will take place and how the process will operate throughout the school year to ensure that children with disabilities identified through the Child Find process can meaningfully participate in special education and related services;
- How, where, and by whom special education and related services will be provided including a discussion of types of services, and how services will be apportioned if funds are

insufficient to serve all children, and how and when decisions regarding services will be made;

- If Darien disagrees with the views of the private school officials on the provision or types of services to be provided, a written explanation of the reasons why it chose not to adopt the recommendations of private school officials will be provided.

Darien will maintain documentation that the consultation has occurred, including a written affirmation signed by representatives of the participating private school(s). This documentation will reflect that those officials have participated in timely and meaningful consultation that has continued throughout the year.

After consulting with appropriate representatives of eligible private school students, Darien will make the final decision with respect to the services to be provided, including the following:

- Which students will receive services;
- What services will be provided;
- How and where the services will be provided; and
- How the services provided will be evaluated.

Transportation

Darien provides transportation if it is necessary for the student to benefit from or participate in the services identified in the services plan. Darien can provide services on-site, at the child's private school, so as not to unduly disrupt the child's educational experience.

If transportation is necessary for the private school student with a disability to benefit from or participate in the services provided by Darien, transportation costs may be included in calculating the amount Darien must spend on providing special education and related services. See "Use of Funding" below.

Use of Funding

Darien spends the following amounts on providing special education and related services to parentally placed private school children with disabilities:

1. For children aged 3-21, an amount that is in the same proportion of the total sub-grant under 611(f) of the IDEA as the number of private school children with disabilities ages 3-21 who are enrolled by their parents in private schools located in Darien is to the total number of children with disabilities in its jurisdiction aged 3-21.

2. For children aged 3-5, an amount that is the same proportion of the total sub-grant under section 619(g) of the IDEA as the number of parentally placed private school children with disabilities aged 3-5 attending a private school located in Darien is to the total number of children with disabilities aged 3-5 in the Darien jurisdiction. Said private school must meet the state's definition of "elementary school.

Darien may use funds available under Sections 611 and 619 of IDEA to make public personnel available in other than public facilities to the extent necessary to provide services to students designated to receive services, if those services are not normally provided by the private school.

Darien may use funds available under Sections 611 or 619 of IDEA to pay for the services of an employee of a private school to provide services if:

- The employee performs the services outside of his/her regular hours of duty; and
- The employee performs the services under public supervision and control; and
- The employee is appropriately qualified, licensed, or certified.

Darien will not use funds available under Sections 611 or 619 of IDEA for:

- The needs of the private school;
- The general needs of the students enrolled in the private school;
- Financing the existing level of instruction in a private school;
- Repairs, minor remodeling, or construction of private school facilities; or
- Other benefits to or needs of the private school.

Darien will not use funds available under Sections 611 or 619 of IDEA for classes that are organized separately, on the basis of school enrollment or religion, if the classes:

- Are at the same site; and
- Include students enrolled in public schools and students enrolled in private schools.

Equipment and Supplies

Darien keeps the title and exercises administrative control of all property, equipment, and supplies that Darien acquires with IDEA funds under Sections 611 or 619 for the benefit of private school students with disabilities.

Darien may place equipment and supplies in a private school for the period of time needed for the program, provided that the equipment and supplies are used only for IDEA Part B purposes. Equipment and supplies will only be provided if they can be removed from the private school without remodeling the facility. Equipment and supplies will be removed from a private school if:

- The equipment and supplies are no longer needed for IDEA Part B purposes; or
- Removal is necessary to avoid unauthorized use for other than IDEA Part B purposes.

Due Process

The parents of a child enrolled by their parent in a private school have the right to file a due process complaint regarding the Child Find requirements under IDEA. Such a complaint must be filed with the town in which the private school is located and a copy is forwarded to the CSDE by the town. The due process provisions in the IDEA and state special education regulations do not apply to issues regarding the provision of services to any particular parentally placed private school child with disabilities whom the town has agreed to serve because there is no individual right to services for such children under the IDEA.

Disputes that arise about equitable services are properly subject to the State complaint procedures. A parent may file a signed, written complaint in accordance with the state complaint procedures alleging that the state or town has failed to meet the private school requirements, such as failure to properly conduct the consultation process. Such complaints are filed with the CSDE.

CHAPTER NINE: DISCIPLINE

Overview

Students with disabilities, like their nondisabled peers, must abide by the student conduct policies adopted by the Darien Board of Education. The Board has adopted the following student conduct policies: Standards of Conduct for Students, Student Discipline, Drug and Alcohol Use by Students, Conduct on School Buses, Hazing, Bullying Behavior in the Schools /Safe School Climate Plan, and Misconduct Related to Voluntary School Organizations and Activities.

Students with disabilities are subject to the full array of disciplinary actions that may be taken against students as described in the various policies of the Board of Education, including suspension or expulsion from school. The District must follow a set of specific procedural requirements in the event a student with a disability engages in a behavior that requires a disciplinary intervention and exclusion from school, which may result in a change in the student's placement.

General Discipline Considerations: Students with Disabilities

"Exclusion" in the Connecticut state statutes is defined as any denial of public school privileges to a student for disciplinary purposes. Exclusion from school privileges or from transportation services only, for less than 10 consecutive school days, is a suspension. Any exclusion from school privileges for greater than 10 consecutive school days is an expulsion.

Connecticut law provides that all suspensions shall be in-school suspensions, unless at the informal hearing held prior to the student being suspended:

1. The administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the student will be excluded from school during the period of suspension; or
2. The administration determines that an out-of-school suspension is appropriate for the student based on evidence of:
    a. Previous disciplinary problems that have led to suspensions or expulsion of the student; and
    b. An effort by the administration to address such disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies.

The District notifies parents, using an effective means, of any exclusion from school privileges exceeding 90 minutes. Notification will occur within 24 hours of when the student was excluded. All students who are suspended shall be given an opportunity to complete any class work including, but not limited to, examinations that the student missed during the period of suspension. This includes state assessments. In Connecticut, no student may be suspended more than 10 times, or a total of 50 school

days in one school year, whichever results in fewer days of exclusion, unless they are provided with the opportunity for a formal administrative hearing prior to the suspension. If an emergency exists, the hearing is to be held as soon after the suspension as possible.

IDEA Discipline Requirements

How Disciplinary Exclusions from School Impact the Provision of FAPE to Students with Disabilities: Change in Placement

General Information

The Process

School personnel may remove a student with a disability from school for disciplinary reasons. The student may be placed in an appropriate interim alternative educational setting (IAES), another setting, or the District may use suspension as a method of discipline for not more than 10 consecutive school days, to the same extent that those alternatives are applied to students without disabilities. An appropriate IAES will depend on the circumstances of each individual case, as determined by the PPT. An IAES selected by the PPT must ensure the student is able to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.

If the District and the parents of a student with a disability who has violated a school code of conduct are unable to agree on an appropriate placement, the limitations on the amount of time that student can be removed from his/her current placement will be determined as indicated in the IDEA and state statutes (See Sections 10-233a to 10-233k, inclusive, of the Connecticut General Statutes).

The District may consider any and all "unique circumstances" on a case-by-case basis when considering a disciplinary change in placement for the student, consistent with all other state and federal requirements, as appropriate for a student with a disability who violates a code of conduct. "Unique circumstances" include consideration of factors such as the student's disciplinary history, ability to understand consequences, expression of remorse and supports provided to a student with a disability prior to violation of the student code of conduct (taken from Q&A on Discipline Procedures, OSEP, Revised June 2009, Question B).

Students with disabilities may be removed for additional days (not more than 10 consecutive school days in the same school year for separate incidents or misconduct), as long as those subsequent removals from school do not constitute a change in placement. What constitutes a change in placement is discussed in greater detail below.

When a student with a disability engages in behavior that results in a disciplinary action being taken by the District, one of three scenarios occurs:

1. Removal from school by school personnel for not more than 10 cumulative school days in a school year: The student may be removed from school for not more than 10 cumulative school days in a school year. If this happens, the student may be disciplined in the same way as students who do not have disabilities. No educational services must be provided during the time the student is excluded from school, although the student must be permitted to make-up any missed

assignments. This includes partial day removals from school that when added together equal a full school day and full-day suspension from school.

2. Current removal from school when added with previous removals is greater than 10 cumulative school days in the school year: The student with a disability may have already been removed from school during the school year, and this subsequent removal, when added to previous removals from school is greater than 10 cumulative school days in a school year. This may cause a change in placement that requires that certain actions be taken by the District before the removal occurs and to ensure the student receives FAPE during any period of exclusion from school. Please see below for further explanation of when 10 cumulative school days of exclusion is considered a change in placement.
3. Removal from school for more than 10 consecutive school days: The student with a disability is to be removed from school for more than 10 consecutive school days. This causes a change in placement that requires that certain actions be taken by the District before the removal occurs and to ensure the student receives FAPE during any period of exclusion from school.

Partial Day Exclusions

It is important to understand that partial day exclusions from school, such as sending the student home for the rest of the day, is a suspension from school if the student is excluded for more than 90 minutes. Partial day exclusions must be tracked to ensure that appropriate procedural safeguards are applied if the total amount of time the student is excluded in this manner ultimately constitutes a change in placement.

Exclusion from Bus Transportation

Exclusion from bus transportation is considered a suspension, whether the student receives regular transportation or receives transportation as a related service through an IEP. The days the student is suspended from the bus do not count toward the 10-day total if during this period of bus suspension the District provides transportation to the student in some other manner.

Please note: if the student is receiving regular transportation, meaning transportation is not a related service listed in the IEP, and the student has behavior issues that result in multiple suspensions from bus transportation, the PPT should convene to discuss the student's behavior on the bus and what, if any, services the student may need while being transported.

In-School Suspension

If a student is removed from school to in-school suspension, an in-school suspension is counted toward days of suspension if the student is not provided with the opportunity to: (1) continue to appropriately participate in the general curriculum, (2) continue to receive the services specified in the student's IEP, and (3) continue to participate with nondisabled students to the extent they would have in their current placement.

In determining whether the removal of a student with a disability to in-school suspension is counted toward days of suspension, districts must examine the setting used and the services provided to students with disabilities. Practically speaking, the first two criteria (participation in the general curriculum and receipt of services in the IEP) can be addressed in in-school suspension.

The third criteria requires that a student with a disability participates with nondisabled students to the extent such student would have in his or her current placement. If the student with a disability will not have the same level of participation with nondisabled students to the extent they would have in their

current placement, the time the student spends in in-school suspension will be counted toward days of suspension. Each situation must be judged individually. The student's time is assessed to determine if the time with nondisabled peers during periods of in-school suspension is comparable to the time the student spends with nondisabled peers during a typical school day.

Although the special education office in the federal Department of Education has not provided any definitive guidance on this issue, it appears that if a district establishes an in-school suspension setting that is available to students with and without disabilities, the time with nondisabled peers criteria is met, even if on any given day that student with a disability is the only student placed in the in-school suspension setting.

Please refer to the guidelines published by the CSDE, "Guidelines for In-School and Out-of-School Suspensions," Revised December 2010, located on the CSDE website, and particularly Appendix D, Children with Disabilities.

Change in Placement

Disciplinary Removal from School CAUSES a Change in Placement

At the point when a student will be excluded from school for more than 10 (cumulative) school days in a school year, a change in placement may occur; where the student is excluded for more than 10 consecutive school days, a change in placement does occur.

As defined, a change in placement occurs if:

- The removal is for more than 10 consecutive school days; or
- The student has been subjected to a series of removals that constitute a pattern because:
  - The series of removals total more than 10 school days in a school year;
  - The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
  - There are additional factors such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.
    - Please refer back to the notes above on counting partial day removals from school. This is critical in determining if a change of placement has occurred with partial day removals.

Manifestation Determination: Role of the PPT, Timeline

If a disciplinary removal may lead to a change in placement, the PPT convenes before the change in placement to conduct a manifestation determination to review the relationship of the student's behavior to the student's disability. The manifestation determination must be performed within 10 school days of any decision to change the placement of a student with a disability. During the time period before the manifestation determination is complete, the District may remove the student from school through a

suspension only if such removal does not constitute a change in placement, and must provide educational services during this time. The PPT determines the setting and the educational services, so as to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP.

PPT Determines the Student's Behavior IS a Manifestation of the Student's Disability

The student's behavior is a manifestation of the student's disability if the PPT determines:

1. The conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. The conduct in question was the direct result of the District's failure to implement the student's IEP.

The PPT must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine if the behavior in question is a manifestation of the student's disability.

If the PPT determines the student's conduct is a manifestation of the student's disability:

1. The PPT must conduct a functional behavioral assessment (FBA) unless a FBA was conducted before the behavior that resulted in the change of placement occurred;
2. The PPT must design and implement a behavioral intervention plan (BIP) if one has not already been implemented. If a BIP has been developed, it must be reviewed and modified as necessary to address the behavior; and
3. The student must be returned to the placement from which the student was removed unless the parent and the District agree to a change in placement as part of the modification of the BIP.

If the PPT Determines the Student's Behavior IS NOT a Manifestation of the Student's Disability:

1. The student may be disciplined in the same manner and for the same duration as a student without a disability;
2. The student continues to receive educational services that enable the student to continue to participate in the general education curriculum, although in another setting (i.e., the alternative education opportunity described in Section 10-233d of the general statutes), and to progress toward meeting the goals set out in the student's IEP; and
3. The PPT may determine it is appropriate to conduct a functional behavioral assessment (FBA), and develop a behavioral intervention plan/services (BIP) and modifications to behavioral goals and objectives in the IEP designed to address the behavior violation so that it does not recur.

Due to the specific requirements of the state expulsion statutes, educational services may or may not be required during the period of expulsion depending on the student's age, whether or not it is the student's first expulsion and what the violation is. Darien's code of student conduct explains in detail the provision of services during periods of expulsion. However, the state expulsion statute is clear that the exceptions to providing an alternative educational opportunity to students who are expelled do not apply to students eligible for special education who are expelled.

Homebound instruction may not be used as the sole option for providing the IAES or the alternative educational opportunity: one hour of instruction a day for Grades K-6 and two hours a day for Grades 7-12 may not be sufficient to meet the criteria of #2 above. The PPT must determine on an individual basis

the amount of instructional time to be provided to a student with a disability to ensure the services being offered to the student meets the criteria of #2 above.

Whenever the District is considering an action for a removal of a student to an IAES by school personnel or by a hearing officer, or other removal that constitutes a change in placement, the District must notify the parents not later than the date the decision is made and provide the parents with a copy of the procedural safeguards notice.

Disciplinary Removal from School DOES NOT CAUSE a Change in Placement

1. If the removal from school does not meet the criteria for a change in placement, a manifestation determination is not required and the student may be disciplined in the same manner as students without disabilities.
2. If the current removal from school is not more than 10 school days, school personnel in consultation with at least one of the student's teachers determines the extent to which educational services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the IEP.
3. The student shall also receive, if the PPT determines it to be appropriate, a functional behavioral assessment (FBA) and behavioral intervention plan/services (BIP) designed to address the behavior violation so that it does not recur.

The services required may be provided in an Interim Alternative Educational Setting (IAES).

If the District and the parents of a student with a disability who has violated a school code of conduct are unable to agree on an appropriate placement, the limitations on the amount of time that student can be removed from his/her current placement will be determined as indicated in IDEA and state statutes. (See Sections 10-233a to 10-233k, inclusive, of the Connecticut General Statutes).

The District may consider any and all "unique circumstances" on a case-by-case basis when considering a disciplinary change in placement for the student, consistent with all other state and federal requirements, as appropriate for a student with a disability who violates a code of conduct. "Unique circumstances" include consideration of factors such as the student's disciplinary history, ability to understand consequences, expression of remorse, and supports provided to a student with a disability prior to violation of the student code of conduct (taken from Q&A on Discipline Procedures, OSEP, Revised June 2009, Question B-2).

Referral to and Action by Law Enforcement & Judicial Authorities

The IDEA does not prevent the District from reporting crimes committed by students with disabilities to appropriate authorities and does not prevent state law enforcement and judicial authorities from exercising their responsibilities under Federal and state law to crimes committed by a student with a disability.

If the District reports a crime committed by a student with a disability to the appropriate authorities, the District transmits copies of the special education and disciplinary records of the student for consideration by the authorities to whom the crime is reported to the extent allowed by the Family Educational Rights and Privacy Act (FERPA), which may require parental consent before the records

are provided. Please see the chapter on "Confidentiality" for a further explanation of the requirements for transmitting educational records.

Special Circumstances That Allow the District to Remove a Student with a Disability to an Interim Alternative Educational Settings (IAES) without Regard to Whether the Behavior Is a Manifestation of the Student's Disability

School personnel may remove a student with a disability to an appropriate IAES not to exceed 45 school days, without regard to whether the behavior is a manifestation of the student's disability, if the student:

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

Serious bodily injury is defined as an injury that results in:

1. A substantial risk of death; or
2. Extreme physical pain; or
3. Protracted and obvious disfigurement; or
4. Protracted loss or impairment of the function of a bodily member, organ, or mental facility.

The PPT selects the IAES in which a student is to be placed by the District or a hearing officer for drugs/weapons/serious bodily injury violations. The IAES must be selected so as to:

1. Enable the student to continue to participate in the general curriculum, although in another setting;
2. Allow for the continuation of those services and modifications, including those described in the student's current IEP, that will enable the student to progress towards meeting the goals in the student's IEP; and
3. Include services and modifications to address the behavior that resulted in the removal to the IAES or that are designed to prevent the behavior from recurring.

Behavior in the Community

School personnel cannot remove a student to an IAES for a student's behavior in the community that involves either weapons or controlled substances. However, students may be suspended or expelled for behavior occurring in the community in accordance with the provisions of the general statutes and Darien Board of Education Policy. (Refer to Sections 10-233c(a) and Section 10-233d(a)(1) of The Connecticut General Statutes).

In order to suspend a student for behavior occurring in the community, the District administration must determine the conduct off school grounds violates a publicized policy of the Board of Education or is seriously disruptive of the educational process. In order to expel a student for behavior occurring in the community, the Board of Education, or a designee of the Board, through a formal administrative hearing, must determine the conduct off school grounds violates a publicized policy of the Board or is seriously disruptive of the educational process.

To find that the behavior is seriously disruptive of the educational process, the District administration or Board of Education or designee will review factors related to the behavior, including whether:

- The behavior happened close to school;
- Other students from school were involved, or whether there was any gang involvement;
- The conduct involved violence, threats of violence, or the unlawful use of a weapon;
- Any injuries occurred; and
- The conduct involved the use of alcohol.

Authority of Hearing Officers, Judges and Courts/Expedited Due Process Hearing

Hearing Officer's Authority to Order an IAES

The District may ask a special education hearing officer to order a change in placement of a student with a disability to an appropriate interim alternative educational setting (IAES) for not more than 45 school days. The hearing officer may place a student in an IAES through an expedited due process hearing if the hearing officer determines that the District has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

Judges and Courts Authority Regarding Removal from School

A judge or the courts continue to have the authority to remove a student from educational settings and services in accordance with state and federal laws. The District may seek a temporary restraining order that orders the student to be placed in an IAES.

Expedited Due Process Hearings

An expedited due process hearing will be scheduled when a hearing is requested:

1. By Darien to remove the student to an IAES because Darien believes that keeping the student in the current school program is substantially likely to result in injury to the student or to others;
2. By Darien to maintain the student in an IAES or another appropriate placement after the expiration of the IAES where the parents disagree with the proposed change and Darien believes that maintaining the student in the current school program is substantially likely to result in injury to the student or to others;
3. By the parent where the parent believes that a change in placement has occurred because the student has been kept out of school for more than 10 consecutive days in a row without the District following the proper steps;
4. By the parent where the parent believes that a change in placement has occurred because the student has been kept out of school for more than 10 cumulative days in a school year without the school following the proper steps;
5. By the parent where the parent does not agree with the IAES placement; or
6. By the parent where the parent does not agree with the manifestation determination made by the PPT.

During the expedited hearing, the student must remain in the IAES or other disciplinary setting pending the decision of the hearing officer or until the expiration of the additional suspensions, expulsion or 45 school day IAES unless the parent and the LEA otherwise agree.

An expedited hearing must meet the general hearing requirements. The state due process regulations contain procedural requirements that are specific to expedited hearings. The hearing is limited to the above issues and the hearing officer has the authority to limit the introduction of exhibits and testimony as may be necessary to rule on the issue presented.

Protection for Students Not Yet Eligible for Special Education

A student who has not been determined eligible for special education and related services under the IDEA and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in IDEA if the District had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

The District is deemed to have knowledge that a student is a student with a disability if before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student submitted to District supervisory or administrative personnel or a teacher of the student, a written statement of their concerns that the student is in need of special education and related services. This may be a parent referral for special education or any such written expression that the parent provides the District. This expression of concern may be provided orally if the parent does not know how to write or if they have a disability that prevents a written statement;
2. The parent of the student requested an evaluation of the student to determine her/his eligibility for special education and related services under IDEA; or
3. The teacher of the student or other District personnel expressed concern about the behavior or performance of the student to the director of special education of the District or to other supervisory personnel.

If the District does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student is subject to the same disciplinary measures as students without disabilities who engage in comparable behavior. The District will not be deemed to have knowledge that the student has a disability if the student's parents had not allowed an evaluation of the student or have refused services under the IDEA, or the student has been evaluated and determined not to be a student with a disability under the IDEA.

If a request is made to evaluate the student to determine eligibility for services during the time in which the student is subject to the disciplinary measures, the evaluation must be done in an expedited manner. Pending the results of the evaluation, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion.

The Resources for the Special Education Standard Operating Procedures Manual are a combination of hyperlinked websites and hard copies of documents. Following are the resources for each chapter.

CHAPTER ONE: CHILD IDENTIFICATION
Resources

Transition of Children from Birth to Three to Special Education (2014)
Located at:
http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Early/preschoolSE/Transition_BT3_Forum_2014.pdf

Using Scientific Research-Based Intervention: Improving Education for All Students:
CT Framework for RtI, August 2008
Located at:
http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/SRBI_full.pdf

Darien Referral to Determine Eligibility for Special Education and Related Services (ED 621)

Darien Parent Notice of Referral to Determine Eligibility for Special Education and Related Services (ED 622)

School | Signature of School Administrator | Date Received

DARIEN PUBLIC SCHOOLS
REFERRAL TO DETERMINE ELIGIBILITY FOR SPECIAL EDUCATION AND RELATED SERVICES

Student: _____ DOB: _____ Age: _____ Grade: _____

Parent/Guardian: _____ Primary Lang: ☐English ☐Other: _____

Address: _____ Referred by: _____

_____ Referral Date: _____

Telephone: _____ Relationship to Child: _____

1. AREA(S) OF CONCERN:

Check major area(s) of concern, and briefly describe the child's behavior, or performance in each area checked. If you have identified more than one area of concern, circle the area you consider to be the highest priority.

☐ Academic ☐ Social/Emotional ☐ Gross/Fine Motor ☐ Activities of Daily Living

☐ Health Related ☐ Behavior ☐ Communication ☐ Other: (specify) _____

A. Describe Specific Concerns:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

B. Describe Alternative Strategies Attempted and Outcome: (Use additional pages if necessary.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Student: _____ DOB: _____

2. Special Services History:

Are you aware of any special services provided for this child now or in the past? ☐ Yes ☐ No

If Yes, describe the type, location, and provider of the service.

_____

_____

_____

_____

_____

_____

_____

3. Other Relevant Information:

_____

_____

_____

_____

_____

_____

4. Parent Notification:

Has the parent/guardian been notified about your concerns regarding this student? ☐ Yes ☐ No

If Yes, method of notification: _____

Date(s) parent/guardian was notified: _____

Signed: _____ Date: _____
(Signature of individual completing this form)

***Please note:** The special education referral date immediately affords the student and parent(s) all special education procedural safeguards. This referral also "starts the clock" with respect to the timelines specified in RCSA 10-76d-13(a)(1) and (2) which provide that *"(1) The individualized education program shall be implemented within forty-five days of referral or notice, exclusive of the time required to obtain parental consent. (2) In the case of a child whose individualized education program calls for out-of-district or private placement, the individualized education program shall be implemented within sixty days of referral or notice, exclusive of the time required to obtain parental consent."* If a parent communicates in writing directly with a staff member that they wish to refer their child for an evaluation to determine her/his eligibility for special education services, the date the staff member receives this written communication constitutes the date of referral. If a parent communicates verbally with a staff member that they wish to refer their child for an evaluation to determine her/his eligibility for special education services, the staff member should provide the parent with a copy of this referral form and, when necessary, assist the parent in completing this form. It should be understood that, in all instances, this is a referral for an evaluation to determine eligibility for special education services. Actual eligibility for special education services is determined by the PPT only after an evaluation has been completed.

DARIEN PUBLIC SCHOOLS

PARENT NOTICE OF REFERRAL TO DETERMINE ELIGIBILITY FOR SPECIAL EDUCATION AND RELATED SERVICES

Date: _____

_____
(Name of Parent/Guardian or Student)

_____
(Street Address)

_____
(City/Town) (State) (Zip Code)

Dear _____

The purpose of this letter is to advise you that your child, _____ (Student's Name), _____ (DOB)

has been referred for consideration of eligibility for special education services. The referral was made by:

_____ (Name of person or team making referral), on _____ (Date)

The next step in the referral process is to schedule a Planning and Placement Team meeting (PPT). At this meeting the available information regarding your child's current school performance will be reviewed and evaluation procedures for determining eligibility for special education services will be considered. Parent participation in this process is very important. We ask that you make every effort to attend this meeting.

Enclosed with this letter are the following materials:

☐ A copy of the referral which outlines specific concerns and the information used as the basis for this referral, including alternative strategies employed prior to the referral.

☐ A copy of Procedural Safeguards in Special Education. If you would like a further explanation of these procedures please contact:

_____, at _____,

☐ A Planning and Placement Team meeting notice. (If a notice is not included with this letter you will receive one in a separate mailing.)

☐ Other: (specify) _____

Please be advised that you have the right to review and obtain copies of all records used as a basis for this referral.

If you have any questions, please contact, _____ (Name) _____ (Title)

at _____

Sincerely,

_____
(Name and Title)

ED622
January 2006

CHAPTER TWO: CONFIDENTIALITY
Resources

Darien District Policy for Education Records
Family Educational Rights And Privacy Act (FERPA) Regulations
LOCATION:
http://www2.ed.gov/policy/gen/guid/fpco/pdf/ferparegs.pdf

Amendment to FERPA that provides access to records to child welfare agency workers

State of Connecticut Municipal Records Retention Schedule for Education Records
Schedule M8 of the State Public Records Administrator

Darien Confidential File Access Record form

Darien Release of Records form

Darien Public Schools
Darien, Connecticut

POLICY

Series 5200
Rights and Responsibilities

Policy 5265

CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS

I. POLICY

The Board of Education ("Board") complies with the state and federal regulations regarding confidentiality, access to and amendment of education records. The Board shall implement procedures that protect the privacy of parents and students while providing proper access to records. Availability of these procedures shall be made known annually to parents of students currently in attendance and eligible students currently in attendance.

II. DEFINITIONS

A. Access is defined as the right to inspect or review a student's education records or any part thereof. Access may include the right to receive copies of records under limited circumstances.

B. Biometric record, as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence; facial characteristics and handwriting.

C. De-identified education records means education records or information from education records from which all personally identifiable information has been removed, and for which the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

D. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name, address and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade

level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, and the most recent previous school(s) attended. Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

E. Disciplinary action or proceeding means the investigation, adjudication or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of internal rules of conduct applicable to students.

F. Disclosure means to permit access to or to release, transfer, or other communication of personally identifiable information as contained in education records by any means, including oral, written or electronic means, to any party except the party identified as the party that provided or created the record.

G. Education Records

1. Education records means any information directly related to a student that is recorded in any manner (e.g., handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche) and that is maintained by the school system or persons acting for the school system.

2. Education records do not include:

a) private, personal, or working notes in the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";

b) records maintained by a law enforcement unit of the school district that were created by that unit for the purpose of law enforcement;

c) employment records used only in relation to the student's employment by the school district that are 1) made and maintained in the normal course of business, 2) relate exclusively the student's capacity as an employee, and 3) are not made available for any other purpose;

d) records on an eligible student (i.e. over 18 or attending a postsecondary educational institution) that are considered "treatment records" as they meet the following criteria: 1) the records are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, 2) the records are made in connection with the treatment of the

student and 3) the records are disclosed only to individuals providing such treatment (treatment does not include remedial educational activities or activities that are part of the program or instruction of the school district); however, the school district must, upon request, permit an eligible student to have a physician or other appropriate professional of the student's choice review his/her treatment records;

e) records created or received by the school district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and

f) grades on peer-graded papers before they are collected and recorded by a teacher.

H. Eligible Student is a student or former student who has reached 18 years of age or is attending an institution of post-secondary education or is an emancipated minor.

I. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.

J. Parent is defined as a parent or parents of a student, including a natural parent, a guardian, or surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The rights of a parent shall transfer to an eligible student; however, a parent of a student who claims that student as a dependent under Section 152 of the Internal Revenue Code of 1954 is entitled to access to the student's education records without the eligible student's consent.

K. Personally Identifiable Information includes, but is not limited to, the student's name; the name of the student's parent or other family members; the address of the student or his/her family; a personal identifier, such as the student's social security number, student number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the school district reasonably believes knows the identify of the student to whom the education record relates.

L. School Official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

M. Signed and Dated Written Consent to disclose personally identifiable student information from a student's education records must specify the records to be disclosed, the purpose of disclosure and the party to whom such records should be provided. Consent may include a record and signature in electronic form provided that the consent identifies and authenticates a particular person as the source of electronic consent.

III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY INFORMATION

A. On an annual basis, the school district will notify parents and/or eligible students currently in attendance of their rights regarding a student's education records. This notice will be published in all student handbooks in the District and will also be published in the school district's guide to Pupil Personnel [or Special Education] Services and will be published in any other manner "reasonably likely" to inform such parents and eligible students of their rights. The school district will take steps to ensure that parents or eligible students whose primary or home language is not English or who are disabled will also be notified of their rights regarding a student's education records.

B. On an annual basis, the school district will also notify parents and/or eligible students currently in attendance of any categories of information designated as directory information. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year.

C. In the annual notification, the school districts will also provide notice to parents and/or eligible students that the district is legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

IV. CONFIDENTIALITY OF EDUCATION RECORDS

A. All school officials are directed to maintain the confidentiality of personally identifiable information contained in a student's education records. Each person who has access to education records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages. Disclosure of information is permitted only in accordance with Board policy and consistent with state and federal law.

B. Education records are not public records and any disclosure other than to persons authorized to receive the records without prior consent of a parent or an eligible student violates the law and Board policy, except as provided in federal and state statutes.

C. The school district shall use reasonable methods, including administrative policies and procedures, as well as physical and technological access controls, to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.

D. The district shall use reasonable methods to identify and authenticate the identity of parents, students, school officials and other parties to whom the district discloses personally identifiable information from education records.

E. The district shall require contractors and other outside agencies with access to education records to certify their compliance with the confidentiality requirements of this policy, as well as applicable state and federal law.

V. ACCESS TO EDUCATION RECORDS

A. Parents and/or an eligible student have the right to inspect and review all education records of the student unless such rights have been waived under Section XI, below. Parents' rights of inspection and review are restricted to information dealing with their own child. In the case of an eligible student, the right to inspect and review is restricted to information concerning the student. All requests for access to education records must be in writing.

B. When submitting a written request to inspect or review education records, the request must identify the record or records being sought. The school district will notify the parent or eligible student of the date, time, and location where the records may be inspected and reviewed.

C. The parents or eligible students may designate in writing a representative to inspect and review the records. Consent for disclosure of education records to a designated representative must be signed and dated by the parent or eligible student.

D. A school professional shall be present at all such inspections and reviews and shall respond to reasonable requests for explanations and interpretations of the records.

E. For the records of regular education students, the Board will make education records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than forty-five (45) calendar days from the receipt of a written request.

F. For students requiring special education, the Board will comply with a request to inspect and review a student's education records within ten (10) days of the request; or within three (3) days of the request if the request is in order to prepare for a meeting regarding an IEP meeting (planning and placement team meeting) or any due process proceeding.

G. Parents of students eligible to receive special education and related services (or the eligible student) have the right to receive one free copy of their child's (his/her) education records. The request for the free copy must be in writing and the Board shall comply with the written request within five (5) school days of the request. Notwithstanding the fact that a test instrument or portion of a test instrument may meet the criteria of an "education record" under the Family Educational Rights and Privacy Act, 20 USC 1232g, any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest in the instrument shall not be copied. The parent or eligible student retains the right to review and inspect such information and the board of education shall respond to reasonable requests from the parent or eligible student for explanations and interpretations of the student's education record, which may include reviewing copyrighted testing instruments.

H. Aside from a parent or eligible student, staff members, school employees and other school officials may access a student's educational records only if they have been determined by the school system to have a legitimate educational interest in accessing the information contained in such records. Disclosures to any other parties, may only be made in accordance with the exemptions and provisions set forth in Section VII, below.

I. Pursuant to the procedures set forth in Section VI, below, the district maintains a record of all parties that have requested access to education records, including access to education records found in computer memory banks.

J. Non-custodial Parents:

A parent does not lose his or her right to access to education records upon divorce. Non-custodial parents retain their rights to review their child's education records unless the school district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes the non-custodial parent's rights. School notices shall be mailed to the non-custodial parent/guardian requesting the notices at the same time that they are provided to the custodial parent/guardian. Any requests by the non-custodial parent/guardian to receive school notices shall be effective for as long as the child remains in the school the student is attending at the time of the request.

K. Copies of Education Records/Fees:

1) The school district cannot charge a fee to search for or to retrieve the education records of a student. As noted above, if a student has been identified as requiring special education and related services, the parents' (or eligible student's) right to inspect and review the child's records shall include the right to receive one free copy of those records. The request for the free copy shall be made in writing. The board of education shall comply with such request as stated above. A charge will be levied for additional copies; in no case will the charge exceed 50¢ per page.

2) In addition to the provision above regarding special education students, if circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall:

a. provide the parent or eligible student with a copy of the records requested, or

b. make other arrangements for the parent or eligible student to inspect and review the requested records.

3) The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.

VI. RECORD KEEPING REQUIREMENTS/DOCUMENTATION OF ACCESS TO EDUCATION RECORDS

A. The school district will appoint an individual to be responsible for the care and upkeep of all education records. Education records are kept by categories, each of which encompasses a specific type of data collected during a student's educational career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.

B. Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks. The record log shall contain:

1) the name of any individual, agency, or organization that requested or obtained access to the student's records;
2) the date of the request for access;
3) whether access was given;
4) the purpose for which the party was granted access to the records;
5) the names of additional parties to whom the receiving party may disclose the information on behalf of the school district; and
6) the legitimate educational interest in obtaining the information.

B. The record (log) requirement does not apply to requests from, or disclosure to:

1) a parent or eligible student;
2) a party seeking directory information;
3) a party who has a signed and dated written consent from the parent and/or eligible student;
4) school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the student's record; or
5) persons seeking or receiving the information as directed by a Federal grand jury, other law enforcement subpoena, or ex parte order of the Attorney General of the United States (provided that the information requested is not to be redisclosed).

C. The record (log) is a permanent part of the student's education records and must be available to the parent or eligible student upon request.

D. If the district makes a release of education records without consent in a health and safety emergency, the district must record:

1) the articulable and significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and
2) the parties to whom the district disclosed the information.

VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE INFORMATION

A. The school system or its designated agent(s) may not permit release of education records or any information from such records which contains personally identifiable student information to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Section VII.C below. Personally identifiable information contained in the education record, other than directory information, will not be furnished in any form (i.e., written, taped, person-

to-person, statement over the telephone, on computer disk, e-mailed, etc.) to any person other than those listed below, unless prior written consent has been obtained.

B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.

C. Personally identifiable information may be released **without consent** of the parents, or the eligible student, only if the disclosure meets one of the criteria set forth below:

1. The disclosure is to other school officials within the district, including teachers, who have been determined by the school district to have legitimate educational interests in the education records.

2. The disclosure is to a contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions, provided that the outside party (a) performs an institutional service or function for which the district would otherwise use employees, (b) is under the direct control of the district with respect to the use and maintenance of education records, and is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records.

3. The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Section X.

4. The disclosure is to authorized representatives of the Comptroller General of the United States; the Attorney General of the United States; the Secretary of Education; or State and local educational authorities, under the following conditions: the school shall provide such authorized representatives access to student or other records that may be necessary in connection with the audit, evaluation, or enforcement of state and federally supported education programs, but shall not permit such representatives to collect personally identifiable information unless specifically authorized to do so by state and federal law or if the parent or eligible student has given written consent for the disclosure.

5. The disclosure is made in connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.

6. The disclosure is to state and local officials or authorities within the juvenile justice system as long as the officials and authorities to whom the records are disclosed certify in writing to the school district that (a) the information is required by the court, (b) will not be disclosed to any other party without the prior, written consent of the parent of the student, except as provided under State law. Disclosure shall be permitted for information relating to the student's school attendance, adjustment and behavior, as well as the student's individualized education program (IEP) and related documents if the student receives special education services. If a student is placed on probation by the juvenile court, school officials may issue their own recommendation concerning the conditions of the student's probation.

7. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, so long as (a) the study does not permit personal identification of parents or students by individuals other than representatives of the organization, (b) the information is destroyed after it is no longer needed for the purposes for which the study was conducted, and (c) the district enters into a written agreement with the organization conducting the study that ensures that the study protects the confidentiality of personally identifiable student information consistent with FERPA requirements.

8. The disclosure is to accrediting organizations in order to carry out their accrediting functions.

9. The disclosure is to parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.

10. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with (a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code.

11. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the

legal action as plaintiff.

12. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.

13. The disclosure is to appropriate parties, including parents of an eligible student, in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making a determination regarding the disclosure of education records without consent in a health and safety emergency, the district may take into account the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the district reasonably determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, provided, however, that the district record such disclosure in accordance with Section VI. D, above.

14. The disclosure is to the parent of a student who is under 18 years of age or to the student.

15. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines.

D. Directory Information

1. The school district will notify parents (of students currently enrolled within the district) or eligible students (currently enrolled in the district) annually of any categories of information designated as directory information. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year.

2. School districts are legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

3. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of

the school district and is consistent with the district's obligations under both state and federal law.

4. The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.

5. An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled.

6. The school district will not use the student's social security number or other non-directory information alone or combined with other elements to identify or help identify the student or the student's records.

E. De-identified Records and Information

1. The school district may release education records or information from education records without the consent of a parent or eligible student after the removal of all personally identifiable information, provided that the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

2. The school district may release de-identified education records including student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

   a) the district does not disclose any information about how it generates and assigns a record code, or that would allow a recipient of the information to identify a student based on the record code;
   b) the record code is used for no purpose other than identifying a de-identified record for the purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
   c) the record code is not based on a student's social security number or other personal information.

F. Disciplinary Records:

Nothing in this policy shall prevent the school district from:

1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

2. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.

G. In accordance with state and federal law, the district will facilitate the transfer of records of suspension and expulsion of a student to officials of any private elementary or secondary school in which the student is subsequently enrolled or seeks, intends or is instructed to enroll.

H. Records of the Department of Children and Families ("DCF")

1. Documents related to any Department of Children and Families ("DCF") child abuse and/or neglect investigations that are maintained by the Board are considered education records under the Family Educational Rights and Privacy Act ("FERPA"). As such, they are subject to the confidentiality and disclosure requirements set forth in this policy and in corresponding provisions of state and federal law. Such records should be kept in a confidential location, with restricted access and shall be disclosed only as authorized by law. In addition to meeting the requirements under FERPA, should the Board receive a request to disclose confidential DCF records to an outside third party, the Board shall redact the name or other personally identifiable information concerning the individual suspected of being responsible for the alleged abuse and/or neglect unless the requested records are being released to the individual named in the DCF records.

2. In addition, the district shall redact the name or any personally identifiable information related to the identity of any individual responsible for making a report of alleged child abuse and/or neglect before releasing or transferring any DCF records containing such reports.

VIII. REDISCLOSURE OF EDUCATION RECORDS

A. The school district may disclose personally identifiable information from an education record only on the conditions that:

1. the party to whom the information is disclosed will not subsequently redisclose the information to any other party without the proper consent of the parent or eligible student, and

2. the officers, employees, and agents of a party that receives such information may only use the information for the purposes for which disclosure was made.

B. Notwithstanding the provisions of Section A. above, the school district may disclose personally identifiable information from an education record with the understanding that the information may be redisclosed by the recipient of the information as long as prior written consent for disclosure is not required, for one of the reasons listed in Article VII, Section C. above, and at least one of the following conditions is met.

1. The record of the original disclosure includes the names of the parties to whom redisclosure is being made and the legitimate interests each such party has in requesting or obtaining the information.

2. In the case of disclosures made pursuant to a court order or lawfully issued subpoena, the district has made a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena (except if such subpoena meets the criteria set forth above in Article VII, Section C. (10)).

3. Disclosure is made to a parent, and eligible student, or the parent of an eligible student.

4. The information is considered directory information.

C. In the event that the Family Policy Compliance Office determines that a third party outside of the school district has improperly redisclosed personally identifiable information from education records in violation of FERPA, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

IX. AMENDMENT OF EDUCATION RECORDS

A. If a parent or an eligible student believes that information in the student's education records is inaccurate, misleading or in violation of the student's right to privacy, he/she is entitled to:

1. Request in writing that the school district amend the records;

2. Receive within a reasonable period of time a decision from the school district with respect to its decision on the amendment(s) requested by the parent or eligible student.

B. If the school district decides to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments, and shall inform the parent or eligible student of the amendment.

C. If the school district decides that an amendment of the records in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing pursuant to this policy.

X. HEARING RIGHTS AND PROCEDURES

A. Rights

1. Upon written request of a parent or eligible student to the Superintendent, an opportunity for a hearing shall be provided to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.

2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records shall be amended, and the parent or eligible student shall be informed in writing.

3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting on the contested information or stating why he or she disagrees with the district's decision, or both.

   a. Any statement placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.

   b. If the contested portion of the education record is disclosed by the school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

B. Procedures

1. The hearing shall be held within a reasonable time after the school system has received the request, unless the parent or eligible student requests a delay.

2. The parent or eligible student shall be given notice of the date, place, and time of the hearing, within a reasonable time in advance of the hearing.

3. The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.

4. The parent or eligible student and the school system shall have the right to be represented by person(s) of their choosing at their own expense, to cross-examine witnesses, to present evidence, and to receive a written decision of the hearing.

5. The decision reached through the hearing shall be made in writing within a reasonable period of time after the hearing. The decision will be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

XI. WAIVER OF RIGHTS

A. A student who is an applicant for admission to an institution of post-secondary education or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:

1. The student is notified, upon request, of the names of all individuals providing the letters or statements.

2. The letters or statements are used only for the purpose for which they were originally intended.

3. The waiver is not required by the agency as a condition of admission to or receipt of any other service or benefit from the agency.

4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.

B. A waiver may be revoked with respect to any actions occurring after the revocation.

C. Revocation of a waiver must be in writing.

XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED INFORMATION

A. The following definitions shall apply to Section XII of this policy:

1. Confidential HIV-Related Information

   "Confidential HIV-related information" means any information pertaining to the protected individual or obtained pursuant to a release of confidential HIV-related information, concerning whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions, including information pertaining to such individual's partners.

2. Health Care Provider

   "Health Care Provider" means any physician, dentist, nurse, provider of services for the mentally ill or persons with mental retardation, or other person involved in providing medical, nursing, counseling, or other health care, substance abuse or mental health service, including such services associated with, or under contract to, a health maintenance organization or medical services plan.

3. Protected Individual

   "Protected individual" means a person who has been counseled regarding HIV infection, is the subject of an HIV-related test or who has been diagnosed as having HIV infection, AIDS or HIV-related illness.

4. Release of confidential HIV-related information

   "Release of confidential HIV-related information" means a written authorization for disclosure of confidential HIV-related information which is signed by the protected individual, if an eligible student, or a person authorized to consent to health care for the individual and which is dated and specifies to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information, unless such authorization specifically indicates its dual purpose as a general authorization and an authorization for the release of confidential HIV-related information.

5. School Medical Personnel

   "School medical personnel" means an employee of the Board who is a school nurse or the school district medical adviser.

B. Confidentiality of HIV-related Information

1. All school staff must understand that no person who obtains confidential HIV-related information regarding a protected individual may disclose or be compelled to disclose such information. Each person who has access to confidential HIV-related information is responsible for ensuring that confidential HIV-related information is protected from disclosure and/or redisclosure.

2. Confidential HIV-related information is not public information and any disclosure, other than to persons pursuant to a legally sufficient release or to persons authorized by law to receive such information without a legally sufficient release, violates the law and Board policy.

C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:

    a. the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;

    b. any person who secures a release of confidential HIV-related information;

    c. a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;

    d. a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;

    e. a medical examiner to assist in determining cause of death; or

    f. any person allowed access to such information by a court order.

D. Procedures

1. If a school staff member, other than school medical personnel, is given confidential HIV-related information regarding a protected individual who is also a student from the student's legal guardian or the student, the school staff member shall attempt to secure a release of confidential HIV-related information for the sole purpose of disclosing such information to school medical personnel.

2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a student, by a student's legal guardian, or by the student, and the legal guardian or the student requests accommodations to the student's program for reasons related thereto, the school medical personnel member shall inform the legal guardian or the student, if an eligible student, that a release of confidential HIV-related information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.

3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.

4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.

5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.

6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

E. Disclosures Pursuant to a Release

1. Any disclosure pursuant to a release shall be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.

3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures shall be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

XIII. CHILD ABUSE REPORTING

Nothing in this policy shall limit a mandated reporter's responsibility to report suspected child abuse or neglect under the Board's Child Abuse and Neglect Reporting Policy (Policy approved on June 9, 2009 to be labeled Series 4000, Personnel – formerly Policy ID5, Student section.)

XIV. RIGHT TO FILE A COMPLAINT

FERPA affords parents and eligible students the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the agency that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-4605

Legal References:

State Law:

Conn. Gen. Stat. § 1-210 et seq.
Conn. Gen. Stat. § 10-15b
Conn. Gen. Stat. § 17a-28
Conn. Gen. Stat. § 17a-101k
Conn. Gen. Stat. § 19a-581 et seq.
Conn. Gen. Stat. § 46b-134
Regs. Conn. State Agencies § 10-76d-18

Office of the Public Records Administrator, Retention Schedule M8-Education Records, Revised 2/2005, available at http://www.cslib.org/retschedules.htm

Federal Law:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §§ 1232g et seq.
USA Patriot Act of 2001, Pub. L. 107-56
No Child Left Behind Act of 2001, Pub. L. No. 107-110
34 CFR 99.1 - 99.67 (as amended)
34 CFR 300.560-300.576

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, US Department of Education (October 2007), available at http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/.

ADOPTED: June 9, 2009
REVISED:

One Hundred Twelfth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the third day of January, two thousand and twelve

An Act

To amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uninterrupted Scholars Act (USA)".

SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the "Family Educational Rights and Privacy Act of 1974") is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking "and" after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting "; and"; and

(C) by inserting after subparagraph (K), the following:

"(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records."; and

(2) in paragraph (2)(B), by inserting ", except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or

institution is not required" after "educational institution or agency".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

Revised 2/2005

Municipal Records Retention Schedule M8

EDUCATION RECORDS

Item Number	Record Series Title	Minimum Retention Required	Disposition
	A. ADMINISTRATIVE RECORDS[1]		
	1. Athletic Department records		
M8-005	a. Sports Contract/Student Contract (including signature sheets for student handbooks)	At end of school year for which contract signed	destroy[2]
M8-010	b. Permission slips (to participate in sporting activities)	3 years	destroy[2]
(M11-085)	**2. Computer Terminal Sign-up Sheets**	1 month	destroy[2]
M8-020	**3. Free/reduced meal application and documentation**	3 years or until audited, whichever comes later	
M8-030	**4. Notification to parents (annual)** (regarding Student Behavior and Discipline, Bus Conduct, and Electronic Communications Systems, and the National School Lunch Program)	1 year	destroy[2]
M8-040	**5. Policy and Procedures manuals**	permanent; revise as required. Keep old policy and procedures separately.	retain permanently[3]
	6. Registration records		
M8-050	a. Adult education registration records	3 years or until audited, whichever comes later	destroy[2]
M8-055	b. After school program registration records	1 year	destroy[2]
M8-060	c. Pesticide application notification registration form	5 years (*CGS* Sec. 10-231c(f))	destroy[2]
M8-065	d. School registration records including residency documentation	3 years or until audited, whichever comes later	destroy[2]

Item Number	Record Series Title	Minimum Retention Required	Disposition
	A. ADMINISTRATIVE RECORDS[1] (cont.)		
M8-075	**7. Student portfolio work** (student produced work for grading assessment)	End of year at which student received grade	destroy[2]
M8-085	**8. Student teacher records**	2 years	destroy[2]
M8-095	**B. CHILD-STUDY TEAM RECORDS[1]**	6 years after student leaves the school district	destroy[2]
	C. EDUCATION INFORMATION[1] (including but not limited to):		
M8-105	**1. Curriculum**	Until superceded by new curriculum	destroy[2]
	2. Cumulative records[4]		
M8-115	a. Academic achievement (grades/transcripts)	50 years after student leaves the school district[5]	destroy[2,,6]
M8-120	b. Attendance records (days absent/ present/tardy)[7]	50 years after student leaves the school district	destroy[2]
M8-125	c. Awards	6 years after student leaves the school district	destroy[2]
M8-130	d. Basic biographical information	50 years after student leaves the school district	destroy[2,6]
M8-135	e. Diagnostic test results (non-special ed)	6 years after student leaves the school district	destroy[2]
M8-140	f. Extracurricular activities	6 years after student leaves the school district	destroy[2]
M8-145	g. Letters of recommendation	6 years after student leaves the school district	destroy[2]

Item Number	Record Series Title	Minimum Retention Required	Disposition
	C. EDUCATION INFORMATION[1] (Cont.):		
M8-150	h. Parent's[8]/eligible student's signed release forms, if required by school policy[9]	as long as records are maintained	destroy[2]
M8-155	i. Records of immunization[10]	50 years after student leaves the school district	destroy[2]
M8-160	j. Standardized group test scores	6 years after student leaves the school district	destroy[2]
M8-170	**3. Diplomas**	6 years after student leaves the school district[11]	destroy[2]
	4. Disciplinary records		
M8-180	a. Detentions	no requirement	destroy[2]
M8-185	b. Incident reports	no requirement	destroy[2]
M8-190	c. Referrals	no requirement	destroy[2]
M8-195	d. Suspensions/expulsions	For expunging the cumulative record, see *CGS* Sec. 10-233c(e)and 10-233d(f).[12]	destroy[2]
M8-205	**5. Enumeration Records/Field Sheets**	3 years	destroy[2]
M8-215	**6. Grade Books**[1]	current, plus 1 year	destroy[2]
M8-225	**7. Tardy slips from parents/guardians**	At completion of school year	destroy[2]
M8-235	**D. FAMILY WITH SERVICE NEEDS RECORDS**[1]	6 years after student leaves the school district	destroy[2]

Item Number	Record Series Title	Minimum Retention Required	Disposition
	E. HEALTH INFORMATION[1] (including but not limited to)		
	1. Cumulative records		
M8-245	a. Accident reports	6 years after student leaves the school district	destroy[2]
M8-250	b. Basic school entrance health histories	6 years after student leaves the school district	destroy[2]
M8-255	c. Child abuse forms	6 years after student leaves the school district	destroy[2]
M8-260	d. Cumulative health record (CHR-1, original or copy)[13]	6 years after student leaves the school district	destroy[2]
M8-265	e. Emergency care plans	6 years after student leaves the school district	destroy[2]
M8-270	f. Health assessment records (HAR-3)	6 years after student leaves the school district	destroy[2]
M8-275	g. Incident reports	6 years after student leaves the school district	destroy[2]
M8-280	h. Individualized health care plans	6 years after student leaves the school district	destroy[2]
M8-285	i. Medication administration records	until superseded by yearly summary on CHR-1 or 6 years after student leaves the school district	destroy[2]
M8-290	j. Parent authorizations for medications/ treatments	6 years after student leaves the school district	destroy[2]
M8-295	k. Parent's/eligible student's signed release forms, if required by school policy[7]	as long as records are maintained	destroy[2]
M8-300	l. Physician orders for medications/treatments	6 years after student leaves the school district	destroy[2]

Item Number	Record Series Title	Minimum Retention Period	Disposition
	E. HEALTH INFORMATION[1] (cont.):		
M8-305	m. Referral forms for services based on Results mandated screenings	6 years after student leaves the school district	destroy[2]
M8-310	n. Sports histories and physical-examination Reports	6 years after student leaves the school district	destroy[2]
M8-320	**2. Employee's emergency health information**	until superseded or until employee leaves school district	destroy[2]
M8-330	**3. Nursing protocols**	permanent; revise as required. Keep old copy separately	retain permanently
	4. Nursing records		
M8-340	a. Health assessment data	6 years after student leaves the school district	destroy[2]
(M8-285)	b. Individual-treatment or procedure logs/flow Sheets	see retention period for medication records	
M8-345	c. Nursing process notes	6 years after student leaves the school district	destroy[2]
M8-350	d. Third-party health records (from hospitals, clinics, and private providers)	6 years after student leaves the school district	destroy[2]
M8-360	**5. Physician's standing orders**	permanent; revise as required. Keep old copy separately.	retain permanently
M8-370	**6. Student's emergency information card**	until superseded or student leaves school district	destroy[2]

Item Number	Record Series Title	Minimum Retention Required	Disposition
M8-380	**F. PRIMARY MENTAL HEALTH PROGRAM RECORDS**[1]	no requirement	destroy[2]
M8-390	**G. PROFESSIONAL STAFF'S WORKING PAPERS/NOTES**[14,15]	no requirement	destroy[2]
M8-400	**H. PROGRAM DATA RECORDS** Statistical data (including but not limited to): Services provided or professional activities—e.g., number and type of daily visits, number of screenings, number of home visits, caseload records, etc. These records include both raw data files (or logs) and reports.[16]	no requirement	destroy[2]
	I. PUPIL PERSONNEL SERVICES[1] (including, but not limited to):		
M8-410	**1. School counselor case records**	6 years after student leaves the school district	destroy[2]
M8-420	**2. School nurse case records**	See E. HEALTH INFORMATION	
M8-430	**3. School psychologist case records**	6 years after student leaves the school district	destroy[2]
M8-440	**4. School social-work case records**	6 years after student leaves the school district	destroy[2]
M8-450	**5. School speech/language pathology case records**	6 years after student leaves the school district	destroy[2]
M8-460	**J. REPORTS TO STATE BOARD OF EDUCATION**— File Copies	3 years after audit	destroy[2]
M8-470	**K. SECTION 504 RECORDS**[1,17]	6 years after student leaves the school district	destroy[2]

Item Number	Record Series Title	Minimum Retention Required	Disposition
	L. SPECIAL EDUCATION and RELATED SERVICES (birth through 21) (including, but not limited to):		
M8-480	**1. Assessment/evaluation reports**	6 years after student leaves the school district	destroy[2]
M8-490	**2. Due process records,** including complaints, mediations, and hearings	6 years after student leaves the school district	destroy[2]
M8-500	**3. Individual Transition Plan (ITP)**	6 years after student leaves the school district	destroy[2]
M8-510	**4. Individualized Education Program (IEP) Records**	6 years after student leaves the school district	destroy[2]
M8-520	**5. Individualized Family Service Plan (IFSP)**	6 years after student leaves the school district	destroy[2]
M8-530	**6. Parent's/eligible student's release forms**	as long as records are maintained	destroy[2]
M8-540	**7. Planning and Placement Team (PPT) records:** notices, meetings, consent forms	6 years after student leaves the school district	destroy[2]
M8-550	**8. Referral forms**	6 years after student leaves the school district	destroy[2]
M8-560	**9. Test protocol**	at discretion of school administration	discard
M8-570	**M. STUDENT ASSISTANCE TEAM RECORDS**[1]	6 years after student leaves the school district	destroy[2]
	N. TRANSPORTATION		
(M1-265)	**1. Surveillance videotapes made on school buses**	2 weeks	recycle[18]
M8-580	**2. Bus routes**	3 years	destroy[2]

Item Number	Record Series Title	Minimum Retention Required	Disposition
	O. TRUANCY[1] (including, but not limited to):		
M8-590	**1. Record of parent conferences**	6 years after student leaves the school district	destroy[2]
M8-600	**2. Referrals**	6 years after student leaves the school district	destroy[2]

[1] Any student records maintained by the school district that have personally identifiable information must have an access log that is maintained with the records for the same retention period as required for the record.
[2] Municipalities/Boards of Education may destroy records only after receiving the signed approval form (RC-075, rev. 2/2005) from the Office of the Public Records Administrator. Retention periods established on this schedule are *minimum retention requirements*. Records may be retained for longer periods of time.
[3] Policy manuals over 75 years have potential historical value. School districts may request transfer to an appropriate repository.
[4] Copy remains with sending district; original accompanies student.
[5] When student graduates from high school (i.e., receives a diploma), the high school may discard grades K-8 transcripts.
[6] Education records up to and including World War II, may have historical research potential; disposal may include transfer to a local historical repository.
[7] This refers to the attendance record posted to the cumulative record; other attendance records should be maintained for six (6) years after the student leaves the school district.
[8] Any reference to parent in this document includes legal guardian.
[9] If a school district policy requires written consent of the eligible student or parent to release education records to an institution in which the student intends to enroll, written consent must be obtained. In the absence of such policy, however, the Family Educational Rights and Privacy Act (FERPA) stipulates that education records may be released to an institution in which the student intends to enroll *without* written consent of the eligible student or parent, provided there is a reasonable attempt to notify the parent or eligible student that the records were transferred. Upon request, the parent or eligible student must be given a copy of the records that were transferred.
[10] This can be a copy of the student's immunization record.
[11] If student fails to pick up diploma, it must be retained six years after student leaves the school district.
[12] Do not destroy until student graduates from high school.
[13] Copy remains with sending district; original accompanies student (according to *CGS* Sec. 10-206(d)).
[14] For specific retention periods referring to Special Education, see **L**.
[15] Includes teacher plan books.
[16] No personal identifiers included.
[17] Section 504 of the Rehabilitation Act of 1973.
[18] If the tapes become evidence in any kind of disciplinary proceeding litigation, if notice of pending action has been filed with the town clerk (*CGS* Sec. 7-101a(d)), or otherwise take on a status that would require a longer retention period according to the schedule, the tape would be retained for the amount of time specified by the retention schedule, and until all actions have been resolved.

DARIEN PUBLIC SCHOOLS
CONFIDENTIAL FILE
ACCESS RECORD

Student Name: _____ DOB: _____

Name of Individual Accessing Record (include name of agency)	Purpose for Accessing Record	Date of Access to Record

ED628
January 2006

Darien Public Schools • Administrative Offices
P.O. Box 1167 • Darien, Connecticut 06820-1167 • Tel. 203-656-7469

I give permission to the Darien Public Schools to ☐ release ☐ receive (please check) the following

Information about my child, _____, _____, to/from:
Name of Child Date of Birth

Release to:	Received from:
_____ Specific Party	_____ Specific Party
_____ Agency	_____ Agency
_____ Address	_____ Address
_____ City • State • Zip Code	_____ City • State • Zip Code
_____ Phone E-mail	_____ Phone E-mail

☐ Issue to Parents copies of the following confidential documents
☐ Send the following confidential documents to the above referenced
☐ Discuss the following confidential documents with: Darien Board of Education
P. O. Box 1167
Darien, Connecticut 06820
Attn: _____

Please check documents / information you wish to be released:

☐ Complete Cumulative File
☐ Complete Special Education File
☐ Evaluations from Outside Agencies, Schools
☐ Medical Records
☐ Feeding & Swallowing
☐ Individual Education Programs (IEP)
☐ Physical Therapy
☐ Special Education Progress Reports
☐ School Transcript
☐ Complete 504 File
☐ Report Cards
☐ Educational Evaluations
☐ Speech-Language Eval
☐ OT Evaluation
☐ Psychiatric
☐ Audiological
☐ Psychological Evaluations
☐ Other _____

_____

Reason for Release:_____

_____

_____ Parent Signature or student over age18 _____ Date

This release is valid for one year from the date signed unless otherwise indicated

cc: Student File Revised 9/17/13

CHAPTER THREE: WRITTEN NOTICE, PRIOR WRITTEN NOTICE AND PARENTAL CONSENT
Resources

Prior Written Notice, page three of the IEP document (ED622)

Darien Parent Notice of Referral to Determine Eligibility for Special Education and Related Services (ED 622)

Darien Notice of Planning and Placement Team Meeting (ED 623)

Darien Notice and Consent to Conduct an Initial Evaluation (ED 625)

Darien Consent for Special Education Placement (ED 626)

Darien Notice and Consent to Conduct a Reevaluation (ED 627)

Procedural Safeguards Notice Required Under IDEA Part B

Located at: http://www.sde.ct.gov Click onto Special Education under Quick Links, than Click onto Legal/Due Process, click onto Procedural Safeguards Notice

2009 Parental Notification of the Laws Relating to Seclusion and Restraint in the Public Schools

Located at: http://www.sde.ct.gov Click onto Special Education under Quick Links, then Click onto Legal/Due Process, click onto 2009 Parental Notification

Student: _____ DOB: _____ District: _____ Meeting Date: _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

PRIOR WRITTEN NOTICE

Actions Proposed	Reasons for proposed actions	Evaluation procedure, assessment, records, or reports used as a basis for the actions proposed (dated)	Date These actions will be implemented
	☐ Educational performance supports proposed actions ☐ Evaluation results support proposed actions ☐ Previous IEP goals and objectives have been satisfactorily achieved ☐ Student has met Exit Criteria ☐ Other _____	☐ Achievement _____ ☐ Motor _____ ☐ Adaptive _____ ☐ Report Cards _____ ☐ Classroom Observation _____ ☐ Review of Records _____ ☐ Cognitive _____ ☐ Social Emotional Behavior _____ ☐ Communication _____ ☐ Teacher Reports _____ ☐ Developmental _____ ☐ Other (specify and dated) _____ ☐ Health/Medical _____	(Minimum five school days from date parent received prior written notice) date(s):

Actions Refused	Reasons for Refused actions	Evaluation procedure, assessment, records, or reports used as a basis for the refusal
	☐ Educational performance supports refusal ☐ Evaluation results support refusal ☐ Previous IEP goals and objectives have been satisfactorily achieved ☐ Student has met Exit Criteria ☐ Other _____	☐ Achievement _____ ☐ Motor _____ ☐ Adaptive _____ ☐ Report Cards _____ ☐ Classroom Observation _____ ☐ Review of Records _____ ☐ Cognitive _____ ☐ Social emotional Behavior _____ ☐ Communication _____ ☐ Teacher Reports _____ ☐ Developmental _____ ☐ Other (specify and dated) _____ ☐ Health/Medical _____

Other options considered and rejected in favor of the proposed actions	Rationale for rejecting other options	Other factors that are relevant to this action	Exit Information
☐ Full-time placement in general education with supplementary aids and services. ☐ No other options were considered and rejected. ☐ Other options considered and rejected in favor of this action: _____	☐ Options would not provide student with an appropriate program in the least restrictive environment ☐ Other: (specify) _____	☐ There are no other factors that are relevant to the PPT decision ☐ Information/concerns shared by the parents ☐ Information/preferences shared by the student ☐ Other: (specify) _____	☐ Date of exit from Special Education _____ ☐ Returning to general education ☐ Reason for exiting Special Education: _____

Parents please note: Under the procedural safeguards of IDEA, a copy of the Procedural Safeguards in Special Education shall be given to the parents of a child with a disability only one time per year, except that a copy also shall be given to the parents: 1) upon initial referral or parental request for evaluation, 2) upon the first occurrence of the filing of a complaint under Section 615(b)(6), 3) upon request by a parent, and 4) upon a change of placement resulting from a disciplinary action. A copy of Procedural Safeguards in Special Education which explains these protections ☐ **was made available previously this school year (date)**_____ ☐ **is enclosed with this document** A copy of Procedural Safeguards in Special Education is available on school district website: http://www **[Delete if not available on line]**. If you need assistance in understanding the provisions of IDEA, please contact your child's principal, the district's special education director or the CT's federally designated Parent Training and Information Center (CPAC at 800-445-2722). For a copy of "A Parent's Guide to Special Education in CT" and other resources contact SERC (800-842-8678) or go to: http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&Q=320730.

DARIEN PUBLIC SCHOOLS

PARENT NOTICE OF REFERRAL TO DETERMINE ELIGIBILITY FOR SPECIAL EDUCATION AND RELATED SERVICES

Date: _____

_____
(Name of Parent/Guardian or Student)

_____
(Street Address)

_____
(City/Town) (State) (Zip Code)

Dear _____

The purpose of this letter is to advise you that your child, _____ (Student's Name), _____ (DOB)

has been referred for consideration of eligibility for special education services. The referral was made by:

_____ (Name of person or team making referral), on _____ (Date)

The next step in the referral process is to schedule a Planning and Placement Team meeting (PPT). At this meeting the available information regarding your child's current school performance will be reviewed and evaluation procedures for determining eligibility for special education services will be considered. Parent participation in this process is very important. We ask that you make every effort to attend this meeting.

Enclosed with this letter are the following materials:

☐ A copy of the referral which outlines specific concerns and the information used as the basis for this referral, including alternative strategies employed prior to the referral.

☐ A copy of Procedural Safeguards in Special Education. If you would like a further explanation of these procedures please contact:

_____, at _____,

☐ A Planning and Placement Team meeting notice. (If a notice is not included with this letter you will receive one in a separate mailing.)

☐ Other: (specify) _____

Please be advised that you have the right to review and obtain copies of all records used as a basis for this referral.

If you have any questions, please contact, _____ (Name) _____ (Title)

at _____

Sincerely,

_____
(Name and Title)

ED622
January 2006

DARIEN PUBLIC SCHOOLS
NOTICE OF PLANNING AND PLACEMENT TEAM MEETING

Date: _____

_____
(Name of Parent/Guardian or Student)

_____
(Street Address)

_____
(City/Town) (State) (Zip Code)

Dear _____

Please be advised that a Planning and Placement Team (PPT) meeting will be convened on behalf of:
_____ , _____ . The meeting is scheduled as follows:
(Student's Name) (DOB)

Date: _____ **Time:** _____ **Location:** _____

The purpose of this meeting is to: (check all that apply)

- ☐ review a referral to special education and consider/plan an evaluation
- ☐ review evaluation results and determine eligibility for special education
- ☐ develop, review or revise the IEP
- ☐ conduct an Annual Review
- ☐ consider transition needs/services – **transition planning**:
  1. ☐ student MUST be invited to attend the PPT meeting
  2. ☐ transition goals and objectives in the IEP will be developed/reviewed/revised (required at the annual review following a student's 15th birthday or sooner, if appropriate)
  3. **Check only ONE item:**
     - ☐ agency representative(s) listed below invited to attend to assist in transition planning, OR
     - ☐ agency representative(s) not appropriate to be invited to attend to assist in transition planning, OR
     - ☐ written permission not provided to invite agency representative(s) to attend to assist in transition planning
- ☐ plan a reevaluation to determine continuing eligibility for special education and related services
- ☐ review reevaluation results to determine continuing eligibility for special education and related services
- ☐ conduct a Manifestation Determination
- ☐ other: (specify) _____

The following individuals have been invited to attend:

Administrator	Name and Title
Student's Reg. Ed. Teacher	Name and Title
Special Education Teacher	Name and Title
Student	Name and Title
Name and Title	Name and Title

Parent participation in this process is very important. Please make every effort to attend this meeting. You may bring any other individuals to the meeting, including those who have knowledge or special expertise regarding your daughter/son. The meeting may be rescheduled at a mutually agreed upon time and place.

If you have any questions or wish to reschedule the meeting please contact me at _____
(Telephone No.)

Sincerely,

_____
(Name and Title)

- ☐ A copy of the Procedural Safeguards in Special Education is enclosed.
- ☐ A copy of the Procedural Safeguards in Special Education was provided to you previously this school year. If you would like another copy of the Procedural Safeguards please contact _____
(Name)
- ☐ A copy of this notice has been sent to the parent(s). (This is required if rights under IDEA have been transferred to the student at age 18. When rights transfer, meeting notices must be sent to the student with a copy to the parents.)

ED623 REVISED April 21, 2011

DARIEN PUBLIC SCHOOLS
NOTICE AND CONSENT TO CONDUCT AN INITIAL EVALUATION

Date: _____

Dear _____

Your child, _____ , _____ has been referred for an evaluation to determine
(Student's Name) (DOB)

eligibility for special education services. Federal and State regulations require that the school district obtain the written consent of parents before conducting such an evaluation.

☐ A copy of the Procedural Safeguards in Special Education is enclosed.

☐ A copy of the Procedural Safeguards in Special Education was provided to you previously this school year. If you would like another copy of the Procedural Safeguards, an explanation of these procedures, or if you have any questions, please contact:

_____ _____ at _____
(Name) (Title) (Telephone Number)

This document includes the following rights:

A. Parents have the right to refuse consent and, if given, it may be revoked at any time.
B. Parental failure to respond within 10 school days from the date of this notice shall be construed as refusal of consent.
C. If contested, your child's current educational placement will not change until due process proceedings have been completed.
D. Parents have the right to review and obtain copies of all records used as a basis for a referral.
E. Parents have the right to be fully informed of all evaluation results and to receive a copy of the evaluation report.
F. Parents have the right to obtain an independent evaluation as part of the evaluation process.
G. Parents have the right to utilize due process procedures.

☐ The tests/evaluation procedures listed below were recommended

☐ The PPT has decided that the available evaluation information listed below is sufficient to determine eligibility:
Reason: (specify) _____

TEST/EVALUATION PROCEDURE	AREA OF ASSESSMENT	EVALUATOR

Special adaptations or accommodations are to be considered when indicated by the student's language, cultural background or physical status. Adaptations/accommodations required for this evaluation are:

☐ No adaptations/accommodations required

☐ Adaptations/accommodations required: (specify) _____

PARENTAL CONSENT

☐ **I give my consent** for the [DISTRICT NAME] Public Schools to utilize the evaluations described above. I understand that this consent may be revoked at any time.

_____ _____
Parent/Guardian Signature Date

☐ **I do not give** my consent for the [DISTRICT NAME] Public Schools to conduct the evaluations described above. I understand that the school district must take steps as are necessary, which may include due process proceedings, to ensure that my child continues to receive a free appropriate public education.

_____ _____
Parent/Guardian Signature Date

ED625
January 2006

DARIEN PUBLIC SCHOOLS
CONSENT FOR SPECIAL EDUCATION PLACEMENT

I. Identification Information:

Student: _____ DOB: _____

School: _____ Grade: _____

Parent/Guardian: _____

II. Consent Requirements:

Federal regulations mandate that parents (guardians) give written consent for the initial placement of their child in a special education program. State regulations require written consent for a private special education placement. In both instances the consent must be in writing and given prior to placement.

☐ A copy of the Procedural Safeguards in Special Education was provided to you previously this school year. If you would like another copy of the Procedural Safeguards or an explanation of these procedures, or if you have any questions, please contact:

_____ at _____
(Name and Title) (Telephone Number)

Included in this document are the following rights:

A. Parents have the right to refuse consent and, if given, it may be revoked at any time.
B. Parental failure to respond within 10 school days from the date of this notice shall be construed as refusal of consent.
C. If contested, your child's current educational placement will not change until due process proceedings have been completed unless you and the district otherwise agree.
D. Parents have the right to utilize due process proceedings

III. Placement Description

The following special education placement is being proposed for your child, _____
(child's name)

The proposed placement is: ☐ Initial Placement in Special Education ☐ A Private Placement and is described in an IEP dated: _____ (Note: An IEP must be developed prior to either placement)

IV. Written Consent

☐ **I consent to** the special education placement described in item III, above. I understand that, for an initial placement in special education, my consent is valid for changes in my child's program or placement (except placement in a private program) if proper notice is given to me and I have not revoked my consent.

_____ _____
Parent/Guardian Signature Date

☐ **I do not consent to** the special education placement described in item III, above. I understand that by refusing consent for the initial placement in special education, I waive all rights to special education services and protections at the time consent is refused. I may still ask for a reevaluation or hearing on the evaluation or the appropriateness of the special education and related services being offered. I also understand that, if I am refusing consent for a private placement, the school district must initiate due process, provided the private placement is not the initial placement of the child.

_____ _____
Parent/Guardian Signature Date

ED626
January 2006

DARIEN PUBLIC SCHOOLS
NOTICE AND CONSENT TO CONDUCT A REEVALUATION*

Date: _____

Dear _____

A Planning and Placement Team (PPT) meeting regarding your child, _____ , _____
(Student's Name) (DOB)

was held on _____ . The team determined that an evaluation should be conducted for the following reason:
(meeting date)

☐ To comply with Federal and State regulations which require that each child receiving special education and related services must be reevaluated at least every three years to determine eligibility for special education services.

☐ To assess your child's current level of functioning

☐ Other: (specify) _____

☐ A copy of the Procedural Safeguards in Special Education is enclosed.

☐ A copy of the Procedural Safeguards in Special Education was provided to you previously this school year. If you would like another copy of the Procedural Safeguards or an explanation of these procedures, or if you have any questions, please contact:

_____ at _____
(Name) (Telephone Number)

This document includes the following rights:

A. Parents have the right to refuse consent and, if given, it may be revoked at any time.
B. If contested, your child's current educational placement will not change until due process proceedings have been completed.
C. Parents have the right to be fully informed of all evaluation results and must be provided with a copy of the evaluation report(s).
D. Parents have the right to obtain an independent evaluation as part of the evaluation process.
E. Parents have the right to utilize due process procedures.

Evaluation Procedures:

☐ The tests/evaluation procedures listed below were recommended

☐ The PPT has determined that no additional tests/evaluations are needed to determine continuing eligibility for special education services (and no parent consent is required) because: (specify) _____

Parents, please be aware that you have the right to request an assessment to determine continuing eligibility for special education services and that the school district is not required to conduct such an assessment unless requested by parents.

TEST/EVALUATION PROCEDURE	AREA OF ASSESSMENT	EVALUATOR

Special adaptations or accommodations are to be considered when indicated by the student's language, cultural background or physical status. Adaptations/accommodations required for this evaluation are: ☐No adaptations/accommodations required

☐ Adaptations/accommodations required: (specify) _____

PARENTAL CONSENT*

☐ **I give my consent** for the [DISTRICT NAME] Public Schools to utilize the evaluations described above. I understand that this consent may be revoked at any time.

_____ _____
Parent/Guardian Signature Date

☐ **I do not give** my consent for the [DISTRICT NAME] Public Schools to conduct the evaluations described above. I understand that the school district must take steps as are necessary, which may include due process proceedings, to ensure that my child continues to receive a free appropriate public education.

_____ _____
Parent/Guardian Signature Date

* *Note: If the school district has taken reasonable measures to obtain consent for a reevaluation, and parents have failed to respond, the district may proceed with the reevaluation. Parent consent means student consent when the student has reached the age of majority. Consent is not required if additional tests/evaluations are not being conducted.*

ED627
January 2006

Parental Notification of the Laws Relating to the use of Seclusion and Restraint in the Public Schools

Introduction

You have been provided with a copy of the "Procedural Safeguards in Special Education." The Procedural Safeguards document outlines your rights and the rights of your child under the federal Individuals with Disabilities Education Act (the IDEA) and the Connecticut statutes and regulations concerning the provision of special education and related services to children with disabilities.

The Board of Education is also required by state statute to inform you about a specific provision of the state statutes and regulations regarding the emergency use of physical restraint and seclusion or the use of seclusion as a behavior intervention in a child's IEP. **Every parent must be advised of these rights at the initial Planning and Placement Team meeting (PPT) held for their child even if the emergency use of physical restraint or seclusion or the use of seclusion as a behavior intervention in a child's IEP is not likely to occur with their child.**

On and after October 1, 2009, you must be provided with a copy of the state developed "Parental Notification of the Laws relating to Physical Restraint and Seclusion in the Public Schools" at the first PPT meeting following your child's initial referral for special education. If your child was eligible for special education prior to October 1, 2009, you will receive this notice at the first PPT meeting convened after October 1, 2009. In addition, the notice must also be provided to you at the first PPT meeting where the use of seclusion as a behavior intervention is included in your child's IEP.

Who are the children covered by the law ?

The state statute uses the term "person at risk" to describe the people generally covered by the statute. For the public schools, the "person at risk" is (1) a child requiring special education and related services who is receiving services from their board of education or (2) a child being evaluated to determine the child's eligibility for special education and related services. This notice uses the term "child" and this means a child who is eligible for special education and related services and is receiving services from their board of education or a child who is being evaluated to determine the child's eligibility for special education and related services.

What does "physical restraint" mean?

Physical restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a child's arms, legs or head. It does not include: (1) briefly holding a child in order to calm or comfort the child; (2) restraint involving the minimum contact necessary to safely escort a child from one area to another; (3) medication devices, including supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a child from injuries due to a fall; or (5) helmets, mitts and similar devices used to prevent self injury when the device is part of a documented treatment plan or IEP and is the least restrictive means available to prevent self-injury.

What does "seclusion" mean?

Seclusion means the confinement of a child in a room, whether alone or with staff supervision, in a manner that prevents the child from leaving. In public schools, seclusion does not mean any confinement of a child where the child is physically able to leave the area of confinement such as in-school suspension and time-out.

What do I need to know about the emergency use of restraint and seclusion?

1. Life threatening physical restraint is prohibited. Life threatening physical restraint means any physical restraint or hold of a child that restricts the flow of air into a child's lungs, whether by chest compression or any other means.
2. Involuntary physical restraint may not be used to discipline a child; it may not be used because it's convenient and it may not be used as a substitute for a less restrictive alternative.
3. Involuntary physical restraint is to be used solely as an emergency intervention to prevent immediate or imminent injury to the child or to others. When a

child is physically restrained, the child is to be continually monitored by a person who has the training as described in #7 below. Monitoring means direct observation of the child or observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed. A child who is physically restrained must be regularly evaluated for any signs of physical distress by a person who has the training as described in #7 below. The evaluation must be documented in the child's educational records.

4. Involuntary seclusion may not be used to discipline a child; it may not be used because it's convenient and it may not be used as a substitute for a less restrictive alternative.
5. When a child is involuntarily placed in seclusion as an emergency intervention to prevent immediate or imminent injury to the child or to others, the child is to be frequently monitored by a person who has the training as described in #7 below. Monitoring means direct observation of the child or observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed. A child who is involuntarily secluded must be regularly evaluated for any signs of physical distress by a person who has the training as described in #7 below. The evaluation must be documented in the child's educational records.
6. A psychopharmacologic agent (medications that affect the central nervous system, influencing thinking, emotion or behavior) may not be used with your child except as prescribed by a physician and administered according to the orders of your child's physician and in compliance with board policies concerning the administration of medications in the school.
7. A child may be physically restrained or removed to seclusion only by a person who has received training in physical management, physical restraint and seclusion procedures including training to recognize health and safety issues for children placed in seclusion. Additional training such as verbal defusing or de-escalation; prevention strategies; types of physical restraint; the differences between permissible physical restraint and other varying levels of physical restraint; the differences between permissible physical restraint and pain compliance techniques, monitoring to prevent harm to a child physically restrained or in seclusion and recording and reporting procedures on the uses of restraint and seclusion must also be provided.
8. Public schools are required to maintain a safe school setting. Public schools are allowed to use reasonable physical force when and to the extent there is a reasonable belief it is necessary to protect students or staff, obtain possession of a dangerous instrument or controlled substance upon or within control of a minor, protect property from physical damage or restrain a child or remove a child to another area to maintain order. The prohibitions listed in Items 1-5, above, do not conflict with the responsibility of public schools to maintain a safe school setting or use reasonable physical force as described here.

<u>If seclusion is used as a behavior intervention in my child's IEP, what can I expect?</u>

9. A public school may use seclusion as a behavior intervention if it's specifically addressed in your child's individualized education program (IEP). A "behavior intervention" means supports and other strategies developed by the PPT to address a child's behavior which may interfere with the child's learning or the learning of others.
10. Seclusion may only be used as a behavior intervention in your child's IEP if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by your child were tried but the child's behavior did not improve.
11. Seclusion may not be used as a behavior intervention for a child if it is known that the child has any medical or psychological conditions that a licensed health care provider has indicated will be directly and adversely impacted by the use of seclusion.
12. Where seclusion is used as a behavior intervention, your child's IEP must specify:
    (a) the location of seclusion, which may be multiple locations within a school building;
    (b) the maximum length of any period of seclusion;
    (c) the number of times in a single day the child may be placed in seclusion;
    (d) the frequency of monitoring while the child is in seclusion; and
    (e) any other concerns addressed by the PPT concerning the age, disability and

behaviors of a child where seclusion may be used as a behavior intervention.

13. The use of seclusion as a behavior intervention is to be limited to the time necessary to allow the child to calm down and return to school activities. A child may not be placed in seclusion for more than one hour unless necessary to prevent immediate or imminent injury to the child or to others. Seclusion may be continued over an hour only with the written authorization of the building principal or someone designated by the building principal. When the child may need to be transported, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the child or to others is a concern.
14. Any assessment data or other relevant information used by the PPT to decide if it is appropriate to use seclusion as a behavior intervention must be included in your child's IEP under "Present Levels of Academic Achievement and Functional Performance." Any medical or psychological evaluations used to decide whether there may be a medical or psychological reason why the use of seclusion is not appropriate for your child is also to be included with the data and other information.
15. The PPT must review at least annually the continued use of seclusion as a behavior intervention for the child.
16. If seclusion as a behavior intervention is repeated more than two times in any school quarter, the PPT must convene to review the use of seclusion as a behavior intervention, may consider additional evaluations or assessments to address the child's behaviors and may revise the child's IEP, as appropriate. You and the school should discuss when to convene this required PPT meeting taking into consideration the needs of your child. For example, your child is transitioning to a less restrictive setting (from a residential to day treatment program). You and the PPT have discussed that it may take some time for your child to adjust and that seclusion may be used frequently as your child adjusts to the new program. You and the PPT may decide that it is appropriate not to hold the PPT meeting at the time when seclusion is repeated more than two times in any school quarter as a behavior intervention but to schedule the PPT at a later date to review the use of seclusion as a behavior intervention.
17. A child may be removed to seclusion only by a person who has received training in physical management, physical restraint and seclusion procedures including training to recognize health and safety issues for children placed in seclusion. Additional training such as verbal defusing or de-escalation; prevention strategies; types of physical restraint; the differences between permissible physical restraint and other varying levels of physical restraint; the differences between permissible physical restraint and pain compliance techniques, monitoring to prevent harm to a person physically restrained or in seclusion and recording and reporting procedures on the uses of restraint and seclusion must also be provided.
18. A child placed in seclusion as a behavior intervention must be monitored as described in the child's IEP by a person specifically trained in physical management, physical restraint and seclusion procedures, which include training to recognize health and safety issues for children placed in seclusion to ensure the safe use of seclusion as a behavior intervention.
19. If you disagree with the use of seclusion in your child's IEP, you have the right to special education due process. You may request the school district agree to mediation to resolve your concerns, or you may proceed directly to a hearing to challenge the use of seclusion in your child's IEP as a behavior intervention. You may also file a complaint with the State Department of Education regarding the use of seclusion as a behavior intervention.
20. Any room used for seclusion must be physically comparable to other rooms in the building used for instructional purposes and must be of a size that is appropriate to the chronological and developmental age, size and behavior of the child. The room used must be free of any object that might pose a danger to the child who is placed in the room. If the door has a lock, the lock must be able to be disengaged automatically in the case of an emergency. The room must have an unbreakable observation window located in the wall or door to allow frequent visual monitoring of the child and any other person in the room.

What kinds of reporting is done by the schools on the use of restraint and seclusion ?

21. The school must document any use of physical restraint or seclusion in the child's educational record and, if an injury occurs, in the child's health record at school by filling out the State Department of Education standardized incident report.
22. Where restraint or seclusion is of an emergency nature, the incident report must include: (a) the nature of the emergency, (b) what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from happening if there were signs that this kind of an emergency was likely to happen, (c) a detailed description of the nature of the restraint or seclusion, (d) how long the child remained in seclusion and (e) what effect being in seclusion had on the child's medical or behavioral support or educational plan.
23. The school district must record each instance of the use of physical restraint or seclusion and the nature of the emergency that necessitated its use and include this information in an annual compilation on the district's use of restraint and seclusion.
24. Where seclusion is used as a behavior intervention, the incident report must provide a detailed description of the nature of the seclusion, how long the child remained in seclusion and what effect being in seclusion had on the child's medical or behavioral support or educational plan.

How will I be notified if restraint or seclusion is used with my child?

25. The school district must attempt to notify you on the day of or within twenty-four hours after the emergency use of physical restraint or seclusion. This notification may be made by phone, e-mail or other method of communication which may include sending a note home with the child. You must be sent a copy of the incident report no later than two business days after the emergency use of physical restraint or seclusion.
26. If seclusion is included in your child's IEP as a behavior intervention, you and the PPT determine a timeframe and manner of notification of each incident of seclusion. This information is to be included in your child's IEP.

Where can I find a copy of the State Statutes and Regulations Discussed in this Notification ?

The state statutes addressing the use of physical restraint or seclusion in the public schools are found in Section 10-76d(a)(8)(B) and Sections 46a-150 to 46a-154, inclusive of the Connecticut General Statutes. The state regulations are Sections 10-76b-5 to 10-76b-11, inclusive. The state statute concerning the responsibility of boards of education to maintain a safe school setting may be found in Section 10-220 of the statutes and, the state statute concerning the use of reasonable physical force may be found in Section 53a-18 of the general statutes.

You may find the state statutes on the www.cga.ct.gov Legislative website.
Once on the website, place the cursor on the "Statutes" link. Move the cursor down to "Browse Statutes" and click on it. You will see the statutes listed by Title; for Section 10-76d, look in Title 10; for Sections 46a-150 to46a-154, look in Title 46a and for Section 53a-18, look in Title 53.

A copy of the state regulations is available from the State Department of Education.

You may obtain a copy of the school district's written policies and procedures about the use of physical restraint or seclusion from _____. Any questions regarding this document, please feel free to contact _____ for further explanations.

You may also contact the State Department of Education for further explanations of this document. Contact the Bureau of Special Education in Hartford at (860) 713-6910.

Release date September 15, 2009

CHAPTER FOUR: EVALUATION/RE-EVALUATION
Resources

Darien Multidisciplinary Evaluation Report for SLD (ED 629P)

Darien Reading Worksheet (ED 630)

Darien Mathematics Worksheet (ED 631)

Darien Written Expression Worksheet (ED 636)

The following checklists are taken from the CSDE Guideline Documents
•Worksheet for Determination of Eligibility for Special Education Services Under the Classification of Autism
•Intellectual Disability Eligibility Documentation
•Planning and Placement Team Worksheet to Determine Eligibility due to an Emotional Disturbance

Darien Summary of Performance (ED 635)

Mutual Agreement to Extend Evaluation Timeline for Determining Special Education Eligibility for a Student with a Specific Learning Disability (ED 637)

Darien Notice and Consent to Conduct an Initial Evaluation (ED 625)

Darien Notice and Consent to Conduct a Reevaluation (ED 627)

Darien Independent Educational Evaluation Criteria

Darien Public Schools
Multidisciplinary Evaluation Report for
Students Suspected of Having a Specific Learning Disability

Student: _____ Date of Birth: _____ Grade: _____

School: _____ Date of Report: _____

The following information must be reviewed by the Planning and Placement Team and documented in the appropriate spaces.

I. Required Evaluation Components

A. Parental Input: _____

_____

_____

_____

_____

B. Interventions and Instructional Strategies Used Prior to Referral:

[All student-centered intervention and progress monitoring data is attached, including information from math, reading, and/or writing worksheets, as appropriate. Data should include implementers and dates of progress monitoring.]

C. Educationally Relevant Medical Findings, if any: ☐ N/A

_____

_____

_____

_____

D. Regular Classroom Observation: Area of Difficulty: _____

Academic setting: _____ Date(s): _____

Observer(s) : _____

Behavior observed and the relationship to academic functioning: _____

_____

_____

_____

_____

E. Assessment Information:

Assessment (e.g., curriculum-based, standardized, criterion-referenced)	Evaluator (Name and Title)

II. **Criteria** Respond to each criteria used to determine eligibility for students suspected of having a specific learning disability.	**Criteria Met**	
	YES	**NO**
A. Is student achieving adequately for the student's age or meeting State-approved grade-level standards in one or more of the following areas when provided with learning experiences appropriate for the student's age or State-approved grade level standards? If NO, indicate in which area(s) student is NOT achieving adequately below: ***[Note: At least one area must be identified.]*** ☐ mathematics calculation ☐ mathematics problem solving ☐ oral expression ☐ written expression ☐ listening comprehension ☐ reading comprehension ☐ fluency ☐ basic reading skills		*
B. Is student making sufficient progress **in the area identified above** to meet age or State-approved grade-level standards, even with scientific research-based interventions?		*
C. The student has been provided with explicit and systematic instruction in the essential components of scientific, research-based reading instruction or math from a qualified teacher, including regular assessments of achievement to document the student's response to scientific, research-based intervention as a part of the evaluation procedures.	*	

D. Learning difficulty is *primarily* due to:	**YES**	**NO**	
1. Lack of instruction in math, reading or writing° *(Based on Math, Reading or Writing Worksheets)*			**Note: If all of the (✓)'s are in the NO column, then the student meets the criteria for II D (i.e., "learning difficulty is NOT the result of" these other factors).**
2. A visual, hearing or motor disability			
3. Intellectual Disability			
4. Emotional Disturbance			
5. Cultural factors			
6. Environmental or economic disadvantage			
7. Limited English proficiency			

E. Has **NO** been (✓)'d for **all** items in D above (#1-7)?		
F. Does information gathered through the **required evaluation components** (including consideration of a dual discrepancy**) indicate that a specific learning disability exists in the **area identified above** (in A)? - If a specific learning disability exists in **one of the eight areas above** (in II A), **attach** a summary statement of all formal and informal assessment data used to document the existence of such a disability.		
G. Are special education and related services required to address the specific learning disability identified in II F?		

***Criteria A-C:** The student has been provided with scientific, research-based interventions in area of concern and repeated measures of progress were utilized to determine the student's response to the intervention(s).

°Criteria D-1: Math, Reading and/or Writing Worksheets are attached (unless math, reading and/or writing are not an area of weakness).

****Dual Discrepancy:** Dual discrepancy means that a student has BOTH low performance relative to age or grade level standards AND insufficient progress even when provided with scientific, research-based interventions.

Statements of Assurances:

H. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction (i.e., progress monitoring) has been provided to parents.

Date(s) information provided: _____ _____ _____

I. Student's parents were notified about state policies for performance, strategies for increasing the student's rate of learning and parent's right to request an evaluation.

Date(s) information provided: _____ _____ _____

J. The IQ/discrepancy (ability/achievement) model was not used to determine eligibility.

K. A disorder in one of the basic psychological processes in understanding or in using spoken or written language was not **required** as part of the eligibility decision.

The Planning and Placement Team has reviewed the information presented and has made the determination that the student has a specific learning disability and requires special education services:

☐ **YES** [All criteria (A-G) have been met.] ☐ **NO**

Each team member certifies by his/her signature that this report reflects her/his conclusion. (**Bold** means required.)

Signature	Title
_____	**General education teacher** _____
_____	**Examiner/special education instruction** _____
_____	**Examiner/pupil personnel services** _____
_____	**Administrator** _____
_____	Other _____
_____	Other _____

If this report does not reflect a team member's conclusion s/he must indicate below her/his reasons and conclusion.

Name: _____ **Title:** _____ **Signature:** _____

Reason(s) and conclusion:

_____

_____

_____

Darien Public Schools

Reading Worksheet

(To document that a student has received appropriate instruction and intervention in reading)

This checklist must be completed for all elementary, middle, and high school students who have been referred to special education due to a suspected learning disability that affects reading. This information should generally be gathered prior to a referral to special education as part of early intervention (i.e., alternative procedures required to be implemented in regular education under CT Special Education Regulations §10-76d-7). *(All boxes must be checked with appropriate documentation provided.)*

1. Core General Education Language Arts Instruction (Tier I)

☐ Student has participated in daily general education reading/language arts instruction using scientific research-based practices provided to the entire class by the general education teacher.

Description of Instruction Provided: General education instruction should involve a comprehensive, district-wide reading curriculum that addresses state standards and the five areas of reading (e.g., through read-alouds; systematic phonics instruction; word study and structural analysis; fluency-building activities; explicit vocabulary instruction; literature think-alouds; comprehension strategy instruction):

2. Small Group/Differentiated Instruction by General Education Teacher (Tier I)

☐ Student has participated in small group, differentiated reading instruction by the classroom teacher as part of Tier I general education instruction (i.e., for all students). Materials at the student's instructional level (90-95% word accuracy and at least 75-80% comprehension) have been used for a minimum of four days per week.

Description –How Core Curriculum was Differentiated to Meet Individual Student Needs in Small Group Setting:

3. Progress Monitoring Assessments (Tier I)

☐ Continuous progress monitoring has been provided to establish a basis for instructional decisions and to document a student's response to instruction.

Description/Source of Evidence of Progress Monitoring: ☐ **Results attached**

Assessment (e.g., curriculum based measurement, curriculum-based assessments, diagnostic assessments)	**Skills/Competencies Targeted** (e.g., phonemic awareness, phonics, fluency, vocabulary, comprehension)	**Dates**

4. Supplemental scientific research-based interventions (Tier II – targeted interventions; Tier III - more targeted and intensive interventions)

☐ Interventions have been implemented based on specific student needs in one or more of the five areas of reading: phonemic awareness, phonics, fluency, vocabulary, and/or comprehension.

☐ Appropriately qualified and trained staff has provided the interventions, which have been implemented with fidelity (i.e., delivered in the manner in which they were designed and intended to be used). Documentation indicating frequency, duration and type of intervention is either listed on this form or attached.

a. If decoding skills have been identified as an area of weakness:

- ☐ Student's phonemic awareness has been evaluated and if warranted, targeted interventions have been provided.
- ☐ Student has been provided with systematic, explicit phonics instruction.
- ☐ Student has been provided with regular opportunities to practice learned decoding skills in texts.
  - ☐ **Teacher** has systematically collected progress monitoring data, using valid and reliable measures, to determine the student's response to the interventions provided.

b. If a student's oral reading fluency has been identified as an area of weakness:

- ☐ Student's phonics skills have been evaluated and if warranted, targeted interventions have been provided.
- ☐ Student has been provided with regular opportunities to practice reading a variety of text at his/her independent level (at least 96% word accuracy and 90% comprehension).
- ☐ Student has been provided with teacher-directed fluency interventions focused specifically on improving oral reading fluency with connected text.
  - ☐ **Teacher** has systematically collected progress monitoring data, using valid and reliable measures, to determine the student's response to the interventions provided.

c. If a student's reading comprehension skills have been identified as an area of weakness beyond what can be accounted for by identified decoding and/or reading fluency deficits:

- ☐ Student's vocabulary skills have been evaluated and if warranted, targeted interventions have been provided, with application to reading comprehension.
- ☐ Student's broad oral language skills (e.g., listening comprehension) have been evaluated and if warranted, targeted interventions have been provided, with application to reading comprehension.
- ☐ Student has been provided with explicit comprehension interventions (e.g., additional instruction in research-based comprehension strategies such as summarization and use of graphic organizers; additional building of background knowledge and/or knowledge of text structure) to address his/her specific comprehension needs.
  - ☐ **Teacher** has systematically collected progress monitoring data, using valid and reliable measures, to determine the student's response to the interventions provided.

5. Lack of sufficient progress to meet age or State-approved grade-level standards (Tiers II/III)

☐ The student has not made sufficient progress in the supplemental intervention(s) implemented above despite attempts to improve, individualize and intensify the intervention.

Source of Evidence: Attach teacher support and/or intervention team information (including data in numeric and graphic formats) **AND** complete chart below

Scientific research-based interventions used as supplemental and/or intensive interventions. These interventions are in addition to what is provided for all students (i.e., Tier I)	**Student's response to interventions** Baseline plus at least four additional progress monitoring measurements for each intervention (CBM or other appropriate measure)	**Dates** of intervention implementation

NOTE: Please see 2010 *Guidelines for Identifying Children with Learning Disabilities* for more information regarding instructions on completing the worksheet.

_____ (Teacher signature) _____ (Date)

_____ (Signature of person(s) responsible for item #5) _____ (Date)

Darien Public Schools

Mathematics Worksheet

(To document that a student has received appropriate instruction and intervention in mathematics)

This checklist must be completed for all elementary, middle, and high school students who have been referred to special education due to a suspected learning disability that affects mathematics. This information should generally be gathered prior to a referral to special education as part of early intervention (i.e., alternative procedures required to be implemented in regular education under CT Special Education Regulations §10-76d-7). *(All boxes must be checked with appropriate documentation provided.)*

1. Core General Education Mathematics Instruction (Tier I)

☐ Student has participated in daily general education mathematics instruction using scientific research-based practices provided to the entire class by the general education teacher.

Description of Instruction Provided: General education instruction should involve a comprehensive, district-wide math curriculum that addresses state standards and all important areas of math, (e.g., through the explicit teaching of strategies that promote conceptual understanding, problem-solving, calculation skills, and procedural accuracy and fluency):

2. Small Group/Differentiated Instruction by General Education Teacher (Tier I)

☐ Student has participated in small group, differentiated math instruction by the classroom teacher as part of Tier I general education instruction (i.e., for all students). Materials at the student's instructional level have been used for a minimum of four days per week.

Description –How Core Curriculum was Differentiated to Meet Individual Student Needs in Small Group Setting:

3. Progress Monitoring Assessments (Tier I)

☐ Continuous progress monitoring has been provided to establish a basis for instructional decisions and to document a student's response to instruction.

Description/Source of Evidence of Progress Monitoring: ☐ **Results attached**

Assessment (e.g., curriculum based measurement, curriculum-based assessments, diagnostic assessments)	**Skills/Competencies Targeted** (e.g., math concepts, problem solving, calculation skills, procedural accuracy and fluency)	**Dates**

4. **Supplemental scientific research-based interventions (Tier II** – targeted interventions; **Tier III** - more targeted and intensive interventions)

☐ **Interventions have been implemented** based on specific student needs in important areas of math such as math concepts, problem solving, calculation skills or procedural accuracy and fluency.

☐ Appropriately qualified and trained staff have provided the interventions, which have been implemented with fidelity (i.e., delivered in the manner in which they were designed and intended to be used). Documentation indicating frequency, duration and type of intervention is either listed on this form or attached.

a. If calculation skills have been identified as an area of weakness:

- ☐ Student's conceptual understanding of numbers has been evaluated and if warranted, targeted interventions have been provided (e.g., additional, more explicit instruction with use of visual representations such as pictures or manipulatives).
- ☐ Student's automatic recall of facts has been evaluated and if warranted, targeted interventions have been provided.
- ☐ Student has been provided with explicit teaching of algorithms for calculation linking procedures to a conceptual understanding (e.g., written procedures for 2-digit subtraction with regrouping, long division).
- ☐ Student has been provided with regular opportunities to practice learned calculation skills in appropriate contexts, including cumulative review of previously learned skills.
  - ☐ **Teacher** has systematically collected progress monitoring data, using valid and reliable measures, to determine the student's response to the interventions provided.

b. If problem-solving skills have been identified as an area of weakness beyond what can be accounted for by identified calculation deficits and/or poor reading:

- ☐ Student's math-related vocabulary and other oral language skills have been evaluated and if warranted, targeted interventions have been provided, with application to math problem solving.
- ☐ Student's specific problem-solving skills (e.g., ability to determine which operation to use to solve a problem, identifying relevant vs. irrelevant information) have been evaluated and if warranted, targeted interventions have been provided.
- ☐ Student has been provided with regular opportunities to practice learned problem-solving skills, including cumulative review of previously learned skills.
  - ☐ **Teacher** has systematically collected progress monitoring data, using valid and reliable measures, to determine the student's response to the interventions provided.

5. Lack of sufficient progress to meet age or State-approved grade-level standards (Tiers II/III)

☐ The student has not made sufficient progress in the supplemental intervention(s) implemented above despite attempts to improve, individualize and intensify the intervention.

Source of Evidence: Attach teacher support and/or intervention team information (including data in numeric and graphic formats) **AND** complete chart below

Scientific research-based interventions used as supplemental and/or intensive interventions. These interventions are in addition to what is provided for all students (i.e., Tier I)	**Student's response to interventions** Baseline plus at least four additional progress monitoring measurements for each intervention (Curriculum Based Measurement -CBM or other appropriate measure)	**Dates** of intervention implementation

NOTE: Please see 2010 *Guidelines for Identifying Children with Learning Disabilities* for more information regarding instructions on completing the worksheet.

_____ (Teacher signature) _____ (Date)

_____ (Signature of person(s) responsible for item #5) _____ (Date)

Darien Public Schools

Written Expression Worksheet

(To document that a student has received appropriate instruction and intervention in written expression)

This checklist must be completed for all elementary, middle, and high school students who have been referred to special education due to a suspected learning disability that affects written expression. This information should generally be gathered prior to a referral to special education as part of early intervention (i.e., alternative procedures required to be implemented in regular education under CT Special Education Regulations §10-76d-7). *(All boxes must be checked with appropriate documentation provided.)*

1. Core General Education Written Expression Instruction (Tier I)

☐ Student has participated in daily general education written expression instruction using scientific research-based practices provided to the entire class by the general education teacher.

Description of Instruction Provided: General education instruction should involve a comprehensive, district-wide writing curriculum that addresses state standards and all important areas of writing (e.g., through explicit teaching of basic writing skills, planning and organizational strategies, and writing knowledge; use of a writing process, with strategies for editing and revision; opportunities for practice; appropriate use of technology in writing; reading-writing connections):

2. Small Group/Differentiated Instruction by General Education Teacher (Tier I)

☐ Student has participated in small group, differentiated written expression instruction by the classroom teacher as part of Tier I general education instruction (i.e., for all students). Materials appropriate to the student's instructional level have been used for a minimum of four days per week.

Description –How Core Curriculum was Differentiated to Meet Individual Student Needs in Small Group Setting:

3. Progress Monitoring Assessments (Tier I)

☐ Continuous progress monitoring has been provided to establish a basis for instructional decisions and to document a student's response to instruction.

Description/Source of Evidence of Progress Monitoring: ☐ **Results attached**

Assessment (e.g., curriculum based measurement, curriculum-based assessments, diagnostic assessments)	**Skills/Competencies Targeted** (e.g., basic writing skills, planning, text generation/content development, revision)	**Dates**

4. Supplemental scientific research-based interventions (Tier II – targeted interventions; Tier III - more targeted and intensive interventions)

☐ Interventions have been implemented based on specific student needs in important areas of writing, such as basic writing skills, text generation, or revision/editing processes.

☐ Appropriately qualified and trained staff have provided the interventions, which have been implemented with fidelity (i.e., delivered in the manner in which they were designed and intended to be used). Documentation indicating frequency, duration and type of intervention is either listed on this form or attached.

a. If basic writing skills have been identified as an area of weakness:

- ☐ Student's basic writing skills (e.g., handwriting/keyboarding, spelling, capitalization, punctuation, sentence structure) have been evaluated and targeted interventions have been provided in specific areas of need.
- ☐ Student has been provided with appropriate access to and teaching about the use of technology in writing to improve basic writing skills (e.g., use of spell-checkers).
- ☐ Student has been taught strategies for reviewing and editing written work to improve basic writing skills.
- ☐ Student has been provided with regular opportunities to practice basic writing skills.
  - ☐ **Teacher** has systematically collected progress monitoring data, using valid and reliable measures, to determine the student's response to the interventions provided.

b. If text generation (i.e., content aspects of writing that involve translating ideas into language) has been identified as an area of weakness, beyond what can be accounted for by identified weaknesses in basic writing skills:

- ☐ Student's vocabulary and other oral language skills have been evaluated and if warranted, targeted interventions have been provided, with application to writing.
- ☐ Student's ability to plan and organize writing have been evaluated and if warranted, targeted interventions have been provided (e.g., additional, more explicit teaching of strategies for brainstorming or researching ideas).
- ☐ Student's knowledge about writing (e.g., writing for an intended audience, use of formal vs. informal language in writing, schemas for different writing tasks such as reports vs. narratives) has been evaluated and if warranted, targeted interventions have been provided.
- ☐ Student has been provided with appropriate access to and teaching about the use of technology in writing to improve text generation (e.g., use of online thesaurus to improve word choice/avoid repetition of the same word).
- ☐ Student has been taught strategies for reviewing and revising written work to improve content/text generation.
- ☐ Student has been provided with regular opportunities to practice text generation.
  - ☐ **Teacher** has systematically collected progress monitoring data, using valid and reliable measures, to determine the student's response to the interventions provided.

5. Lack of sufficient progress to meet age or State-approved grade-level standards (Tiers II/III)

☐ The student has not made sufficient progress in the supplemental intervention(s) implemented above despite attempts to improve, individualize, and intensify the intervention.

Source of Evidence: Attach teacher support and/or intervention team information (including data in numeric and graphic formats) **AND** complete chart below

Scientific research-based interventions used as supplemental and/or intensive interventions. These interventions are in addition to what is provided for all students (i.e., Tier I)	**Student's response to interventions** Baseline plus at least four additional progress monitoring measurements for each intervention (CBM or other appropriate measure)	**Dates** of intervention implementation

NOTE: Please see 2010 *Guidelines for Identifying Children with Learning Disabilities* for more information regarding instructions on completing the worksheet.

_____ (Teacher signature) _____ (Date)

_____ (Signature of person(s) responsible for item #5) _____ (Date)

Appendix II-A
Worksheet for Determination of Eligibility for Special Education Services Under the Classification of Autism

The student should meet the criteria listed below (A-C) to be eligible for special education services due to autism:

The child:

A. has been evaluated by a professional with appropriate training, using an autism-specific instrument, and must be found to be functioning in the range of autistic spectrum disorders.

B. demonstrates a disability that adversely affects educational performance as evidenced by professional judgment and/or scores that fall significantly below average (-1.5 SDs) in all of the following areas: social interaction (at least two of the items listed below), verbal/nonverbal communication and atypical behaviors (at least one of the items from each category listed below).

C. does not perform effectively in the social or academic area most of the time, despite the provision of general education accommodations and supports.

Results of the Evaluation

*Indicate Yes, No, or NA for each item in the area evaluated if regarding impairment and how it was evidenced. Please also respond to the question at the end of each section.

Social Interaction*

Area _____

	Impairment That Adversely Affects Educational Performance	**Evidence by Observation (O), Clinical Judgment (CJ) and/or Formal Testing (FT)**
Deficits in nonverbal communication (eye gaze, gesture)	Yes ☐ No ☐ NA ☐	
Limited efforts to establish joint attention or share experience	Yes ☐ No ☐ NA ☐	
Significant deficits in social/emotional reciprocity	Yes ☐ No ☐ NA ☐	
Lack of developmentally appropriate peer relations	Yes ☐ No ☐ NA ☐	
Lack of developmentally appropriate symbolic play/imagination	Yes ☐ No ☐ NA ☐	

Inability to make functional adjustment to the social environment Yes ☐ No ☐ NA ☐

*Does the child meet the criteria of demonstrating at least two characteristics from this area?

Yes ☐ No ☐

Communication*

Area

	Impairment That Adversely Affects Educational Performance	Evidence by Observation (O), Clinical Judgment (CJ) and/or Formal Testing (FT)
Significant deficits in receptive language (e.g., acts as though does not hear although hearing is normal, does not respond to name, does not respond to verbal cues, concrete and literal comprehension	Yes ☐ No ☐ NA ☐	
Significant deficits in expressive language (e.g., no babbling, pointing or use of gesture by 1 year of age, no single words by 16 months, does not combine words by 2 years, loss of language skills, echolalia, idiosyncratic use of words/phrases, pronoun reversals)	Yes ☐ No ☐ NA ☐	
Significant deficits in pragmatic skills (e.g., inability to initiate or sustain conversation, perseveration on topic, stereotypic intonation, difficulty interpreting what others think and feel, difficulty taking others' perspective, difficulty relating emotion) (Strock, 2004)	Yes ☐ No ☐ NA ☐	

*Does the child demonstrate at least one characteristic from this area? Yes ☐ No ☐

Atypical Behaviors*

Area _____

	Impairment That Adversely Affects Educational Performance	Evidence by Observation (O), Clinical Judgment (CJ) and/or Formal Testing (FT)
Restricted or repetitive interests	Yes ☐ No ☐ NA ☐	
Stereotyped, repetitive movements	Yes ☐ No ☐ NA ☐	
Adherence to nonfunctional routines	Yes ☐ No ☐ NA ☐	

(Note: Children under the age of 5 who have ASD may not exhibit atypical behaviors, so the requirement that they exhibit one of the behaviors listed under that category may be waived for children aged 3-5 years.)

*Does the child demonstrate at least one characteristic from this area? Yes ☐ No ☐

Ruling Out/Eliminating Other Factors

Have other causes/contributing factors such as medical problems, environmental or cultural factors and emotional disturbance been ruled out as the primary cause of the student's educational difficulties?

Yes ☐ No ☐

Based on the above, does the child meet the criteria for classification under the category of autism?

Yes ☐ No ☐

Based on the above, does the child need special education and related services?

Yes ☐ No ☐

The PPT has reviewed the information presented and has made the determination that the child meets the criteria for eligibility for special education services as defined in IDEA and Connecticut statutes.

Date: _____

Intellectual Disability Eligibility Documentation

Name of Student: _____ Date of Birth: ____ / ____ / _____ Age: _____

District: _____ School: _____ Grade: _____

Date of PPT Determining and Eligibility: _____

Eligibility Standards and Procedures Documentation	Standard Met? Yes	Standard Met? No
1. Intellectual Functioning		
a. Is there significantly limited intellectual functioning, that is 2 standard deviations below the mean on an individually administered, standardized measure of intelligence?	☐	☐
b. Did interpretation of evaluation results consider factors that may affect test performance including:		
i. Limited English proficiency	☐	☐
ii. Cultural background and differences	☐	☐
iii. Medical conditions that affect the student's performance at school	☐	☐
iv. Communication, sensory or motor abilities	☐	☐
c. Are the factors above documented in the written report?	☐	☐
2. Adaptive Behavior – Home (Standardized)		
a. Is there documentation of adaptive behavior of home or community skills from the child's principal caretaker?	☐	☐
b. Is the adaptive behavior composite score 1.5 standard deviations below the mean of the instrument on at least one of the domains?	☐	☐
c. Did interpretation of evaluation results consider factors that may affect test performance including:		
i. Limited English proficiency	☐	☐
ii. Cultural background and differences	☐	☐
iii. Medical conditions that affect the student's performance at school	☐	☐
iv. Communication, sensory or motor abilities	☐	☐
d. Are the factors above documented in the written report?	☐	☐
e. Additional documentation of adaptive behavior: _____ _____ _____		
3. Adaptive Behavior – School (Systematic Observations and Curriculum-based Assessments)		
a. Do significant limitations exist in adaptive behavior as determined by systematic observations in the school, daycare center, residence or program that compares the child with same-age peers?	☐	☐
b. Do the observations address age-appropriate adaptive behaviors for the child's chronological age?	☐	☐
c. Results of additional documentation of adaptive behavior skills, when appropriate (e.g., standardized school adaptive behavior, reading, math or writing skills assessment): _____ _____ _____		
4. Was intellectual impairment manifested during the developmental period (birth through 18)?	☐	☐
5. a. Was the student provided appropriate instruction?	☐	☐
b. Was the student provided early intervening services? Please describe on a separate page (EIP, SAT, multi-tiered interventions, etc.).	☐	☐
c. Based on the above, is student performance due to lack of appropriate instruction?	☐	☐
6. Is there current demonstration of limitations in the student's functioning across multiple contexts?	☐	☐
7. Does the student's intellectual functioning cause adverse effects on education performance in the general education classroom or other learning environment and require individually designed instruction in order for the child to receive educational benefit from an appropriate public education?	☐	☐
8. Is this student eligible as a student with intellectual disability?	☐	☐

Checklist for Comprehensive Evaluation

In order to determine the presence of an emotional disturbance (ED), the evaluation should address each of the following domains. Suggested sources of data are listed under each domain.

☐ **Emotional/Behavioral**

__ Documentation of tiered interventions and the student's response to those interventions

__ Direct assessment of student

- Clinical interview with student
- Play-based assessment (as with preschool children)
- Social Emotional assessments (e.g., sentence completion, drawings and projective techniques)
- Student's self-report

__ Observable behavior in multiple settings

- Standardized report (e.g., rating scale, inventory, etc.) by teacher, parent, other observer
- Structured direct observation
- Documentation of observable target behavior and its function
- Documentation of specific behavior incidents (e.g., discipline reports)

☐ **Psychosocial/ Cultural History**

- Family background
- Environmental background
- Social background
- Cultural background
- Developmental history
- Educational history
- Special services
- Behavior/Psychosocial functioning
- File review
- In-depth, structured interview(s) with parent(s) or guardian(s)

☐ **Intellectual/Developmental**

- Standardized cognitive/developmental testing
- Documentation of previous cognitive assessment that is valid and still applicable
- Other documented evidence (e.g., group testing) that establishes a level of cognitive functioning
- In-depth, structured interview(s) with parent(s) or guardian(s)

☐ **Educational progress**

- Documentation of tiered interventions and the student's response to those interventions
- Curriculum-based measures
- Objective data on classroom performance (e.g., grades on assignments, tests)
- Standardized achievement testing
- Work samples/portfolios of student work

☐ **Health Assessment**

- Past and current health status reports
- In-depth, structured interview(s) with parent(s) or guardian(s)

☐ **Specialized assessments as recommended by the PPT, including the following:**

- Medical
- Psychiatric
- Psychomotor/Occupational Therapy
- Speech/Language/Communication
- In-depth, structured interview(s) with parent(s) or guardian(s)

Planning and Placement Team Worksheet to Determine Eligibility for Special Education Due to an Emotional Disturbance

This summary of assessment findings is to be completed by the Planning and Placement Team (PPT) in accordance with procedures defined in the "ED Definition Criteria" section of the *Guidelines for Identifying and Educating Students with Emotional Disturbance*. Attach this completed form to the assessment records.

1. Alternative Strategies Prior to Referral

Document practices, strategies, supports and interventions implemented at each level as appropriate:

UNIVERSAL:_____

_____

_____

_____

_____

_____

TARGETED:_____

_____

_____

_____

_____

_____

INTENSIVE:_____

_____

_____

_____

_____

_____

Sources of Evidence for the characteristic(s) and limiting criteria :

_____

_____

_____

_____

_____

_____

Have alternative strategies been attempted and found inadequate to address the student's areas of need? __ Yes __ No

2. Characteristics and Limiting Criteria

Limiting Criteria

Characteristic has been exhibited over a long period of time (duration) __ Yes __ No

Characteristic has been exhibited to a marked degree (i.e., significantly greater frequency and/or intensity than seen in peer group) __ Yes __ No

Characteristic has an adverse effect on educational performance __ Yes __ No

Characteristics	Limiting Criteria		
Check all that apply (student must manifest at least one characteristic)	Long Time	Marked Degree	Adverse Effect on Educational Performance
a. Inability to learn, which cannot be explained by intellectual, sensory or other health factors			
b. Inability to build or maintain satisfactory interpersonal relationships with peers and teachers			
c. Inappropriate types of behavior or feelings under normal circumstances			
d. A general pervasive mood of unhappiness or depression			
e. A tendency to develop physical symptoms or fears associated with personal or school problems			

Characteristics

At least one characteristic has been checked. ___ Yes ___No

All three limiting criteria have been checked for at least one characteristic ___ Yes ___No

All three limiting criteria must be checked for at least one characteristic in order to qualify for special education eligibility as a student with ED.

Sources of evidence for the characteristic(s) and limiting criteria:

_____

_____

_____

Social Maladjustment and Emotional Disturbance

If the student exhibits social maladjustment, does he or she also demonstrate the condition of emotional disturbance? (Refer to section 2, page 25, "A Note Regarding Students with Social Maladjustment" in the *Guidelines for Identifying and Educating Students with Emotional Disturbance* [2011]) ___ Yes ___ No*
___ N/A

If "No," the student does not meet the requirements for this criterion.

3. Elimination of Other Possible Causes

Are any of the following considered primary causes of educational and behavioral problems?

temporary situational stressors	___ Yes	___ No
intellectual impairment	___ Yes	___ No
learning disabilities	___ Yes	___ No
medical problems	___ Yes	___ No
environmental stressors	___ Yes	___ No

If all other possible causes are checked "No," the student meets the requirements for this criterion.

4. Social, Cultural and Linguistic Considerations

Has the team considered the following in the analysis and interpretation of data, and determined that each factor does not have a significant influence on the emotional and behavioral functioning of the student?

social characteristics and influences	___ Yes	___ No
cultural characteristics and influences	___ Yes	___ No
linguistic characteristics and influences	___ Yes	___ No

"Yes" must be checked for each to indicate that the above factors do not significantly influence the student's behavior or emotional status.

Sources of Evidence:

_____

_____

_____

_____

_____

_____

Conclusion

Does the PPT conclude that the student meets the criteria for having an emotional disturbance as defined in Connecticut statutes? ___ Yes ___ No

Note: *Best practice suggests that dissenting opinions be documented in the IEP, Prior Written Notice and may be indicated in notes or minutes of the PPT meeting..*

DARIEN PUBLIC SCHOOLS
SUMMARY OF PERFORMANCE

Part 1: Student Information

Student Name: _____ **Date of Birth:** _____ **Year of Graduation/Exit:** _____

Address: _____
(street) (town, state) (zip code)

Telephone Number: _____ **Primary Language:** _____

Current School: _____ **Name of person completing this form:** _____

Telephone number of person completing this form: _____ **Date Summary was completed:** _____

Date of most recent IEP: _____

Student's primary disability: _____ **Student's secondary disability, if applicable:** _____

When was the student's disability (or disabilities) formally diagnosed? _____

Please attach copies of the most recent assessment reports that address academic, cognitive and functional performance and were instrumental in making a determination of the student's disability or diagnosis, and/or that will assist in postsecondary planning.

Part 2 – Student's Postsecondary Goal(s)

_____

_____

Part 3 – Summary of Performance

ACADEMIC CONTENT AREA	Present Level of Performance (grade level, standard scores, strengths, weaknesses)	Essential accommodations/ modification and/or assistive technology utilized in high school
Reading (Basic reading/decoding; reading comprehension; reading speed)		
Math (Calculation skills, math problem solving)		

Language (Written composition, written and oral expression, spelling)		
Learning Skills (class participation, note-taking, keyboarding, organization, homework management, time management, study skills, test-taking skills)		
COGNITIVE AREAS	**Present Level of Performance**	**Essential accommodations/modification and/or assistive technology utilized in high school**
General Ability and Problem Solving (reasoning/processing)		
Attention and Executive Functioning (energy level, sustained attention, memory functions, processing speed, impulse control, activity level)		
Communication (speech/language, augmentative communication)		
Additional Relevant Factors (other cognitive strengths/weaknesses, conducive learning environments, effective learning strategies, etc.)		
FUNCTIONAL AREAS	**Present Level of Performance**	**Essential accommodations/modification and/or assistive technology utilized in high school**
Career/Vocational/Transition (Career interests, career exploration opportunities, job training opportunities)		

Social Skills and Behavior (Interactions with teachers/peers, level of initiation in asking for assistance, responsiveness to services and accommodations, degree of involvement in extracurricular activities, confidence and persistence as a learner, emotional or behavioral issues related to learning and/or attention)		
Independent Living Skills (Self-care, leisure skills, personal safety, mobility, transportation, banking, budgeting)		
Self-Determination/Self-Advocacy Skills (Ability to identify and articulate learning strengths and weaknesses, ability to ask for assistance with independence)		
Additional important considerations that can assist in making decisions about disability determination and needed accommodations (e.g., medical problems, family concerns, sleep disturbance, etc.)		

Part 4 – Recommendations to assist student in meeting post secondary goals

What are the **essential** accommodations, modifications, assistive technology or general areas of support that students will need to be successful in the following **post-high school** environments:

Higher Education or Vocational Training: **Employment:** **Independent Living:** **Community participation:**

Part 5 – Student Input (Optional)

SUMMARY OF PERFORMANCE: STUDENT PERSPECTIVE

A. **How does your disability affect your school work and school activities (such as grades, relationships, assignments, projects, communication, time on tests, mobility, extra-curricular activities)?**

B. **In the past, what supports have been tried by teachers or by you to help you succeed in school (aids, adaptive equipment, physical accommodations, other services)?**

C. **Which of these accommodations and supports has worked best for you?**

D. **Which of these accommodations and supports has not worked?**

E. **What strengths and needs should professionals know about you as you enter the college or work environment?**

F. **Are you independent in advocating for your needs?**

Student Signature: _____ Date: _____

Part 6 – Additional Contact Information - This section has been added to assist in the collection of contact information that may improve the response rate for the annual Post-School Outcomes Survey. Best practice recommends that the final Summary of Performance (SOP) be reviewed in person with the student and family; it does not have to be reviewed in a formal PPT meeting. Please update the data at this review. If completing this section of the SOP significantly before the student exits, **please update data immediately prior to the student exiting. The district should archive this information for at least 18 months** for future student surveys. This form may be modified to meet district data collection requirements.

Student: _____
Mailing Address: _____
E-Mail: _____ Cell Phone: _____

Parent: _____
Mailing Address: _____
E-Mail: _____ Cell Phone: _____
Home Phone: _____ Work Phone: _____

Parent: _____
Mailing Address: _____
E-Mail: _____ Cell Phone: _____
Home Phone: _____ Work Phone: _____

Additional family contact close to student:
Name: _____
Relationship: _____
Mailing Address: _____
E-Mail: _____ Cell Phone: _____
Home Phone: _____ Work Phone: _____

Once you have completed the Student section above, there is no need to duplicate data.
For Parent or Family information that is the same as the student's, write *'same'* in that data field.

This information has been formatted to fit on a 5x8 index card or card stock for printing should a district choose to place it into a manual filing system.

Mutual Agreement to Extend Evaluation Timeline for Determining Special Education Eligibility for a Student with a Specific Learning Disability

PURPOSE: Unless the parent and the district mutually agree to extend the timeline as indicated in IDEA, (34 C.F.R. Section 300.309(c)), the initial evaluation must be conducted within 60 calendar days of receiving parental consent for the evaluation. If the district and parent agree to extend the timeline, the extension must be documented by the school district according to the criteria below.

Please Note: This agreement may affect the State timeline for IEP implementation within 45 school days of the referral (Section 10-76d-13 of the CT State Regulations). In these cases, this agreement permits an extension to this requirement as well.

Date: _____

To: _____ Re: _____

Parent(s)/guardian(s)/adult student (≥ 18) Student name

Due to the reason(s) specified below, your child's evaluation for special education services will not be completed within the evaluation timeline.

Reason(s):

- ☐ Insufficient information to document that student's learning difficulties are not the result of a lack of appropriate instruction.
- ☐ Other: _____

The evaluation will be completed and the PPT meeting to determine the child's eligibility for special education services will be held on or before: _____

Date

The evaluation timeline may be extended only if **both** the district and parent agree to the extension. Please sign, date, and return one copy of this form to the school district.

- ☐ **I agree** to the extension and the proposed completion date indicated above.
- ☐ **I do not agree** to the extension. Reason (optional): _____

_____ _____

Parent/guardian/adult student signature Date

_____ _____

School district representative signature Date

DARIEN PUBLIC SCHOOLS
NOTICE AND CONSENT TO CONDUCT AN INITIAL EVALUATION

Date: _____

Dear _____

Your child, _____ , _____ has been referred for an evaluation to determine
(Student's Name) (DOB)

eligibility for special education services. Federal and State regulations require that the school district obtain the written consent of parents before conducting such an evaluation.

☐ A copy of the Procedural Safeguards in Special Education is enclosed.

☐ A copy of the Procedural Safeguards in Special Education was provided to you previously this school year. If you would like another copy of the Procedural Safeguards, an explanation of these procedures, or if you have any questions, please contact:

_____ _____ at _____
(Name) (Title) (Telephone Number)

This document includes the following rights:

A. Parents have the right to refuse consent and, if given, it may be revoked at any time.
B. Parental failure to respond within 10 school days from the date of this notice shall be construed as refusal of consent.
C. If contested, your child's current educational placement will not change until due process proceedings have been completed.
D. Parents have the right to review and obtain copies of all records used as a basis for a referral.
E. Parents have the right to be fully informed of all evaluation results and to receive a copy of the evaluation report.
F. Parents have the right to obtain an independent evaluation as part of the evaluation process.
G. Parents have the right to utilize due process procedures.

☐ The tests/evaluation procedures listed below were recommended

☐ The PPT has decided that the available evaluation information listed below is sufficient to determine eligibility:
Reason: (specify) _____

TEST/EVALUATION PROCEDURE	AREA OF ASSESSMENT	EVALUATOR

Special adaptations or accommodations are to be considered when indicated by the student's language, cultural background or physical status. Adaptations/accommodations required for this evaluation are:

☐ No adaptations/accommodations required

☐ Adaptations/accommodations required: (specify) _____

PARENTAL CONSENT

☐ **I give my consent** for the [DISTRICT NAME] Public Schools to utilize the evaluations described above. I understand that this consent may be revoked at any time.

_____ _____
Parent/Guardian Signature Date

☐ **I do not give** my consent for the [DISTRICT NAME] Public Schools to conduct the evaluations described above. I understand that the school district must take steps as are necessary, which may include due process proceedings, to ensure that my child continues to receive a free appropriate public education.

_____ _____
Parent/Guardian Signature Date

ED625
January 2006

DARIEN PUBLIC SCHOOLS
NOTICE AND CONSENT TO CONDUCT A REEVALUATION*

Date: _____

Dear _____

A Planning and Placement Team (PPT) meeting regarding your child, _____ (Student's Name), _____ (DOB)

was held on _____ (meeting date). The team determined that an evaluation should be conducted for the following reason:

☐ To comply with Federal and State regulations which require that each child receiving special education and related services must be reevaluated at least every three years to determine eligibility for special education services.

☐ To assess your child's current level of functioning

☐ Other: (specify) _____

☐ A copy of the Procedural Safeguards in Special Education is enclosed.

☐ A copy of the Procedural Safeguards in Special Education was provided to you previously this school year. If you would like another copy of the Procedural Safeguards or an explanation of these procedures, or if you have any questions, please contact:

_____ (Name) at _____ (Telephone Number)

This document includes the following rights:

A. Parents have the right to refuse consent and, if given, it may be revoked at any time.
B. If contested, your child's current educational placement will not change until due process proceedings have been completed.
C. Parents have the right to be fully informed of all evaluation results and must be provided with a copy of the evaluation report(s).
D. Parents have the right to obtain an independent evaluation as part of the evaluation process.
E. Parents have the right to utilize due process procedures.

Evaluation Procedures:

☐ The tests/evaluation procedures listed below were recommended

☐ The PPT has determined that no additional tests/evaluations are needed to determine continuing eligibility for special education services (and no parent consent is required) because: (specify) _____

Parents, please be aware that you have the right to request an assessment to determine continuing eligibility for special education services and that the school district is not required to conduct such an assessment unless requested by parents.

TEST/EVALUATION PROCEDURE	AREA OF ASSESSMENT	EVALUATOR

Special adaptations or accommodations are to be considered when indicated by the student's language, cultural background or physical status. Adaptations/accommodations required for this evaluation are: ☐No adaptations/accommodations required

☐ Adaptations/accommodations required: (specify) _____

PARENTAL CONSENT*

☐ **I give my consent** for the [DISTRICT NAME] Public Schools to utilize the evaluations described above. I understand that this consent may be revoked at any time.

_____ Parent/Guardian Signature _____ Date

☐ **I do not give** my consent for the [DISTRICT NAME] Public Schools to conduct the evaluations described above. I understand that the school district must take steps as are necessary, which may include due process proceedings, to ensure that my child continues to receive a free appropriate public education.

_____ Parent/Guardian Signature _____ Date

* *Note: If the school district has taken reasonable measures to obtain consent for a reevaluation, and parents have failed to respond, the district may proceed with the reevaluation. Parent consent means student consent when the student has reached the age of majority. Consent is not required if additional tests/evaluations are not being conducted.*

ED627
January 2006

DARIEN PUBLIC SCHOOLS

IEE CRITERIA

According to state and federal special education laws, parents/guardians have the right to an independent educational evaluation of their child at public expense if they disagree with an evaluation of the child conducted by the district. The Darien Public Schools has established the following procedure for obtaining an Independent Educational Evaluation (IEE) and criteria for the selection of an appropriate evaluator.

Definition

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Darien Public Schools, which is public agency responsible for the education of the child.

Procedure

Upon receipt of a request for an IEE by a parent/guardian, the school district will either: (a) Initiate due process and a hearing to show that its evaluation of the child is appropriate; or (b) provide an independent educational evaluation at public expense. If the school district requests a hearing and the final decision is that the district's evaluation of the child is appropriate, the parent/guardian still has the right to an independent educational evaluation, but not at public expense.

If, in response to the parent/guardian request for an IEE, the district decides to procure an independent evaluation, the district will provide names, addresses, and phone numbers of possible IEE evaluators who meet the district's criteria *(as set forth below)*. The list will identify those evaluators who, in the district's judgment, are qualified to perform the evaluation requested by the parents.

Criteria for Evaluators *(Independent Evaluators and Outside Evaluators Selected byDPS)*

Evaluators chosen to conduct independent evaluations must meet ***all of*** the criteria established by the district as follows:

A. Minimum Credentials for Evaluators
   For Psychologists:
   1. Hold a valid Connecticut license/certification as a psychologist; and
   2. Have achieved a Doctor of Philosophy (Ph.D.) or Doctor of Psychology (Psy.D.) in Psychology, Neuropsychology or Clinical Psychology from an accredited university; and

3. Have training and experience in evaluating students of the same age level; and
4. Have clinical background, advanced training, and recent experience in the areas of disability being evaluated.

For individuals conducting academic achievement testing, the individual must ***either***:

1. Fulfill the following requirements:
   (a) Have attained a minimum of a Master's degree; ***and***
   (b) Hold an appropriate and valid special education or other academic specialization (such as reading or mathematics) teaching certificate from the Connecticut State Department of Education; ***and***
   (c) Have experience in teaching and evaluating students in the area of suspected disability.

Or

2. Fulfill the requirements of the psychologist above.

For Speech Pathologists, Audiologists, Occupational Therapists, Physical Therapists and Physicians:

1. Hold a valid Connecticut Department of Health license to practice; and
2. Have clinical pediatric experience in evaluating and treating children in the area of disability being evaluated; and
3. In the case of physicians, possess Board Certification in the appropriate specialty area (pediatrics, care of children and adolescents, etc.)

B. Cost Evaluators must charge fees for evaluation services which, in the judgment of the school district, are reasonable and customary for such evaluations. The following schedule of reasonable and customary fees applies:

1.	Psychological evaluation:	$2,500 to $3,500
2.	Educational/achievement evaluation:	$2,500 to $3,500
3.	Speech and Language evaluation:	
4.	Audiology evaluation:	
5.	Occupational Therapy evaluation:	
6.	Physical Therapy evaluation:	
7.	Medical, including psychiatric, evaluation:	

C. Independence Requirement: The evaluator must not have advocated for the child who is the subject of the evaluation or for the School District at a Planning and Placement Team meeting regarding the child who is the subject of the evaluation.

D. The evaluator must not be an employee of the school district.

E. The evaluator must be permitted to directly communicate with school staff who work with the child in school and the members of the Planning and Placement

Team, including the Director of Special Education, as well as to obtain information from the school and share information with the school.

F. The evaluator must obtain and consider school information and observations of the child in the school setting in the evaluation process and the written report.

G. The evaluator must comply with all guidelines required under the Individuals with Disabilities Education Act (IDEA) and the Connecticut State Department of Education regulations regarding the evaluation of children with disabilities.

Location Limitations for Evaluators

Evaluators who will be considered for approval must be located within Fairfield County or the surrounding counties in New York and Connecticut. Evaluators outside of this multi-county area will be approved only on an exceptional basis, provided that the parent can demonstrate the necessity of using personnel outside of this area. The district shall not be responsible for providing transportation, nor pay any travel expenses, to and from the location of the evaluator. This district will take into account cases of low incidence or severe disabilities where qualified evaluators may not exist in the multi-county area to ensure that reasonable exceptions to this requirement are made where qualified evaluators do not exist given the nature of the disability/suspected disability.

Additional Information

If the district has not conducted an evaluation of a child, the parent does not have a right to an independent evaluation at public cost. The district has the right to the first evaluation. A parent/guardian may request only one independent evaluation at public expense for each evaluation conducted by the district.

The results of an independent evaluation procured by the district will be considered at a Planning and Placement Team meeting.

Questions

Please contact the Director of Special Education with any questions regarding the criteria for independent educational evaluations.

CHAPTER FIVE: PLANNING AND PLACEMENT TEAM
Resources

Darien Planning and Placement Team Attendance (ED 633)

Darien Documentation of Attempts to Seek Parent/Guardian Participation (ED 624)

Darien Board of Education Policy: Civility and Decorum (JD 1)

DARIEN PUBLIC SCHOOLS
PLANNING and PLACEMENT TEAM (PPT) ATTENDANCE

Student: _____ DOB: _____ Grade: _____

School: _____ Date of PPT: _____

Parent/Guardian: _____

NOTE: THIS AGREEMENT IS OPTIONAL. *Waiver of the attendance of a teacher or related service provider at a PPT meeting is optional. The district or parent/guardian may refuse to excuse such attendance.*

We agree to excuse the attendance of _____ **at the PPT**
Teacher or related service provider

meeting scheduled for _____ **because (check one):**
Date

_____ This staff member's area of the curriculum *or* related services is not being modified or discussed in this meeting.

OR

_____ Although the meeting involves a modification to or discussion of this staff member's area of the curriculum ***or*** related services, he/she has submitted in writing, to the parent and IEP team, input into the development of the IEP prior to the meeting.

_____ _____
Parent/Guardian Signature Date

_____ _____
School District Representative Date

This agreement must be signed by a representative of the school district who has full authority to sign such a document on behalf of the school district and who, as described by federal statute, is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum and is knowledgeable about the availability of resources of the public agency.

Section 614(d)(1)(C) of H.R. 1350, the revised Individuals with Disabilities with Education Act, the "IDEA," provides as follows:

ATTENDANCE NOT NECESSARY: A member of the IEP Team is not required to attend a meeting, in whole or in part, if the parent of a child with a disability and the public agency (school district) agree in writing that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting. (Section 614 (d)(1)(C)(i) and (iii))

EXCUSAL: A member of the IEP team may be excused from attending a meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent and the public agency (school district) consent, in writing, to the excusal, and the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting. (Section 614(d)(1)(C)(ii) and (iii))

ED633
January 2006

DARIEN PUBLIC SCHOOLS
DOCUMENTATION OF ATTEMPTS TO SEEK PARENT/GUARDIAN PARTICIPATION

Student: _____ Date of Birth: _____

Parent/Guardian: _____ Telephone No.: _____

Address: _____

_____

Responses:

1. Parent was contacted
2. Unable to contact parent(s)
3. Received reply requested
4. Did not receive reply requested
5. Attended meeting/conference
6. Did not attend meeting
7. Second written notice sent
8. Other (specify)

Date	Type of Communication	Purpose	Response Number	Professional Initiating Contact

Instructions:

1. Enter the date of each contact or attempt to contact the student's parent/guardian in the first column.
2. Describe the type of communication. For example: letter, telephone, conference, etc. in column two.
3. Briefly describe the purpose for contacting the student's parent or guardian in column three. (Example: *review evaluation results, PPT meeting, discuss IEP*, etc.)
4. **Indicate the outcome by entering a response number in the fourth column.**
5. Enter your name in column five.

ED624
January 2006

DARIEN PUBLIC SCHOOLS
Darien, Connecticut

POLICY

JD 1

CIVILITY AND DECORUM

Standard of Civility

All schools should be places where mutual respect is practiced and reinforced. It is the policy of the Darien Public Schools to promote an environment in which all members of the school community treat each other civilly, that is, with courtesy and respect in all contacts, whether direct or indirect.

The District does not intend this policy to deprive any person of his or her First Amendment right to freedom of speech or expression. Rather, it seeks to maintain an environment in which people can feel safe, secure, and mutually respected.

Expected Behavior

The Board of Education expects a standard of civility in words and actions whereby all administrative, professional and classified staff, all students, parents, board members, visitors and other members of the school community interact in a courteous, respectful manner. The Board recognizes that disagreements may occur, and members of the school community remain free to express their views. Rather, this expectation relates to the manner in which people communicate and interact with each other. Disrespectful, rude, abusive, or intolerant behavior or language erodes education, is unacceptable, and such behavior shall be addressed when it occurs.

Unacceptable Behavior

Unacceptable behavior includes, but is not limited to, disruptive, demeaning, or antagonistic behavior at school, at school-related meetings, or at a school-sponsored event that interferes with school events or the participation at such events by others, including administrative, professional and classified staff, students, parents, Board members, visitors, and other members of the school community. Such behavior includes but is not limited to:

- Using loud, and/or offensive language, displays of temper, or speaking in an insulting or demeaning manner, either through personal actions, spoken words, graphic representations, or in writing.
- Threatening or intimidating administrative, professional and classified staff, students, parents, Board members, visitors, and other members of the school community.
- Behaving in a physically or verbally intimidating manner.
- Damaging or destroying school property.
- Sending abusive, threatening, or obscene letters, e-mails or voice mail messages.

Administrative Regulations

Policy JD 1

Civility and Decorum

Role of School Personnel to Respond to Inappropriate Behavior and Communications

If any student, parent or other member of the public uses offensive language, displays temper and/or speaks in a loud, insulting, or demeaning manner at school or at a school-sponsored event, the employee(s) to whom the remarks are directed or who hear such speech or witness such conduct shall calmly and politely advise the speaker to communicate civilly. If the inappropriate conduct continues, such employee(s) may, after giving appropriate notice to the speaker, ask the speaker to leave the meeting or may terminate the meeting or telephone conversation or other interaction.

If any district employee receives a letter, e-mail, or voice mail message that is disrespectful, abusive, threatening, or obscene, the employee should save the letter, email, or voice message and contact the immediate administrative supervisor. The employee and the supervisor shall then decide whether and how to respond, and whether to report such message to police authorities.

Any individual who exhibits behavior as described above may be directed to leave the school, school activity or school premises by administrators or their designees.

Role of Students, Parents or the Public to Respond to Inappropriate Behavior and Communications

If any school employee uses offensive language, displays temper and/or speaks in a loud, insulting, or demeaning manner, the individual to whom the remarks are directed shall calmly and politely advise the speaker to communicate civilly. If the inappropriate conduct continues, the individual to whom the remarks are directed may, after giving appropriate notice to the speaker, ask the speaker to leave the meeting or may terminate the meeting or telephone conversation or other interaction.

If any student, parent, or member of the public receives an e-mail or voice mail message that is disrespectful, abusive, threatening, or obscene, the individual should save the message and contact the immediate administrative supervisor of the school employee who generated the email or phone call, so that the matter may be investigated and, where appropriate, disciplinary action may be taken.

Board of Education Approval: September 11, 2007

CHAPTER SIX: INDIVIDUALIZED EDUCATION PROGRAMS
Resources

IEP Manual and Forms, Bureau of Special Education, CSDE

- Located at: http://www.sde.ct.gov Click onto Special Education in Quick Links and then Click onto PPT Process and IEP forms

IEP Form (ED 620), revised March, 2013

Darien Agreement to Change an IEP without convening a PPT Meeting (ED 634)

OCR Dear Colleague Letter re: Extracurricular Activities dated January 25, 2013

Guidance Documents and Topic Briefs, CSDE

•Located at: http://www.sde.ct.gov Click Special Education under Quick Links, then click onto Guidance Documents and Topic Briefs

•Guidelines for Assistive Technology (Updated December 2013)

•Topic Brief: Evaluation Timelines Guidance

•Topic Brief: Extended School Year

•Guidelines for Feeding and Swallowing Programs in Schools (2008)

•Guidelines for Health Screenings: Vision, Hearing and Postural (2004)

•Guidelines for Occupational Therapy in Educational Settings (1999)

•Guidelines for Training and Support of Paraprofessionals (2012)

•New: Guidelines for Adapted Physical Education (2012)

•Topic Brief: Post-school Outcome Goal Statements - Frequently Asked Questions

•Guidelines for Physical Therapy in Educational Settings (1999)

•Guidelines for Developing Policies and Procedures for Reporting of Child Abuse and Neglect (2000)

•A Guide to Comprehensive School Counseling Program Development (2008)

•Guidelines for the Practice of School Psychology (2004)

•Guide for the Training, Use and Supervision of Speech-Language Pathology Aides and Assistants in Connecticut (1999)

•Topic Brief: Summary of Performance (SOP) Frequently Asked Questions

•Topic Brief: Writing Transition Goals and Objectives

•New: Topic Brief: Questions and Answers Regarding Parentally Placed Students in Private Schools

Link to IEP Direct: www.iepdirect.com

Student: _____ **DOB:** _____ **District:** _____ **Meeting Date:** _____
Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

PLANNING AND PLACEMENT TEAM (PPT) COVER PAGE

Current Enrolled School: _____ Age: ____ Current Grade: ____ Grade Next Yr: ____ Gender: ☐ Female ☐ Male

Current Home School: _____ School Next Year: _____ Home School Next Year:

SASID #: _____ If your school district does not have its own high school, is the student attending his/her designated high school'

Case Manager: _____ ☐ Yes ☐ No ☐ NA

Student Address[1]: _____ Student Instructional Lang: ☐ English ☐ Other: (specify) _____

Parent/Guardian (Name): _____ Home Dominant Lang: ☐ English ☐ Other: (specify) _____

Parent/Guardian (Address): ☐ Same _____ Student Home Phone: _____ Parent Home Phone: _____

Surrogate Name: _____ Parent Work Phone: _____ Misc. Phone: _____

Surrogate Address: _____ Most Recent Eval. Date: _____ (mm/dd/yyyy) Next Reevaluation Date: _____ (mm/dd/yyyy)

Most Recent Annual Review Date: _____ (mm/dd/yyyy) Next Annual Review Date: _____ (mm/dd/yyyy)

Reason for Meeting[2]: ☐ Review Referral ☐ Plan Eval/Reeval ☐ Review Eval/Reeval ☐ Determine Eligibility ☐ Determine Continuing Eligibility ☐ Develop IEP ☐ Review or Revise IEP ☐ Conduct Annual Review ☐ Transition Planning ☐ Manifestation Determination ☐ Other (specify) ____

Primary Disability: ☐ Autism ☐ Emotional Disturbance ☐ Multiple Disabilities ☐ Speech or Language Impaired ☐ Other Health Impairment ☐ Deaf – Blindness ☐ Hearing Impairment (Deaf or Hard of Hearing) ☐ Orthopedic Impairment ☐ Traumatic Brain Injury ☐ OHI – ADD/ADHD ☐ Developmental Delay (ages 3-5 only) ☐ Intellectual Disability ☐ Specific Learning Disabilities ☐ Visual Impairment ☐ To be determined

The next projected PPT meeting date is: _____

- Eligible as a student in need of Special Education (The child is evaluated as having a disability, and needs special education and related services) ☐ Yes ☐ No
- Is this an amendment to a current IEP using Form ED634? ☐ YES, attached is the ED634 and amendments (revised IEP pages 1, 2, 3 and other supporting IEP documents) ☐ No

  If YES, what is the date of the IEP being amended? _____

Team Member Present (required)

Admin/Designee: _____ Spec. Educ. Teacher: _____ OT: _____

Parent/Guardian: _____ School Psych: _____ PT: _____

Parent/Guardian: _____ Social Work: _____ Agency: _____

Surrogate Parent: _____ Speech/Lang: _____ Other: (specify) _____

Student: _____ Guidance: _____ Other: (specify) _____

Student's Reg. Ed. Teacher: Nurse: Other: (specify)

[1] Address of student's primary residence. [2] May choose more than on

Student: _____ DOB: _____ District: _____ Meeting Date: _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

LIST OF PPT RECOMMENDATIONS

PLANNING AND PLACEMENT TEAM MEETING SUMMARY (OPTIONAL)

Parents please note: Effective October 1, 2009, parents must be provided with a copy of the state developed *Parental Notification of the Laws Relating to Physical Restraint and Seclusion in the Public Schools* (http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&Q=320730#Legal) at the first PPT meeting following a child's initial referral for special education. In addition, the notice must also be provided to parents at the first PPT meeting where the use of seclusion as a behavior intervention is included in a child's IEP. ☐ A copy of the *Parental Notification of the Laws Relating to Physical Restraint and Seclusion in the Public Schools* has been provided to the parents on _____ (date).

Student: _____ DOB: _____ District: _____ Meeting Date: _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

PRIOR WRITTEN NOTICE

Actions Proposed	Reasons for proposed actions	Evaluation procedure, assessment, records, or reports used as a basis for the actions proposed (dated)	Date these actions will be implemented
	☐ Educational performance supports proposed actions ☐ Evaluation results support proposed actions ☐ Previous IEP goals and objectives have been satisfactorily achieved ☐ Student has met Exit Criteria ☐ Other _____	☐ Achievement _____ ☐ Motor _____ ☐ Adaptive _____ ☐ Report Cards _____ ☐ Classroom Observation _____ ☐ Review of Records _____ ☐ Cognitive _____ ☐ Social Emotional Behavior _____ ☐ Communication _____ ☐ Teacher Reports _____ ☐ Developmental _____ ☐ Other (specify and dated) _____ ☐ Health/Medical _____	

Actions Refused	Reasons for refused actions	Evaluation procedure, assessment, records, or reports used as a basis for the actions refused (dated)
	☐ Educational performance supports refusal ☐ Evaluation results support refusal ☐ Previous IEP goals and objectives have been satisfactorily achieved ☐ Student has met Exit Criteria ☐ Other _____	☐ Achievement _____ ☐ Motor _____ ☐ Adaptive _____ ☐ Report Cards _____ ☐ Classroom Observation _____ ☐ Review of Records _____ ☐ Cognitive _____ ☐ Social emotional Behavior _____ ☐ Communication _____ ☐ Teacher Reports _____ ☐ Developmental _____ ☐ Other (specify and dated) _____ ☐ Health/Medical _____

Other options considered and rejected in favor of the proposed actions	Rationale for rejecting other options	Other factors that are relevant to this action	Exit Information
☐ Full-time placement in general education with supplementary aids and services. ☐ No other options were considered and rejected. ☐ Other options considered and rejected in favor of this action: _____	☐ Options would not provide student with an appropriate program in the least restrictive environment ☐ Other: (specify) _____	☐ There are no other factors that are relevant to the PPT decision ☐ Information/concerns shared by the parents ☐ Information/preferences shared by the student ☐ Other: (specify) _____	☐ Date of exit from Special Education _____ ☐ Returning to general education ☐ Reason for exiting Special Education: _____

Parents please note: Under the procedural safeguards of IDEA, a copy of the Procedural Safeguards in Special Education shall be given to the parents of a child with a disability only one time per year, except that a copy also shall be given to the parents: 1) upon initial referral or parental request for evaluation, 2) upon the first occurrence of the filing of a complaint under Section 615(b)(6), 3) upon request by a parent, and 4) upon a change of placement resulting from a disciplinary action. A copy of Procedural Safeguards in Special Education which explains these protections ☐ **was made available previously this school year (date)**_____ ☐ **is enclosed with this document** A copy of Procedural Safeguards in Special Education is available on school district website: http://www **[Delete if not available on line]**. If you need assistance in understanding the provisions of IDEA, please contact your child's principal, the district's special education director or the CT's federally designated Parent Training and Information Center (CPAC at 800-445-2722). For a copy of "A Parent's Guide to Special Education in CT" and other resources contact SERC (800-842-8678) or go to: http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&Q=320730.

Student: _____ DOB: _____ District: _____ Meeting Date: _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE

(The following information was derived from: report data, documentation from classroom performance, observations, parent/student reports, and curriculum based and standardized assessments, including Smarter Balanced and CT Alternate Assessments results and student samples).

Parent and Student input and concerns	

Area (briefly describe current performance)	Strengths (include data as appropriate)	Concerns/Needs (requiring specialized instruction)	Impact of student's disability on involvement and progress in the general education curriculum or appropriate preschool activities.
Academic/Cognitive Language Arts: _____			
☐ Age Appropriate			
Academic/Cognitive: Math: _____			
☐ Age Appropriate			
Other Academic/ Nonacademic Areas: _____			
☐ Age Appropriate			

Student: _____ DOB: _____ District: _____ Meeting Date: _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE

Area (briefly describe current performance)	Strengths (include data as appropriate)	Concerns/Needs (requiring specialized instruction)	Impact of student's disability on involvement and progress in the general education curriculum or appropriate preschool activities
Behavioral/Social/Emotional: _____			
☐ Age Appropriate			
Communication: _____			
☐ Age Appropriate			
Vocational/Transition: _____			
☐ Age Appropriate			
Health and Development including Vision And Hearing: _____			
☐ Age Appropriate			
Fine and Gross Motor: _____			
☐ Age Appropriate			
Activities of Daily Living: _____			
☐ Age Appropriate			
Other: _____			
☐ Age Appropriate			

Student: _____ DOB: _____ District: _____ Meeting Date: _____
Last Name, First Name mm/dd/yyyy mm/dd/yyyy

TRANSITION PLANNING

1. ☐ **Not Applicable: Student has not reached the age of 15 and transition planning is not required or appropriate at this time.**

   ☐ **This is either the first IEP to be in effect when the student turns 16 (or younger if appropriate and transition planning is needed) or the student is 16 or older and transition plannin is required.**

2. **Student Preferences/Interests – document the following:**
   a) Was the student invited to attend her/his Planning and Placement Team (PPT) meeting? ☐ Yes ☐ No
   b) Did the student attend? ☐ Yes ☐ No
   c) How were the student's preferences/interests, as they relate to planning for transition services, determined?
   ☐ Personal Interviews ☐ Comments at Meeting ☐ Functional Vocational Evaluations ☐ Age appropriate transition assessments ☐ Other _____
   d) Summarize student preferences/interests as they relate to planning for transition services: _____

3. **Age Appropriate Transition Assessment(s) performed: (Specify assessment(s) and dates administered)** _____

4. **Agency Participation:**
   a) Were any outside agencies invited to attend the PPT meeting? ☐ Yes with written consent ☐ No (If No, MUST specify reason as listed in the IEP Manual)_____
   b) If yes, did the agency's representative attend? ☐ Yes ☐ No
   c) Has any participating agency agreed to provide or pay for services/linkages? ☐ Yes ☐ No (If Yes, specify) _____

5. **Post-School Outcome Goal Statement(s) and Transition Services recommended in this IEP**
   a) **Post-School Outcome Goal Statement - Postsecondary Education or Training:** _____
   ☐ Annual goal(s) and related objectives regarding Postsecondary Education or Training have been developed and are included in this IEP
   b) **Post-School Outcome Goal Statement – Employment:** _____
   ☐ Annual goal(s) and related objectives regarding Employment have been developed and are included in this IEP
   c) **Post-School Outcome Goal Statement - Independent Living Skills (if appropriate):** _____
   ☐ Annual goals and related objectives regarding Independent Living have been developed and are included in this IEP (may include Community Participation)

6. **Please select ONLY one:**
   ☐ **The course of study** needed to assist the child in reaching the transition goals and related objectives **will include** (including general education activities):

   ☐ **Student has completed academic requirements**; no academic course of study is required – student's IEP includes **only** transition goals and services.

7. **At least one year prior to reaching the age of 18, the student must be informed of her/his rights under IDEA which will transfer at age 18.**
   ☐ NA (Student will not be 17 within one year) ☐ The student has been informed of her/his rights under IDEA which will transfer at age 18 ☐ No IDEA rights will transfer

8. **For a child whose eligibility under special education will terminate the following year due to graduation with a regular education diploma or due to exceeding the age of eligibility, the Summary of Performance will be completed on or before: (specify date)** _____

Parents please note: Rights afforded to parents under the Individuals with Disabilities Education Act (IDEA) transfer to students at the age of 18, unless legal guardianship has been obtained.

Student: _____ **DOB:** _____ **District:** _____ **Meeting Date:** _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

☐ Academic/Cognitive ☐ Social/Behavioral ☐ Communication ☐ Gross/Fine Motor ☐ Postsecondary Education/Training
☐ Self Help ☐ Employment ☐ Independent Living ☐ Health ☐ Other: (specify)

Enter Dates for Evaluating and Reporting Progress in Boxes Below

1	2	3	4
5	6	7	8

☐ **Check here if the student is 15 years of age.** (Note: Page 6, Transition Planning must be completed if this box is checked)

Measurable Annual Goal* (Linked to Present Levels of Performance) # _____

Eval. Procedure: _____
Perf. Criteria: _____
(%, Trials, etc.) _____

Report Progress Below (Use Reporting Key)

1	2	3	4
5	6	7	8

Short Term Objectives/Benchmarks (Linked to achieving progress towards Annual Goal)

Objective #1 _____

Eval. Procedure: _____
Perf. Criteria: _____
(%, Trials, etc.) _____

Report Progress Below (Use Reporting Key)

1	2	3	4
5	6	7	8

Objective #2 _____

Eval. Procedure: _____
Perf. Criteria: _____
(%, Trials, etc.) _____

Report Progress Below (Use Reporting Key)

1	2	3	4
5	6	7	8

Objective #3 _____

Eval. Procedure: _____
Perf. Criteria: _____
(%, Trials, etc.) _____

Report Progress Below (Use Reporting Key)

1	2	3	4
5	6	7	8

Evaluation Procedures		Performance Criteria	
1. Criterion-Referenced/Curriculum Based Assessments	7. Behavior/Performance Rating Scale	A. Percent of Change	F. Duration
2. Pre and Post Standardized Assessment	8. Smarter Balanced and CT Alternate Assessments	B. Months Growth	G. Successful Completion of Task/Activity
3. Pre and Post Base Line Data	9. Work Samples, Job Performance or Products	C. Standard Score Increase	H. Mastery
4. Quizzes/Tests	10. Achievement of Objectives *(Note: use with goal only)*	D. Passing Grades/Score	I. Other: (specify) _____
5. Student Self-assessment/Rubric	11. Other (specify) _____	E. Frequency/Trials	J. Other: (specify) _____
6. Project/Experiment/Portfolio	12. Other (specify)		

Progress Reporting Key: (indicating extent to which progress is sufficient to achieve goal by the end of the year) **M** = Mastered **S** = Satisfactory Progress – Likely to achieve goal
U=Unsatisfactory Progress – Unlikely to achieve goal **N** = No Progress – Will not achieve goal **NI** = Not Introduced **O** = Other: (specify)

*Related to meeting the student's needs that result from the individual's disability, to enable the student to be involved in and make progress in the general curriculum, and to meet each of the student's other educational needs that result from the student's disability.

Page ____ of ____ Goal Pages

Student: _____ DOB: _____ District: _____ Meeting Date: _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

Program Accommodations and Modifications - INCLUDING NONACADEMIC AND EXTRACURRICULAR ACTIVITIES/COLLABORATION/SUPPORT FOR SCHOOL PERSONNEL

Accommodations and Modifications to be provided to enable the child: – To advance appropriately toward attaining his/her annual goals; – To be involved in and make progress in the general education curriculum; – To participate in extracurricular and other non-academic activities, and – To be educated and participate with other children with and without disabilities. **Accommodations may include Assistive Technology Devices and Services**	**Sites/Activities Where Required and Duration**
Materials/Books/Equipment:	
Tests/Quizzes/Assessments:	
Grading:	
Organization:	
Environment:	
Behavioral Interventions and Support:	
Instructional Strategies:	
Other:	

Note: When specifying required supports for personnel to implement this IEP, include the specific supports required, how often they are to be provided (frequency) and for how long (duration)

Frequency and Duration of Supports Required for School Personnel to Implement this IEP include: _____

Student: _____ DOB: _____ District: _____ Meeting Date: _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

STATE AND DISTRICT TESTING AND ACCOMMODATIONS

STATEWIDE ASSESSMENTS AND DISTRICTWIDE ASSESSMENTS section must be completed

STATEWIDE ASSESSMENTS

Check the grade the student will be in when the test is given.

- ☐ Grade 3
- ☐ Grade 4
- ☐ Grade 5
- ☐ Grade 6
- ☐ Grade 7
- ☐ Grade 8
- ☐ Grade 10 CAPT Science Only
- ☐ Grades PK-2, 9 or 12; testing not required
- ☐ Grade 11
- ☐ Grade 12

DISTRICTWIDE ASSESSMENTS

Check the grade(s) the student will be in when the tests are given.

- ☐ Grade Pre-K
- ☐ Grade K
- ☐ Grade 1
- ☐ Grade 2
- ☐ Grade 3
- ☐ Grade 4
- ☐ Grade 5
- ☐ Grade 6
- ☐ Grade 7
- ☐ Grade 8
- ☐ Grade 9
- ☐ Grade 10
- ☐ Grade 11
- ☐ Grade 12

Smarter Balanced Assessments and the Connecticut Alternate Assessment (CTAA)

Smarter Balanced Assessments and the CTAA include English Language Arts and Mathematics. ALL students in grades 5 & 8 will also take the CMT Science Test. Students in Grade 10 will ONLY take the CAPT Science.

Assessment Options: (Select Only ONE Option.)

☐ 1. **Smarter Balanced Assessments (Includes CMT Science for grades 5 & 8)**

☐ 2. **CTAA - CT Alternate Assessment* (Includes CMT Skills Checklist Science for grades 5 & 8)**

☐ 3. **Grade 10 ONLY (Select ONE):** ☐ **CAPT Science** ☐ **CAPT Skills Checklist Science**

Administration Options:

☐ **Yes** ☐ **No** **Accommodations will be provided. ****

The completed *Test Supports/Accommodations Form* is attached. Accommodations MUST also be entered on the CSDE Accommodations Collection Website.

☐ **Yes** ☐ **No** **EL (formerly ELL) exemption from reading and writing tests will be given.**

NOTE: This exemption applies only to students attending a U.S. school for the first time for less than 12 months **AND** who have limited English proficiency. Exempted students are not required to take the reading and writing tests, but **must take all other tests.** For further information, see the EXEMPTION GUIDELINES.

* *CTAA and CMT/CAPT Science Skills Checklists Eligibility & Learner Characteristics Inventory (LCI)* should be used for guidance on eligibility. Provide a completed copy of the *LCI* to the district test coordinator for required registration of students assessed with the CT Alternate Assessment (CTAA) and the CMT/CAPT Science Skills Checklists on the CSDE Accommodations Collection Website. **A PPT decision to assess the student using the CTAA or the CMT/CAPT Science Skills Checklists must be recorded on page 3 of the IEP, Prior Written Notice.**

**If accommodations are given, attach a copy of the *Test Supports/Accommodations Form* to the IEP and provide a copy to the district test coordinator for required registration on the CSDE Accommodations Collection Website.

DISTRICTWIDE ASSESSMENTS

(Select all appropriate options.)

☐ **N/A** - No districtwide assessments are scheduled during the term of this IEP.

☐ **Alternate Assessment(s)**

Alternate assessments must be specified and a statement provided for each as to why the child cannot participate in the standard assessment and why the particular alternate assessment selected is appropriate for the child.

_____

_____

_____

_____

Select one of the following options:

☐ **No accommodations will be provided, *OR***

☐ **Accommodations will be provided as specified on Page 8, *OR***

☐ **Accommodations will be provided as specified below.**

_____

_____

_____

_____

Student: _____ DOB: _____ District: _____ Meeting Date: _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

SPECIAL FACTORS, PROGRESS REPORTING, EXIT CRITERIA

CONSIDERATION OF SPECIAL FACTORS:

1. For students whose behavior impedes her/his learning or that of others, the PPT has considered strategies, including positive behavioral interventions and supports to address that behavior, and:

☐ NA ☐ A behavioral intervention plan has been developed ☐ IEP Goals and Objectives have been developed to address the behavior ☐ Other (specify) _____

2. For students with limited English proficiency, the PPT has considered the language needs of the student as they relate to the student's IEP and recommended the following:

☐ NA ☐ Recommendation: (specify) _____

3. For students who are blind or visually impaired: ☐ NA ☐ Instruction in braille or the use of braille is being provided, as required ☐ The PPT has determined, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future need for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for this student.

4. For students who are deaf or hard of hearing: ☐ NA ☐ See attached **required** *Language and Communication Plan* (Form ED638) - The PPT has determined (after considering the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode, and considering whether the student requires assistive technology devices and services) that the services/modifications identified in the attached *Language and Communication Plan* are required.

PROGRESS REPORTING

1. A report of progress toward meeting the Measurable Annual Goals and Short Term Objectives included in this IEP will be sent to parents periodically, according to the following schedule:

☐ Quarterly ☐ Consistent with grade level report cards ☐ Other: (Specify) _____

_____

_____

EXIT CRITERIA

1. Exit Criteria: Student will be exited from Special Education upon: (Check One) ☐ Ability to succeed in Regular Education without Special Education support ☐ Graduation ☐ Age 21 ☐ Other: (specify) _____

Student: _____ DOB: _____ District: _____ Meeting Date: _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

SPECIAL EDUCATION, RELATED SERVICES, AND REGULAR EDUCATION

Special Education Services	Goal(s) #	Frequency	Responsible Staff	Service Implementer	Start Date (mm/dd/yyyy)	End Date (mm/dd/yyyy)	Site*	If needed, description of Instructional Service Delivery (e.g. small group, team taught classes, etc.)
Related Services								

*Instructional Site:	1. Regular Classroom	2. Resource/Related Service Room	3. Self-Contained Classroom	4. Community-Based	5. Other:
Description of participation in General Education					

Note: Each Item #1-13 must include a response

1. Assistive Technology: ☐ Not Required ☐ Required: See Pg. 8
2. Applied (Voc.) Ed: ☐ Regular ☐ Special (specify) _____ ☐ N/A
3. Physical Education: ☐ Regular ☐ Special (specify) _____ ☐ N/A
4. Transportation: ☐ Regular ☐ Special (specify) _____ ☐ N/A
5. Length of School Day: (Specify) _____
6. Number of Days/Week: (Specify) _____
7. Length of School Year: (Specify) _____

8. Total School Hours/Week: (Specify)	9. Special Education Hours/Week: (Specify)	10. Hours per week the student will spend with children/students who do not have disabilities (time with non-disabled peers):

11. Since the last Annual Review, has the student participated in school sponsored extracurricular activities with non-disabled peers? ☐ Yes ☐ No

12. Extended School Year Services: ☐ Not Required ☐ Required: See service delivery grid above or an additional page 11 for services to be provided ☐ Required: Continue to implement current IEP

13. a) The extent, if any, to which the student will not participate in regular classes and in extracurricular and other nonacademic activities, including lunch, recess, transportation, etc., with students who do not have disabilities: _____

☐ Not Applicable: Student will participate fully

b) If the IEP requires any removal of the student from the school, classroom, extracurricular, or nonacademic activities, (e.g., lunch, recess, transportation, etc.) that s/he would attend if not disabled, the PPT must justify this removal from the regular education environment. ☐ Not applicable: Student will participate fully

☐ The IEP requires removal of the student from the regular education environment because: (provide a detailed explanation – use additional pages if necessary)

Note: The LRE Checklist (ED632) must be completed and attached to this IEP if the student is to be removed from the regular education environment for 60% or more of the time. It is recommended that the LRE Checklist be utilized when making any placement decision to ensure conformity with the LRE provisions of the individuals with Disabilities Education Act.

Student: _____ DOB: _____ District: _____ Meeting Date: _____

Last Name, First Name — mm/dd/yyyy — mm/dd/yyyy

Required Data Collection
(Collect and/or update at every PPT)

For Children 3 years of age

Free Appropriate Public Education (FAPE) by age 3. ☐ Yes ☐ No

If the Oct 1st reported "Annual Review/PPT Meeting Date" and child's DOB indicate that the child did not receive FAPE by their 3rd birthday, why?

- ☐ Late referral (less than 90 days before 3rd birthday)
- ☐ Moved into district late
- ☐ Other (Specify) _____
- ☐ Child initially found not eligible at age 3 (re-referred to district at a later date)
- ☐ Parent Choice
- ☐ FAPE met via earlier PPT. Date of initial PPT was _____

Placement/Settings for students 5 or younger OR grade is preschool:

1. Provide the hours per week the child participates in an early childhood program which is not provided as a part of the IEP (hours from pg 2): _____

2. Identify the placement/setting where the child spends the majority of the week which is a combination of programming from both pages 2 AND 11:

- ☐ Early Childhood Preschool or Kindergarten Program – includes 50% or more non-disabled children
- ☐ Early Childhood Special Education Program in Separate School – includes less than 50% non-disabled children
- ☐ Home
- ☐ Early Childhood Special Education Program in Separate Class – includes less than 50% non-disabled children
- ☐ Early Childhood Special Education Program in Residential Facility – includes less than 50% non-disabled children
- ☐ Service Provider Location (Itinerant Services) – applies only when a child does not spend time in any environment with non-disabled peers

Education Placement 3 to 21 years of age

1. Primary Reason for Educational Location

- ☐ PPT
- ☐ Open Choice (Parent Placement)
- ☐ Interim Alternative Education Setting-IAES
- ☐ Court Order Following Due Process
- ☐ District transition/vocational program or age appropriate community based program
- ☐ Homeless
- ☐ Charter School (Parental Choice)
- ☐ Vo-Ag School (Parental Choice)
- ☐ Expulsion
- ☐ Mediation Agreement (reached with participation of an SDE mediator)
- ☐ None (Awaiting Placement)
- ☐ CTHSS (Parental Choice)
- ☐ Service plan only (Parent Placement in Private School)
- ☐ Parent/BOE Settlement Agreement
- ☐ Resolution Agreement (reached through a resolution session held in relation to a parent's due process hearing request)
- ☐ Inter-district Magnet (Parental Choice)
- ☐ Medical (Hospital or Homebound)
- ☐ Due Process Hearing
- ☐ Non-Educational Restriction / Treatment Boundary (must answer 3a - who initiated non-educational restriction/treatment boundary)

2. If student doesn't live at home, where does he/she live?

- ☐ Correctional Facility (District 336 only)
- ☐ Municipal Detention Center (Bridgeport, Hartford, New Haven)
- ☐ Foster Home
- ☐ Safe Home
- ☐ Private Residential Treatment Center
- ☐ DCF Facility (District 347 only)
- ☐ Private Detention Center e.g. SAGE, Washington Street Juvenile Detention Center
- ☐ Permanent Family Residence http://www.dir.ct.gov/dcf/Licensed_Facilities/listing_PFR.asp
- ☐ Supported housing (housing subsidized by DCF, DDS, DMHAS or other state agency.)
- ☐ Private Residential Educational School
- ☐ DMHAS Facility (District 337 only)
- ☐ Hospital
- ☐ Group Home
- ☐ Temporary Shelter (includes Permanency Diagnostic Center (PDC) and STAR shelters)
- ☐ Other (Specify) _____

3. If student's placement is not in a district program, who/what entity initiated the placement?

State Agency Placement Grant applies if placement initiated by: ☐ DCF ☐ DDS ☐ DMHAS ☐ Judicial Department ☐ Indian Nation

LEA Excess Cost Grant may apply when placement is made by: ☐ PPT ☐ Physician ☐ Resolution Agreement ☐ Settlement Agreement ☐ Mediation Agreement ☐ Hearing Decision

GRADUATION

The student is projected to graduate in what year? (Enter the school year formatted as YYYY-YYYY that is determined at the annual review during the student's 9th grade year.)

☐ ☐ ☐ ☐ - ☐ ☐ ☐ ☐

Y Y Y Y Y Y Y Y

DARIEN PUBLIC SCHOOLS
AGREEMENT TO CHANGE AN INDIVIDUALIZED EDUCATION PROGRAM WITHOUT CONVENING A PLANNING AND PLACEMENT TEAM MEETING

Student: _____ DOB: _____ Grade:

School: _____ IEP being changed: _____
Date the IEP was developed

Parent/Guardian: _____

We agree to make the changes to the student's IEP as described in the documents specified below and which are attached to this agreement. We understand that these changes were not made at a PPT meeting. We agree only to the changes described in the attached documents. We understand that this agreement is optional and that the parent can request a PPT meeting at any time to review the IEP. We understand that this agreement can be made only if the changes are not part of an Annual Review of the student's program.

_____ _____
Parent/Guardian Signature Date

_____ _____
School District Representative Date

This agreement must be signed by a representative of the school district who has full authority to sign such a document on behalf of the school district and who, as described by federal statute, is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum and is knowledgeable about the availability of resources of the public agency.

The following documents are attached to this agreement:

____ Revised Pages 1 and 2 of the IEP dated: _____ _____ Prior Written Notice

____ Amendments (please specify) _____

It is expected that, at minimum, a Prior Written Notice, the revised pages 1 and 2 of the IEP being changed and any other pages of the IEP that will be different as a result of the changes made (e.g. goal and objectives pages, service delivery grid, etc.) will be attached to this agreement as verification of the changes made to the IEP.

Section 614(d)(3)(D) of H.R. 1350, the revised Individuals with Disabilities Education Act, the "IDEA," provides as follows:

AGREEMENT NOT TO CONVENE: In making changes to a child's IEP *after* the annual IEP meeting for a school year, the parent of a child with a disability and the public agency (school district) may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP. Such changes may be made by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

ED634
January 2006

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

January 25, 2013

Dear Colleague:

Extracurricular athletics—which include club, intramural, or interscholastic (*e.g.*, freshman, junior varsity, varsity) athletics at all education levels—are an important component of an overall education program. The United States Government Accountability Office (GAO) published a report that underscored that access to, and participation in, extracurricular athletic opportunities provide important health and social benefits to all students, particularly those with disabilities.[1] These benefits can include socialization, improved teamwork and leadership skills, and fitness. Unfortunately, the GAO found that students with disabilities are not being afforded an equal opportunity to participate in extracurricular athletics in public elementary and secondary schools.[2]

To ensure that students with disabilities consistently have opportunities to participate in extracurricular athletics equal to those of other students, the GAO recommended that the United States Department of Education (Department) clarify and communicate schools' responsibilities under Section 504 of the Rehabilitation Act of 1973 (Section 504) regarding the provision of extracurricular athletics. The Department's Office for Civil Rights (OCR) is responsible for enforcing Section 504, which is a Federal law

[1] United States Government Accountability Office, *Students with Disabilities: More Information and Guidance Could Improve Opportunities in Physical Education and Athletics*, No. GAO-10-519, at 1, 31 (June 2010), *available at* http://www.gao.gov/assets/310/305770.pdf.

[2] *Id.* at 20-22, 25-26.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

designed to protect the rights of individuals with disabilities in programs and activities (including traditional public schools and charter schools) that receive Federal financial assistance.[3]

In response to the GAO's recommendation, this guidance provides an overview of the obligations of public elementary and secondary schools under Section 504 and the Department's Section 504 regulations, cautions against making decisions based on presumptions and stereotypes, details the specific Section 504 regulations that require students with disabilities to have an equal opportunity for participation in nonacademic and extracurricular services and activities, and discusses the provision of separate or different athletic opportunities. The specific details of the illustrative examples offered in this guidance are focused on the elementary and secondary school context. Nonetheless, students with disabilities at the postsecondary level must also be provided an equal opportunity to participate in athletics, including intercollegiate, club, and intramural athletics.[4]

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[3] 29 U.S.C. § 794(a), (b). Pursuant to a delegation by the Attorney General of the United States, OCR shares in the enforcement of Title II of the Americans with Disabilities Act of 1990, which is a Federal law prohibiting disability discrimination in the services, programs, and activities of state and local governments (including public school districts), regardless of whether they receive Federal financial assistance. 42 U.S.C. § 12132. Violations of Section 504 that result from school districts' failure to meet the obligations identified in this letter also constitute violations of Title II. 42 U.S.C. § 12201(a). To the extent that Title II provides greater protection than Section 504, covered entities must comply with Title II's substantive requirements.

OCR also enforces Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs that receive Federal financial assistance. 20 U.S.C. § 1681. For more information about the application of Title IX in athletics, see OCR's "Reading Room," "Documents – Title IX," at http://www.ed.gov/ocr/publications.html#TitleIX-Docs.

[4] 34 C.F.R. §§ 104.4, 104.47. The U.S. Department of Education has determined that this document is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). OCR issues this and other policy guidance to provide recipients with information to assist them in meeting their obligations, and to provide members of the public with information about their rights under the civil rights laws and implementing regulations that we enforce. OCR's legal authority is based on those laws and regulations. This letter does not add requirements to applicable law, but provides information and examples to inform recipients about how OCR evaluates whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an e-mail with your comments to OCR@ed.gov, or write to us at the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

I. *Overview of Section 504 Requirements*

To better understand the obligations of school districts with respect to extracurricular athletics for students with disabilities, it is helpful to review Section 504's requirements.

Under the Department's Section 504 regulations, a school district is required to provide a qualified student with a disability an opportunity to benefit from the school district's program equal to that of students without disabilities. For purposes of Section 504, a person with a disability is one who (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.[5] With respect to public elementary and secondary educational services, "qualified" means a person (i) of an age during which persons without disabilities are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to persons with disabilities, or (iii) to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).[6]

Of course, simply because a student is a "qualified" student with a disability does not mean that the student must be allowed to participate in any selective or competitive program offered by a school district; school districts may require a level of skill or ability of a student in order for that student to participate in a selective or competitive program or activity, so long as the selection or competition criteria are not discriminatory.

Among other things, the Department's Section 504 regulations prohibit school districts from:

- denying a qualified student with a disability the opportunity to participate in or benefit from an aid, benefit, or service;
- affording a qualified student with a disability an opportunity to participate in or benefit from an aid, benefit, or service that is not equal to that afforded others;

[5] 29 U.S.C. § 705(9)(B), (20)(B) (as amended by the Americans with Disabilities Act Amendments Act of 2008); 34 C.F.R. § 104.3(j). For additional information on the broadened meaning of disability after the effective date of the 2008 Amendments Act, see OCR's 2012 Dear Colleague Letter and Frequently Asked Questions document, available at http://www.ed.gov/ocr/letters/colleague-201109.html, and http://www.ed.gov/ocr/docs/dcl-504faq-201109.html.

[6] 34 C.F.R. § 104.3(*l*)(2).

- providing a qualified student with a disability with an aid, benefit, or service that is not as effective as that provided to others and does not afford that student with an equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement in the most integrated setting appropriate to the student's needs;

- providing different or separate aid, benefits, or services to students with disabilities or to any class of students with disabilities unless such action is necessary to provide a qualified student with a disability with aid, benefits, or services that are as effective as those provided to others; and

- otherwise limiting a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.[7]

The Department's Section 504 regulations also require school districts to provide a free appropriate public education (Section 504 FAPE) to each qualified person with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the person's disability.[8]

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[7] 34 C.F.R. § 104.4(b)(1)(i)-(iv), (vii), (2), (3). Among the many specific applications of these general requirements, Section 504 prohibits harassment on the basis of disability, including harassment that occurs during extracurricular athletic activities. OCR issued a Dear Colleague letter dated October 26, 2010, that addresses harassment, including disability harassment, in educational settings. *See* Dear Colleague Letter: Harassment and Bullying, available at http://www.ed.gov/ocr/letters/colleague-201010.html. For additional information on disability-based harassment, see OCR's Dear Colleague Letter: Prohibited Disability Harassment (July 25, 2000), available at http://www.ed.gov/ocr/docs/disabharassltr.html.

[8] 34 C.F.R. § 104.33(a). Section 504 FAPE may include services a student requires in order to ensure that he or she has an equal opportunity to participate in extracurricular and other nonacademic activities. One way to meet the Section 504 FAPE obligation is to implement an individualized education program (IEP) developed in accordance with the IDEA. 34 C.F.R. § 104.33(b)(2). Because the IDEA is not enforced by OCR, this document is not intended as an explanation of IDEA requirements or implementing regulations, which include the requirement that a student's IEP address the special education, related services, supplementary aids and services, program modifications, and supports for school personnel to be provided to enable the student to, among other things, participate in extracurricular and other nonacademic activities. 34 C.F.R. § 300.320(a)(4)(ii). In general, OCR would view a school district's failure to address participation or requests for participation in extracurricular athletics for a qualified student with a disability with an IEP in a manner consistent with IDEA requirements as a failure to ensure Section 504 FAPE and an equal opportunity for participation.

A school district must also adopt grievance procedures that incorporate appropriate due process standards and that provide for prompt and equitable resolution of complaints alleging violations of the Section 504 regulations.[9]

A school district's legal obligation to comply with Section 504 and the Department's regulations supersedes any rule of any association, organization, club, or league that would render a student ineligible to participate, or limit the eligibility of a student to participate, in any aid, benefit, or service on the basis of disability.[10] Indeed, it would violate a school district's obligations under Section 504 to provide significant assistance to any association, organization, club, league, or other third party that discriminates on the basis of disability in providing any aid, benefit, or service to the school district's students.[11] To avoid violating their Section 504 obligations in the context of extracurricular athletics, school districts should work with their athletic associations to ensure that students with disabilities are not denied an equal opportunity to participate in interscholastic athletics.[12]

II. ***Do Not Act On Generalizations and Stereotypes***

A school district may not operate its program or activity on the basis of generalizations, assumptions, prejudices, or stereotypes about disability generally, or specific disabilities in particular. A school district also may not rely on generalizations about what students with a type of disability are capable of—one student with a certain type of disability may not be able to play a certain type of sport, but another student with the same disability may be able to play that sport.

Example 1: A student has a learning disability and is a person with a disability as defined by Section 504. While in middle school, this student enjoyed participating in her school's lacrosse club. As she enters the ninth grade in high school, she tries out and is

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[9] 34 C.F.R. § 104.7(b).

[10] 34 C.F.R. § 104.10(a), 34 C.F.R. § 104.4(b)(1).

[11] 34 C.F.R. § 104.4(b)(1)(v); 34 C.F.R. pt. 104, App. A § 104.4 at 367 (2012).

[12] OCR would find that an interscholastic athletic association is subject to Section 504 if it receives Federal financial assistance or its members are recipients of Federal financial assistance who have ceded to the association controlling authority over portions of their athletic program. *Cf. Cmtys. for Equity v. Mich. High Sch. Athletic Ass'n, Inc.*, 80 F.Supp.2d 729, 733-35 (W.D. Mich. 2000) (at urging of the United States, court finding that an entity with controlling authority over a program or activity receiving Federal financial assistance is subject to Title IX's anti-discrimination rule). Where an athletic association is covered by Section 504, OCR would find that the school district's obligations set out in this letter would apply with equal force to the covered athletic association.

selected as a member of the high school's lacrosse team. The coach is aware of this student's learning disability and believes that all students with the student's particular learning disability would be unable to play successfully under the time constraints and pressures of an actual game. Based on this assumption, the coach decides never to play this student during games. In his opinion, participating fully in all the team practice sessions is good enough.

> *Analysis*: OCR would find that the coach's decision violates Section 504. The coach denied this student an equal opportunity to participate on the team by relying solely on characteristics he believed to be associated with her disability. A school district, including its athletic staff, must not operate on generalizations or assumptions about disability or how a particular disability limits any particular student. Rather, the coach should have permitted this student an equal opportunity to participate in this athletic activity, which includes the opportunity to participate in the games as well as the practices. The student, of course, does not have a right to participate in the games; but the coach's decision on whether the student gets to participate in games must be based on the same criteria the coach uses for all other players (such as performance reflected during practice sessions).

III. *Ensure Equal Opportunity for Participation*

A school district that offers extracurricular athletics must do so in such manner as is necessary to afford qualified students with disabilities an equal opportunity for participation.[13] This means making reasonable modifications and providing those aids and services that are necessary to ensure an equal opportunity to participate, unless the school district can show that doing so would be a fundamental alteration to its program.[14] Of course, a school district may adopt bona fide safety standards needed to implement its extracurricular athletic program or activity. A school district, however, must consider whether safe participation by any particular student with a disability can be assured through reasonable modifications or the provision of aids and services.[15]

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[13] 34 C.F.R. § 104.37(a), (c).

[14] *See Alexander v. Choate*, 469 U.S. 287, 300-01 (1985) (Section 504 may require reasonable modifications to a program or benefit to assure meaningful access to qualified persons with disabilities); *Southeastern Cmty. Coll. v. Davis*, 442 U.S. 397 (1979) (Section 504 does not prohibit a college from excluding a person with a serious hearing impairment as not qualified where accommodating the impairment would require a fundamental alteration in the college's program).

[15] 34 C.F.R. § 104.4(b)(1).

Schools may require a level of skill or ability for participation in a competitive program or activity; equal opportunity does not mean, for example, that every student with a disability is guaranteed a spot on an athletic team for which other students must try out. A school district must, however, afford qualified students with disabilities an equal opportunity for participation in extracurricular athletics in an integrated manner to the maximum extent appropriate to the needs of the student.[16] This means that a school district must make reasonable modifications to its policies, practices, or procedures whenever such modifications are necessary to ensure equal opportunity, unless the school district can demonstrate that the requested modification would constitute a fundamental alteration of the nature of the extracurricular athletic activity.

In considering whether a reasonable modification is legally required, the school district must first engage in an individualized inquiry to determine whether the modification is necessary. If the modification is necessary, the school district must allow it unless doing so would result in a fundamental alteration of the nature of the extracurricular athletic activity. A modification might constitute a fundamental alteration if it alters such an essential aspect of the activity or game that it would be unacceptable even if it affected all competitors equally (such as adding an extra base in baseball). Alternatively, a change that has only a peripheral impact on the activity or game itself might nevertheless give a particular player with a disability an unfair advantage over others and, for that reason, fundamentally alter the character of the competition. Even if a specific modification would constitute a fundamental alteration, the school district would still be required to determine if other modifications might be available that would permit the student's participation.

[16] 34 C.F.R. § 104.37(a), (c); 34 C.F.R. § 104.34(b); 34 C.F.R. § 104.4(b)(1)(ii).

To comply with its obligations under Section 504, a school district must also provide a qualified student with a disability with needed aids and services, if the failure to do so would deny that student an equal opportunity for participation in extracurricular activities in an integrated manner to the maximum extent appropriate to the needs of the student.[17]

Example 2: A high school student has a disability as defined by Section 504 due to a hearing impairment. The student is interested in running track for the school team. He is especially interested in the sprinting events such as the 100 and 200 meter dashes. At the tryouts for the track team, the start of each race was signaled by the coach's assistant using a visual cue, and the student's speed was fast enough to qualify him for the team in those events. After the student makes the team, the coach also signals the start of races during practice with the same visual cue. Before the first scheduled meet, the student asks the district that a visual cue be used at the meet simultaneously when the starter pistol sounds to alert him to the start of the race. Two neighboring districts use a visual cue as an alternative start in their track and field meets. Those districts report that their runners easily adjusted to the visual cue and did not complain about being distracted by the use of the visual cue.

After conducting an individualized inquiry and determining that the modification is necessary for the student to compete at meets, the district nevertheless refuses the student's request because the district is concerned that the use of a visual cue may distract other runners and trigger complaints once the track season begins. The coach tells the student that although he may practice with the team, he will not be allowed to participate in meets.

[17] 34 C.F.R. § 104.37(a), (c); 34 C.F.R. § 104.34(b); 34 C.F.R. § 104.4(b)(1)(ii). Although a school district may also raise the defense that a needed modification or aid or service would constitute an undue burden to its program, based on OCR's experience, such a defense would rarely, if ever, prevail in the context of extracurricular athletics; for this reason, to the extent the examples in this letter touch on applicable defenses, the discussion focuses on the fundamental alteration defense. To be clear, however, neither the fundamental alteration nor undue burden defense is available in the context of a school district's obligation to provide a FAPE under the IDEA or Section 504. *See* 20 U.S.C. § 1414(d)(1); 34 C.F.R. § 104.33. Moreover, whenever the IDEA would impose a duty to provide aids and services needed for participation in extracurricular athletics (as discussed in footnote 8 above), OCR would likewise rarely, if ever, find that providing the same needed aids and services for extracurricular athletics constitutes a fundamental alteration under Section 504 for students not eligible under the IDEA.

Analysis: OCR would find that the school district's decision violates Section 504.

While a school district is entitled to set its requirements as to skill, ability, and other benchmarks, it must provide a reasonable modification if necessary, unless doing so would fundamentally alter the nature of the activity. Here, the student met the benchmark requirements as to speed and skill in the 100 and 200 meter dashes to make the team. Once the school district determined that the requested modification was necessary, the school district was then obligated to provide the visual cue unless it determined that providing it would constitute a fundamental alteration of the activity.

In this example, OCR would find that the evidence demonstrated that the use of a visual cue does not alter an essential aspect of the activity or give this student an unfair advantage over others. The school district should have permitted the use of a visual cue and allowed the student to compete.

Example 3: A high school student was born with only one hand and is a student with a disability as defined by Section 504. This student would like to participate on the school's swim team. The requirements for joining the swim team include having a certain level of swimming ability and being able to compete at meets. The student has the required swimming ability and wishes to compete. She asks the school district to waive the "two-hand touch" finish it requires of all swimmers in swim meets, and to permit her to finish with a "one-hand touch." The school district refuses the request because it determines that permitting the student to finish with a "one-hand touch" would give the student an unfair advantage over the other swimmers.

Analysis: A school district must conduct an individualized assessment to determine whether the requested modification is necessary for the student's participation, and must determine whether permitting it would fundamentally alter the nature of the activity. Here, modification of the two-hand touch is necessary for the student to participate. In determining whether making the necessary modification – eliminating the two-hand touch rule – would fundamentally alter the nature of the swim competition, the school district must evaluate whether the requested modification alters an essential aspect of the activity or would give this student an unfair advantage over other swimmers.

OCR would find a one-hand touch does not alter an essential aspect of the activity. If, however, the evidence demonstrated that the school district's judgment was correct that she would gain an unfair advantage over others who are judged on the touching of both hands, then a complete waiver of the rule would constitute a fundamental alteration and not be required.

In such circumstances, the school district would still be required to determine if other modifications were available that would permit her participation. In this situation, for example, the school district might determine that it would not constitute an unfair advantage over other swimmers to judge the student to have finished when she touched the wall with one hand and her other arm was simultaneously stretched forward. If so, the school district should have permitted this modification of this rule and allowed the student to compete.

Example 4: An elementary school student with diabetes is determined not eligible for services under the IDEA. Under the school district's Section 504 procedures, however, he is determined to have a disability. In order to participate in the regular classroom setting, the student is provided services under Section 504 that include assistance with glucose testing and insulin administration from trained school personnel. Later in the year, this student wants to join the school-sponsored gymnastics club that meets after school. The only eligibility requirement is that all gymnastics club members must attend that school. When the parent asks the school to provide the glucose testing and insulin administration that the student needs to participate in the gymnastics club, school personnel agree that it is necessary but respond that they are not required to provide him with such assistance because gymnastics club is an extracurricular activity.

Analysis: OCR would find that the school's decision violates Section 504. The student needs assistance in glucose testing and insulin administration in order to participate in activities during and after school. To meet the requirements of Section 504 FAPE, the school district must provide this needed assistance during the school day.

In addition, the school district must provide this assistance after school under Section 504 so that the student can participate in the gymnastics club, unless doing so would be a fundamental alteration of the district's education program. Because the school district always has a legal obligation under IDEA to provide aids or services in its education program to enable any IDEA-eligible students to participate in extracurricular

activities,[18] providing these aids or services after school to a student with a disability not eligible under the IDEA would rarely, if ever, be a fundamental alteration of its education program. This remains true even if there are currently no IDEA-eligible students in the district who need these aids or services.

In this example, OCR would find that the school district must provide glucose testing and insulin administration for this student during the gymnastics club in order to comply with its Section 504 obligations. The student needs this assistance in order to participate in the gymnastics club, and because this assistance is available under the IDEA for extracurricular activities, providing this assistance to this student would not constitute a fundamental alteration of the district's education program.[19]

IV. ***Offering Separate or Different Athletic Opportunities***

As stated above, in providing or arranging for the provision of extracurricular athletics, a school district must ensure that a student with a disability participates with students without disabilities to the maximum extent appropriate to the needs of that student with a disability.[20] The provision of *unnecessarily* separate or different services is discriminatory.[21] OCR thus encourages school districts to work with their community and athletic associations to develop broad opportunities to include students with disabilities in all extracurricular athletic activities.

Students with disabilities who cannot participate in the school district's existing extracurricular athletics program – even with reasonable modifications or aids and services – should still have an equal opportunity to receive the benefits of extracurricular athletics. When the interests and abilities of some students with disabilities cannot be as fully and effectively met by the school district's existing extracurricular athletic program, the school district should create additional opportunities for those students with disabilities.

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[18] 20 U.S.C. §§ 1412(a)(1), 1414(d)(1)(A)(i)(IV)(bb); 34 CFR §§ 300.320(a)(4)(ii), 300.107, 300.117; *see also* footnotes 8 & 17, above.

[19] 34 C.F.R. § 104.37.

[20] 34 C.F.R. § 104.34(b).

[21] 34 C.F.R. pt. 104, App. A § 104.4 at 367 (2012); 34 C.F.R. pt. 104, App. A § 104.37 at 376 (2012).

In those circumstances, a school district should offer students with disabilities opportunities for athletic activities that are separate or different from those offered to students without disabilities. These athletic opportunities provided by school districts should be supported equally, as with a school district's other athletic activities. School districts must be flexible as they develop programs that consider the unmet interests of students with disabilities. For example, an ever-increasing number of school districts across the country are creating disability-specific teams for sports such as wheelchair tennis or wheelchair basketball. When the number of students with disabilities at an individual school is insufficient to field a team, school districts can also: (1) develop district-wide or regional teams for students with disabilities as opposed to a school-based team in order to provide competitive experiences; (2) mix male and female students with disabilities on teams together; or (3) offer "allied" or "unified" sports teams on which students with disabilities participate with students without disabilities.[22] OCR urges school districts, in coordination with students, families, community and advocacy organizations, athletic associations, and other interested parties, to support these and other creative ways to expand such opportunities for students with disabilities.[23]

V. ***Conclusion***

OCR is committed to working with schools, students, families, community and advocacy organizations, athletic associations, and other interested parties to ensure that students with disabilities are provided an equal opportunity to participate in extracurricular athletics. Individuals who believe they have been subjected to discrimination may also file a complaint with OCR or in court.[24]

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[22] The Department's Office of Special Education and Rehabilitative Services issued a guidance document that, among other things, includes suggestions on ways to increase opportunities for children with disabilities to participate in physical education and athletic activities. That guidance, *Creating Equal Opportunities for Children and Youth with Disabilities to Participate in Physical Education and Extracurricular Athletics*, dated August 2011, is available at http://www2.ed.gov/policy/speced/guid/idea/equal-pe.pdf.

[23] It bears repeating, however, that a qualified student with a disability who would be able to participate in the school district's existing extracurricular athletics program, with or without reasonable modifications or the provision of aids and services that would not fundamentally alter the program, may neither be denied that opportunity nor be limited to opportunities to participate in athletic activities that are separate or different. 34 C.F.R. § 104.37(c)(2).

[24] 34 C.F.R. § 104.61 (incorporating 34 C.F.R. § 100.7(b)); *Barnes v. Gorman*, 536 U.S. 181, 185 (2002).

For the OCR regional office serving your area, please visit: http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm, or call OCR's Customer Service Team at 1-800-421-3481 (TDD 1-877-521-2172).

Please do not hesitate to contact us if we can provide assistance in your efforts to address this issue or if you have other civil rights concerns. I look forward to continuing our work together to ensure that students with disabilities receive an equal opportunity to participate in a school district's education program.

Sincerely,

/s/

Seth M. Galanter
Acting Assistant Secretary for Civil Rights

CHAPTER SEVEN: LEAST RESTRICTIVE ENVIRONMENT

Resources

Darien Least Restrictive Environment Procedural Checklist (ED 632)

LEA Excess Cost Grant and State Agency Placement Grant for Placements in Facilities Approved or Not Approved for Special Education Memorandum (2008)

DARIEN PUBLIC SCHOOLS
LEAST RESTRICTIVE ENVIRONMENT (LRE) PROCEDURAL CHECKLIST

STUDENT: _____ DOB: _____

SCHOOL: _____ DATE OF PPT: _____

Note: This form is to be completed by the PPT only after all other IEP components have been fully addressed.

I. Section A: LRE Screen *(This section must be completed.)*	**YES**	**NO**
1. All of the child's classes are in the regular educational environment.	☐	☐
2. The child has the opportunity to participate in nonacademic and extracurricular services and activities (including meals, recess periods, and services and activities such as counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the child's LEA, and employment of students, including both employment by the LEA and assistance in making employment available) to the same extent as peers who do not have disabilities.	☐	☐
3. The child is educated in the school that he or she would attend if nondisabled.	☐	☐

II. Section B: LRE Factors and Considerations *(Complete only if "NO" has been checked for one or more of the items in Section A. Respond to all items unless otherwise indicated.)*	**YES**	**NO**
1. The PPT based the educational placement of the child upon the child's IEP.	☐	☐
2. The PPT ensured that the child is educated to the maximum extent appropriate with children who are nondisabled.	☐	☐
3. The PPT ensured that the child participates in nonacademic and extracurricular services and activities with nondisabled children to the maximum extent appropriate to the needs of the child.	☐	☐
4. The PPT considered the use of supplementary aids and services (such as resource room, itinerant instruction, assistive technology devices or assistive technology services) in conjunction with regular class placement.	☐	☐
5. The PPT determined that the nature and severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.	☐	☐
6. The PPT selected the placement within the continuum of alternative placements which is required to implement the child's IEP.	☐	☐
7. The PPT considered any potential harmful effect of the placement on the child.	☐	☐
8. The PPT considered any potential harmful effect of the placement on the quality of the services that the child needs.	☐	☐
9. The PPT considered any potential harmful effect of the placement on the education of other children.	☐	☐

	YES	NO
10. *Complete if the child is not being educated in the school that he or she would attend if nondisabled.* The child's education program is provided as close as possible to the child's home.	☐	☐
11. *Complete if the child's education program has been modified as the result of procedures related to discipline.* The child is receiving education services in an alternative educational setting.	☐	☐
12. *Complete if the child has been hospitalized.* For medical reasons the child must remain within the hospital during the school day.	☐	☐
13. *Complete if the child has been placed in a residential facility for other than educational reasons.* It has been determined, in accordance with the March 15, 1993 SDE-DCF Memorandum of Agreement, that for clinical reasons the child must remain within the facility during part or all of the school day.	☐	☐
14. *Complete if the child is confined to a detention or correctional facility.* The child must remain within the facility during the school day.	☐	☐
15. *Complete if the child's parent has placed the child in a privately-operated facility.* The child receives education services within the privately-operated facility.	☐	☐

Comments/Additional Information:

_____ (Signature of PPT Chairperson)

_____ (Date)

STATE OF CONNECTICUT

DEPARTMENT OF EDUCATION

To: Directors of Special Education
Parent Advocates and Attorneys
Board of Education Attorneys

From: Anne Louise Thompson, Bureau Chief

Date: October 31, 2008

Subject: LEA Excess Cost Grant and State Agency Placement Grant for Placements in Facilities Approved or Not Approved for Special Education

Over the past year, there has been an ongoing review of grant requests submitted by public school districts for local education agency (LEA) excess cost and State agency placement grants. The Bureaus of Special Education and Data Collection, Research and Evaluation have been reviewing grant submissions from districts concerning cases in which a child is receiving special education instruction in approved special education facilities or facilities not approved for special education. In some cases, a school district or State agency made the placement in the facility. In other cases, the parent and the district have been in disagreement over what constitutes an appropriate program and placement for the child and in an effort to resolve the dispute, the parent and the district have negotiated an agreement regarding the child's program and placement.

There are various types of agreements: a settlement agreement from the resolution session associated with a due process hearing, a mediation agreement or a settlement agreement finalized before the case is completed at a due process hearing. There may also be other circumstances where the district and the parent have come to an agreement without utilizing the special education due process procedures.

In order to clarify questions concerning school district eligibility for the excess cost grant and the State agency placement grant, the following applies:

I. School District Initiated Placements: School District Eligibility for the LEA Excess Cost Grant

A. Facilities approved for special education: School District Eligible for the LEA Excess Cost Grant

A district may qualify for a LEA excess cost grant under Connecticut General Statutes (CGS) Section 10-76g (if the grant threshold is met) when it initiates a placement in an approved special education facility.

B. Facilities not approved for special education: School District Not Eligible for the Excess Cost Grant

A district will not qualify for a LEA excess cost grant (even if the grant threshold is met) under CGS Section 10-76g for any placement initiated by the district in a facility not approved for special education. CGS Section 10-76d(d) is clear that in order for a school district to receive payment under CGS Section 10-76g, "each such private school, agency or institution **has been approved** for special education by the Commissioner of Education or by the appropriate agency for facilities located out of State."

C. Facilities not approved for special education: School District Eligible for the Excess Cost Grant

A school district may utilize preschool programs not approved for special education and receive an excess cost grant if conditions are met for utilizing a preschool program not approved for special education (See CGS Section 10-76d(b)) and the grant threshold is met.

D. Organizations approved for transition/vocational services: School District Eligible for the Excess Cost Grant

A school district may utilize a transition/vocational program or services to provide occupational training programs to eligible students and may receive an excess cost grant under the following conditions (See CGS Section 10-76d(d)). The district is eligible for an excess cost grant if the program or services are being provided by an approved vendor of such services, the student is not working on earning credits for a regular high school diploma, the student is between the ages of 16 and 21 and the grant threshold is met. Transition/vocational programs are not approved to be providing academics toward a high school diploma. Any program which is coded as an "82" in the special education data application and collection (SEDAC) system by the Department of Education is not approved to provide academic credit toward a regular high school diploma. A district will not be eligible to receive an excess cost grant if a student is earning academic credit toward a regular high school diploma in a facility coded as an "82", transition/vocational program.

II. Parent Initiated Placements: School District Eligibility for the Excess Cost Grant

A. Parent initiated placement in a facility approved for special education: School District Eligible for the Excess Cost Grant under certain conditions

A district may receive a LEA excess cost grant for a placement in a facility approved for special education initiated by a parent if the following conditions are met: (1) the district has accepted programmatic responsibility for the child's education through the development and implementation of an individualized education program (IEP); (2) the district has accepted fiscal responsibility by paying the costs for the child's placement by the parent at the approved facility; and (3) the grant threshold is met.

B. Parent initiated placement for other than educational reasons in a facility approved or not approved for special education: School District Eligible for the Excess Cost Grant under special circumstances

CGS Section 10-76d(d) contemplates that children eligible for special education may need services other than educational services such as medical, psychiatric, or institutional care or services even though the district is able to meet the child's educational needs through a program and placement offered by the school district. In this situation, the parent places the child and requests that the school district pay for the cost of special education instruction at a private school, hospital or other institution which may or may not have an approved special education program. The school district ***may*** meet its obligation to provide special education to the child by agreeing to pay the reasonable costs of special education instruction. In such situations, the school district would be eligible for the LEA excess cost grant if: (1) the parent and the school district enter into an agreement indicating that the child's placement by the parent in the private school, hospital or other institution is proper and no State institution is available to meet the child's needs; (2) the school district assumes responsibility for the provision of special education instruction and provides for such services through a contract with the facility in the form of an IEP which the school district writes and ensures is implemented by the facility; and (3) the grant threshold is met. If there is an agreement between the parent and the school district, the agreement should indicate that the school district continues to be ready and willing to offer an appropriate program to the child.

Under no circumstances may a school district initiate a child's placement under this provision of the statutes and seek to shift the non-educational costs to the parent.

C. Parent initiated placement in a facility not approved for special education: School District Eligible for Excess Cost Grant if placement ordered by Hearing Officer or Court

If the parent and the district cannot come to an agreement about the child's placement, the parent may seek reimbursement from a school district for a unilateral placement in a facility not approved for special education through a due process hearing or court proceeding. Districts will be eligible to receive the LEA excess cost grant, if the grant threshold is met, for a unilateral placement made by the parent in a facility not approved for special education when a special education hearing officer or court of competent jurisdiction: (1) determines the district did not offer a free and appropriate public education (FAPE); (2) determines the child is receiving FAPE in the unilateral placement; and (3) orders the district to assume responsibility for the child's placement in the facility. An IEP must be developed by the school district and implemented within the facility.

D. Parent initiated placement in a facility approved or not approved for special education: School District Not Eligible for Excess Cost Grant

A school district may not receive the LEA excess cost grant under CGS Section 10-76g when the parent rejects the district's IEP and the parent unilaterally places their child in a facility approved or not approved for special education for educational reasons and the school district and parent negotiate an agreement which provides for the school district to assume some or all of the costs of the child's placement. This is true regardless of the forum through which the agreement was negotiated. However, the district may be eligible for the LEA excess cost grant for a unilateral placement in an approved facility if: (1) the district accepts programmatic responsibility for the child's education through the development and implementation of an IEP; (2) the district accepts fiscal responsibility by paying the costs for the child's placement by the parent at the approved facility; and (3) the grant threshold is met.

III. State Agency Placement Grant

A. State agency placement of students eligible for special education and related services in a facility which may or may not be approved for special education: School District Eligible for the State Agency Placement Grant

When a State agency places a child eligible for special education in a facility under the provisions of CGS Section 10-76d(e)(2), which may or may not be approved for special education, the school district is required by State statute to assume the fiscal and programmatic responsibility for the education of the child. The State agency placement grant under CGS Section 10-76d(e)(2) is available for such placements when the grant threshold is met.

B. State agency placement of students not eligible for special education in a private residential facility: School District Eligible for the State Agency Placement Grant

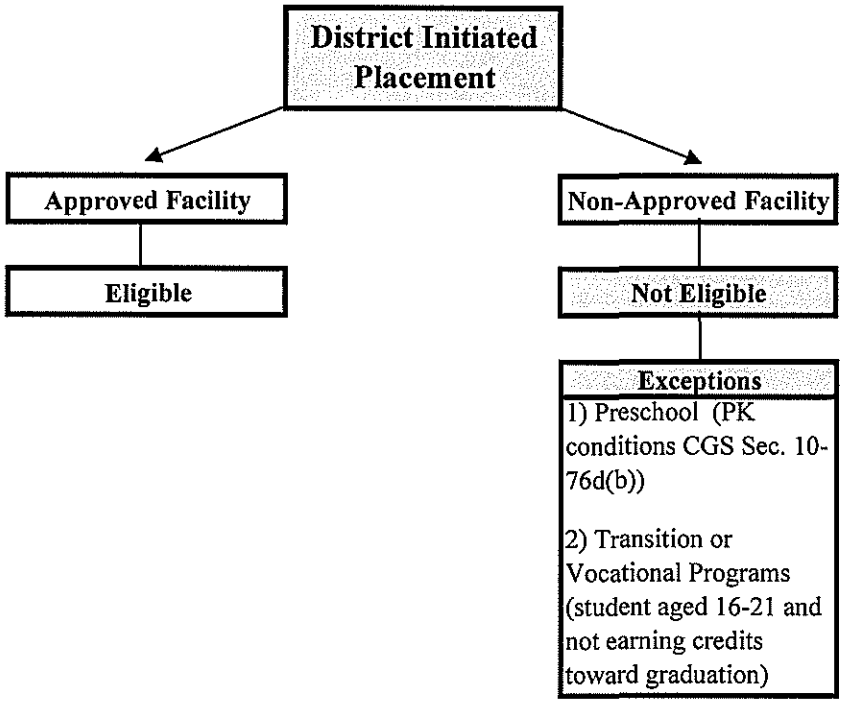
When a State agency places a child in a private residential facility which may or may not be approved for special education and the child is not eligible for special education (i.e., receiving regular education instruction only), the State agency placement grant under CGS Section 10-253(b) is available when the grant threshold is met.

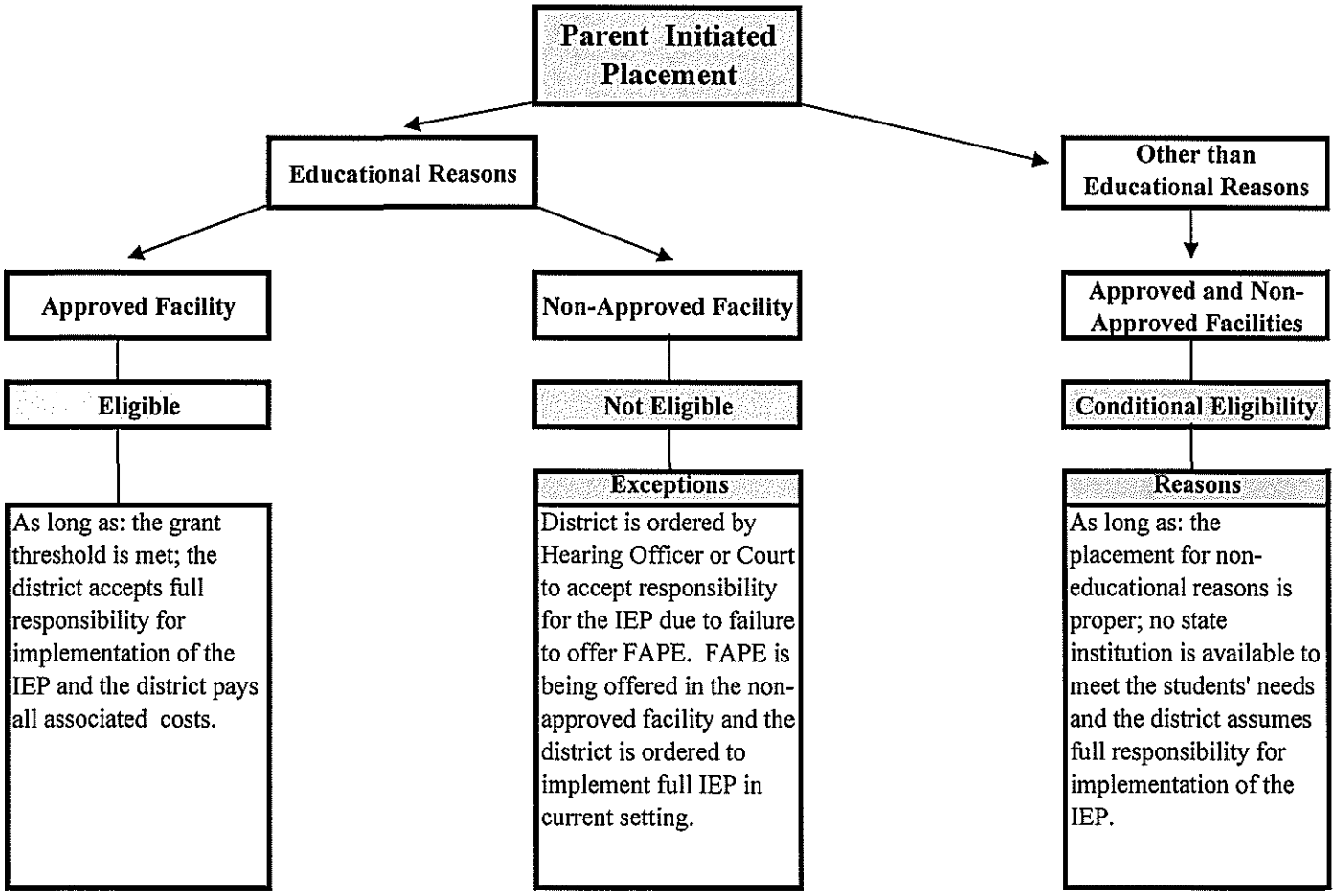
C. State agency placement of students not eligible for special education in a day program: School District Not Eligible for the State Agency Placement Grant

When a State agency places a child in a day program which may or may not be approved for special education and the child is not eligible for special education (i.e., receiving regular education instruction only), the State agency placement grant under CGS Section 10-76d(e)(2) and Section 10-253(b) is not available.

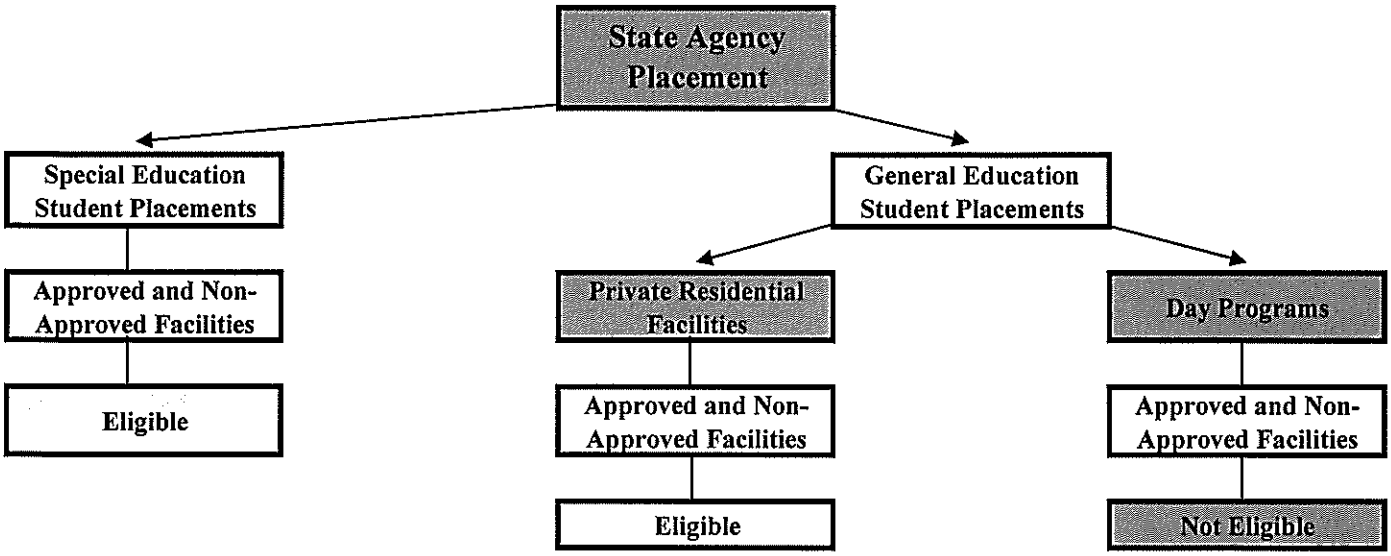
If you have any questions regarding these issues, please contact the Bureau of Special Education at 860-713-6910.

LEA Excess Cost and State Agency Grant Decision Tree





LEA Excess Cost and State Agency Grant Decision Tree



CHAPTER EIGHT: STUDENTS PARTICIPATING IN PRIVATE/RELIGIOUS SCHOOLS

Resources

Questions and Answers on Serving Children with Disabilities Placed by their Parents in Private Schools

- Located at: http://sde.ct.gov Click onto Special Education under Quick Links, scroll down to Fiscal, Grants, RFP, click onto Questions and Answers on Serving Children with Disabilities

CHAPTER NINE: DISCIPLINE

Resources

Sections 10-233a to Section 10-233k of the Connecticut General Statutes

- Located at: http://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-233

Darien Board of Education Standards of Conduct Policy

Located at: http://www.darienps.org/current/index.php?option=com_content&view=article&id=92&Itemid=123

See Series 5200

- Misconduct Related to Voluntary School Organizations and Activities
- Standards of Conduct
- Student Discipline
- Drug and Alcohol Use by Students
- Conduct and School Buses
- Hazing
- Bullying Prevention and Intervention

Guidelines for In-School and Out-of-School Suspensions, Revised December 2010, CSDE

- Located at: http://www.sde.ct.gov In the CSDE search, use the phrase "suspension guidelines" to find the document.

Discipline Flow Chart

- Located at: http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/ISS_Discipline_Flow_Charts.pdf

Questions and Answers on Discipline Procedures, Revised June 2009: US Department of Education

Questions and Answers on Serving Children Eligible for Transportation: November, 2009: US Department of Education

Darien Public Schools
Darien, Connecticut

POLICY

Series 5200
Rights and Responsibilities

Policy 5250

MISCONDUCT RELATED TO VOLUNTARY SCHOOL ORGANIZATIONS AND ACTIVITIES

Student membership on athletic teams, membership in extracurricular organizations, and participation in school activities is a privilege that carries with it the obligation for students to act responsibly. Therefore, all student participants in voluntary extracurricular and athletic opportunities shall abide by a code of conduct that will earn them the learning, the honor, and the respect that participation in school-sponsored programs affords. Specifically, the Board of Education, acting through the Superintendent, reserves the right to limit or revoke this privilege of participation, including the opportunity for leadership positions, if the student engages in misconduct as determined by the Superintendent or his/her designee. Misconduct shall mean any violation of publicized rules for the activity, school rules, Board of Education Policies or local, state, and federal laws. These requirements apply to conduct on- or off-campus, and also extend to participation in any affiliated local, regional, or national organizations or the honors related to the school activity. Students who choose to participate on teams, in organizations, or in activities voluntarily accept these requirements, and shall signify such acceptance by acknowledging in writing their receipt of this policy. In appropriate cases, any such misconduct may also result in separate disciplinary action taken by the principal in consultation with those having supervisory responsibility for activities, including suspension or expulsion from school, in accordance with applicable state and federal law and the Board's Student Discipline Policy.

APPROVED: January 14, 2003
REVISED: June 9, 2009

Darien Public Schools
Darien, Connecticut

POLICY

Series 5210
Rights and Responsibilities

Policy 5215

STANDARDS OF CONDUCT

It is the responsibility of the Darien Public Schools to provide an environment that is safe, healthy, and conducive to learning. It is clear that, in order to implement effectively the Standards of Conduct for Students contained in this policy, cooperation and mutual support on matters of discipline and attendance are necessary between home and school.

Students, teachers, and administrators have the right to expect mutual courtesy and fair and equitable treatment and to be informed of their rights and responsibilities. The goals of the schools are to assist students in developing the ability for self-direction and self-discipline and to provide opportunities for decision-making. However, in the pursuit of these goals, those students who infringe on the rights of others or who violate school policies and regulations will be subject to corrective action. In all cases the constitutional rights of students will be preserved and protected.

Listed below are the minimum standards of conduct for students at all levels of the Darien schools. The administration of each individual school is expected to inform the school community in writing of these standards and its specific rules for interpreting these standards. The Superintendent of Schools or his designee has the responsibility to work with principals in developing guidelines and procedures for uniform implementation where consistency is necessary and desirable. It is recognized that in order to implement the following standards effectively, cooperation between parents and professional staff is required. Failure to follow these standards may result in discipline, up to and including expulsion, as provided in the Board's Student Discipline Policy.

Students are expected to show courtesy and consideration for all members of the school community.

Students are expected to behave in a manner that is not disruptive to the educational process.

Students are expected to comply with classroom procedures and requirements as designed for their individual needs.

Students are expected to dress in a manner that does not interfere with the work of the school nor create a safety hazard to themselves or others.

Students are required to comply with state, local and school health, safety, and attendance regulations.

Students are required to comply with State statutes and local laws and regulations regarding possession, sale, or use of drugs, alcohol, and tobacco.

Students are not permitted to smoke, or use tobacco products, in the school buildings. Students are not permitted to smoke or use tobacco products on school property or at school-sponsored student activities.

The use, possession, sale or distribution of drugs or alcohol in or on school property, in any vehicle while such vehicle is being used to transport students for the school, or at school events is prohibited. Attendance at school events while under the influence of drugs or alcohol is prohibited.

The administration of each individual school is given authority to take appropriate action to ensure compliance with this policy.

Legal Reference:

Connecticut General Statutes, Section 10-221
Connecticut General Statutes, Section 10-233b
Connecticut General Statutes, Section 10-233c
Connecticut General Statutes, Section 10-233d
Connecticut General Statutes, Section 53-198
Connecticut General Statutes, Section 19a-342
Connecticut General Statutes, Section 53-344

APPROVED: January 28, 1992
REVISED: June 9, 2009

Darien Public Schools
Darien, Connecticut

POLICY

Series 5220
Rights and Responsibilities

Policy 5220

STUDENT DISCIPLINE

I. Definitions

A. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.

B. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A deadly weapon is a weapon from which a shot may be discharged, which weapon is designed for violence and is capable of inflicting death or serious bodily harm and may include pellet guns and/or air soft pistols.

C. **Electronic Defense Weapon** means a weapon that by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.

D. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.

E. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.

F. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days. The expulsion period may not extend beyond one (1) calendar year.

G. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an

explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. As used in this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device that is neither designed nor redesigned for use as a weapon.

H. **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.

I. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

J. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.

K. **School Days** shall mean days when school is in session for students.

L. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.

M. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.

N. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever

results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.

O. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release devise by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under section 29-38 of the Connecticut General Statutes.

P. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

II. Scope of the Student Discipline Policy

A. ***Conduct on School Grounds or at a School-Sponsored Activity:***

Students may be disciplined for conduct on school grounds or at any school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board.

B. ***Conduct off School Grounds:***

1. Students may be suspended or expelled for conduct off school grounds if such conduct is seriously disruptive of the educational process and violative of a publicized policy of the Board. In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: (1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.

   In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or the Board of Education may also consider whether such off-campus conduct involved the use of drugs.

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct that may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity, and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Striking or assaulting a student, members of the school staff or other persons.

2. Theft.

3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.

4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.

5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.

6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin or ancestry.

7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.

8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.

9. A walk-out from or sit-in within a classroom or school building or school grounds.

10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).

11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other

dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.

12. Possession of any ammunition for any weapon described above in paragraph 11.

13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.

14. Possession or ignition of any fireworks, including but not limited to smoke bombs and stink bombs, or other explosive materials, or ignition of any material causing a fire.

15. Unauthorized possession, sale, distribution, use, consumption, or aiding in the procurement of tobacco, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances. For the purposes of this Paragraph 15, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.

16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.

17. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind that are used, intended for use or designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.

18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.

19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

20. Trespassing on school grounds while on out-of-school suspension or expulsion.

21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.

22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.

23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.

24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.

25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.

26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution.

27. Possession and/or unauthorized use of a cellular telephone, radio, walkman, CD player, blackberry, personal data assistant, walkie talkie or similar electronic device on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.

28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.

29. Unauthorized use of any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.

30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.

31. Hazing.

32. Bullying, defined as any overt acts by a student or group of students directed against another student with the intent to ridicule, harass,

humiliate, or intimidate the other student while on school grounds, on a school bus, or at a school-sponsored activity, which acts are committed more than once against any student during the school year.

33. Cyberbullying, defined as use of computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to commit acts of bullying.

34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.

35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means, or recording by electronic means acts of violence for purposes of later publication to persons other than school officials.

36. Engaging in a plan to stage sexual activity for the purposes recording it by electronic means or recording by electronic means sexual acts for purposes of later publication.

37. Any action prohibited by any Federal or State law.

38. Any other violation of school rules or regulations or a series of violations that make the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.

IV. Discretionary and Mandatory Expulsions

A. A principal may consider recommendation of expulsion of a student in a case where he/she has reason to believe the student has engaged in conduct described at sections II.A. and II.B., above.

B. A principal must recommend expulsion proceedings in all cases against any student whom the administration has reason to believe:

1. was in **possession on school grounds** or at a **school-sponsored activity** of a **deadly weapon, dangerous instrument, martial arts weapon**, or **firearm** as defined in 18 U.S.C. § 921 as amended from time to time; or

2. **off school grounds, possessed a firearm** as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or **possessed and used a firearm** as defined in 18 U.S.C. § 921, a **deadly weapon**, a **dangerous instrument** or a **martial arts weapon** in the **commission of a crime** under chapter 952 of the Connecticut General Statutes; or

3. was engaged **on or off school grounds** in **offering for sale or distribution a controlled substance** (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.

The terms "**dangerous instrument,**" "**deadly weapon,**" "**electronic defense weapon,**" "**firearm,**" and "**martial arts weapon,**" are defined above in Section I.

C. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to the Board of Education so that the Board can consider and act upon this recommendation.

D. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student for one (1) full calendar year for: the conduct described in Section IV(B)(1), (2) and (3) of this policy. For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

V. Procedures Governing Removal from Class

A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her designee at once.

B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.

C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

VI. Procedures Governing Suspension

A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student for breach of conduct as noted in

Section II of this policy for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.

1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.

2. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.

3. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.

4. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.

5. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.

6. Not later than twenty-four (24) hours after the commencement of the suspension, the principal or designee shall also notify the Superintendent or his/her designee of the name of the student being suspended and the reason for the suspension.

7. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.

8. The school administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an administration-specified program and meets any other conditions required by the administration. Such administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.

9. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VI.A(8), above, the administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the administration-specified program and meets any other conditions required by the administration.

10. If the student has not previously been suspended or expelled, and the administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.

11. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.

12. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board of Education. The principal or designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VII. Procedures Governing In-School Suspension

A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the principal or designee.

B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.

C. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.

D. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

VIII. Procedures Governing Expulsion Hearing

A. Emergency Exception:

Except in an emergency situation, the Board of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d and the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

B. Hearing Panel:

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.

2. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. Hearing Notice:

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) within a reasonable time prior to the time of the hearing.

2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.

3. The written notice of the expulsion hearing shall inform the student of the following:

a. The date, time, place and nature of the hearing.

b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.

c. A short, plain description of the conduct alleged by the administration.

d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.

e. The student may cross-examine witnesses called by the Administration.

f. The student may be represented by any third party of his/her choice, including an attorney, at his/her expense or at the expense of his/her parents.

g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) requires the services of an interpreter because he/she/they do(es) not speak the English language or is(are) disabled.

h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).

i. Information about free or reduced-rate legal services and how to access such services.

D. Hearing Procedures:

1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.

2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.

3. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial or irrelevant.

4. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the Administration.

5. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.

6. Each witness for the Administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel, by the Presiding Officer and by Board members.

7. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Presiding Officer and/or by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Presiding Officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or his or her representative.

8. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.

9. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.

10. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI.A (8), (9), (10), above, and Section X, below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.

11. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for

expulsion may be considered only during the second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.

12. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.

13. The Board shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.

14. The Board may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.

15. The Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian of any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

E. Presence on School Grounds and Participation in School-sponsored Activities During Expulsion:

During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational program provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

F. Stipulated Agreements:

In lieu of the procedures used in this section, the Administration and the parents (or legal guardians) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parents (or legal guardians) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

IX. Alternative Educational Programs for Expelled Students

A. *Students under sixteen (16) years of age:*

Whenever the Board of Education expels a student under sixteen (16) years of age, it shall offer any such student an alternative educational program.

B. *Students sixteen (16) to eighteen (18) years of age:*

The Board of Education shall provide an alternative education to a sixteen-(16) to-eighteen (18) year-old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education, except as follows. The Board of Education is not required to offer an alternative program to any student between the ages of sixteen (16) and eighteen (18) who is expelled for the second time, or if it is determined at the hearing that (1) the student possessed a dangerous instrument, deadly weapon, firearm or martial arts weapon on school property or at a school-sponsored activity, or (2) the student offered a

controlled substance for sale or distribution on school property or at a school-sponsored activity.

C. *Students eighteen (18) years of age or older:*

The Board of Education is not required to offer an alternative educational program to expelled students eighteen (18) years of age or older.

D. *Students identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"):*

Notwithstanding Sections IX.A. through C. above, if the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational program to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

X. Notice of Student Expulsion on Cumulative Record

Notice of expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

In cases where the student's period of expulsion is shortened or waived in accordance with Section VIII.D(14), above, the Board may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.

If the student has not previously been suspended or expelled, and the administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.

XI. Change of Residence During Expulsion Proceedings

A. *Student moving into the school district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as

defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.

2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

B. *Student moving out of the school district:*

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")

A. *Suspension of IDEA students:*

Notwithstanding the foregoing, if the Administration suspends a student identified as eligible for services under the IDEA (an "IDEA student") who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.

2. During the period of suspension, the school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

B. *Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:*

Notwithstanding any provision to the contrary, if the administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in placement:

1. The parents of the student must be notified of the decision to recommend for expulsion (or to suspend if a change in placement) on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to recommend for expulsion (or to suspend if a change in placement) was made.

2. The school district shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension that constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of his/her disability.

3. If the student's PPT finds that the behavior <u>was</u> a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.

4. If the student's PPT finds that the behavior <u>was not</u> a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.

5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.

6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building

administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

C. *Transfer of IDEA students for Certain Offenses:*

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:

1. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or

2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

The following definitions shall be used for this subsection XII.C.:

1. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.

2. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).

3. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

4. **Serious bodily injury** means a bodily injury that involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

XIII. Procedures Governing Expulsions for Students Identified as Eligible for Educational Accommodations under Section 504 of the Rehabilitation Act of 1973 ("Section 504")

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.

2. The district shall immediately convene the student's Section 504 team ("504 team") for the purpose of reviewing the relationship between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of his/her disability.

3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.

4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.

XIV. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students desiring readmission to school shall direct such readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XV. Dissemination of Policy

The Board of Education shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

XVI. Compliance with Reporting Requirements

1. The Board of Education shall report all suspensions and expulsions to the State Department of Education.

2. If the Board of Education expels a student for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.

3. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. § 53a-3, the violation shall be reported to the local police.

Legal References:

Connecticut General Statutes:

§§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act.
§§ 10-233a through 10-233e Suspension and expulsion of students.
§ 10-233f In-school suspension of students.
§29-38 Weapons in vehicles
§53a-3 Definitions
Packer v. Board of Educ. of the Town of Thomaston, 246 Conn. 89 (1998).
State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006).

Public Act 07-3	An Act Implementing the Provisions of the Budget Concerning Education
Public Act 07-122	An Act Concerning Suspensions and Expulsions by Local and Regional Boards of Education
Public Act No. 08-160	An Act Concerning School Learning Environment

Federal law:

Honig v. Doe, 484 U.S. 305 (1988)
Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).
18 U.S.C. § 921 (definition of "firearm")
18 U.S.C. § 930(g)(2) (definition of "dangerous weapon")
18 U.S.C. § 1365(h)(3) (identifying "serious bodily injury")
21 U.S.C. § 812(c) (identifying "controlled substances" and "illegal drugs")
Gun-Free Schools Act, Pub. L. 107-110, Sec. 401, 115 Stat. 1762 (codified at 20 U.S.C. § 7151)

ADOPTED: June 9, 2009
REVISED:

Darien Public Schools
Darien, Connecticut

POLICY

Series 5200
Rights and Responsibilities

Policy 5225

DRUG AND ALCOHOL USE BY STUDENTS

The Board is required by Connecticut law to prescribe rules for the management and discipline of its schools. In keeping with this mandate, the use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, as defined in C.G.S. Section 21a-240, or alcohol on or off school property or during any school sponsored activity is prohibited. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents in the schools involving the possession, distribution, sale or use of substances that affect behavior.

Definitions

(1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to C.G.S. Section 21 a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. C.G.S. Section 21a-240(8).

(2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to C.G.S. Section 21a-243. C.G.S. Section 21a-240(9).

(3) Professional Communication: any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. C.G.S. Section 10-154a(a)(4).

(4) Professional Employee: means a person employed by a school who "(A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school." C.G.S. Section 10-154a(a)(2).

(5) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to all items specified in C.G.S. Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, crack cocaine vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances. C.G.S. Section 21a-240(20)(A).

Procedures

(1) Emergencies

If an emergency situation results from drug or alcohol use, the student shall be sent to the school nurse or medical advisor immediately. The parent or designated responsible person will be notified.

(2) Prescribed Medications.

The parent or guardian of any student who is required to take any prescribed medication during the school day shall so inform the school nurse or the person designated to act in the absence of a nurse. Such prescribed medication will then be administered to the student under the supervision of the school nurse or designee in accordance with C.G.S. Section 10-212a and the applicable regulations and in accordance with any Board policies and regulations concerning medication administration.

Students taking improper amounts of a prescribed medication, or taking a prescribed medication without proper notification and supervision of the school nurse or designee will be subject to the procedures for improper drug or alcohol use outlined in this policy.

(3) Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral).

The following procedures will be followed when a student privately, and in confidence, discloses to a professional employee in a professional communication information concerning the student's use, possession, distribution or sale of a controlled drug, controlled substance or alcohol.

(a) Professional employees are permitted, in their professional judgment, to disclose any information acquired through a professional communication with a student,

when such information concerns alcohol or drug abuse or any alcohol or drug problem of such student. In no event, however, will they be required to do so. C.G.S. Section 10-154a(b).

(b) Any physical evidence obtained from such student through a professional communication indicating that a crime has been or is being committed by the student **must** be turned over to school administrators or law enforcement officials as soon as possible, but no later than two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Employees are encouraged to contact the school administrator immediately upon obtaining physical evidence. In no case, however, will such employee be required to disclose the name of the student from whom the evidence was obtained. C.G.S. Section 10-154a(b).

(c) Any professional employee who has received a professional communication from a student may obtain advice and information concerning appropriate resources and refer the student accordingly, subject to the rights of the professional employee as described in paragraph (a) above.

(d) If a student consents to disclosure of a professional communication concerning the student's alcohol or drug problem, or if the professional employee deems disclosure to be appropriate, the professional employee should report the student's name and problem to the school's building administrator or designee who shall refer the student to appropriate school staff members for intervention and counseling.

(4) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

When a professional employee obtains information related to a student from a source other than the student's confidential disclosure, that the student, on or off school grounds or at a school sponsored activity, is under the influence of or possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia or alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

(a) The professional employee will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student to appropriate school staff members for intervention and counseling.

(b) Any physical evidence (for example, alcohol, drugs or drug paraphernalia) obtained from a student indicating that a crime has been or is being committed by the student must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(b). Because such evidence was **not** obtained

through a professional communication, the name of the student must be disclosed to the building administrator or designee.

(c) Search and Seizure of Students and/or Possessions: A professional employee who reasonably suspects that a student is violating a state/federal law or a school substance abuse policy must **immediately** report his/her suspicion to the building administrator or designee. The building administrator or designee may then search a student's person or possessions connected to that person, in accordance with the Board's policies and regulations if he/she has reasonable suspicion from the inception of the search that the student has violated or is violating either the law or a school substance abuse policy.

Any physical evidence obtained in the search of a student, or a student's possessions, indicating that the student is violating or has violated a state or federal law **must** be turned over to law enforcement officials as soon as possible, but not later than within three calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(c). All school employees are encouraged to contact the school administration immediately upon obtaining physical evidence.

(5) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia or Alcohol.

(a) Any student in the Darien Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia or alcohol either on or off school property, or at a school-sponsored activity is subject to discipline up to and including expulsion pursuant to the Board's student discipline policy.

(b) In conformity with the Board's student discipline policy, students may be suspended or expelled for drug or alcohol use off school grounds if such drug or alcohol use is considered seriously disruptive of the educational process. In determining whether the conduct is seriously disruptive of the educational process, the Administration and the Board may consider, among other factors: 1) whether the drug or alcohol use occurred within close proximity of a school; 2) whether other students from the school were involved; and 3) whether any injuries occurred.

(c) If a school administrator has reason to believe that any student was engaged, on or off school grounds, in offering for sale or distribution a controlled substance (as defined by Conn. Gen. Stat. § 21a-240(9), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stats. §§ 21a-277 and 21a-278, the administrator will recommend such student for expulsion, in accordance with the Board's student discipline policy.

(d) Students found to be in violation of this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.

(e) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy with the student and parent or guardian.

(f) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of controlled drugs, controlled substances, drug paraphernalia or alcohol.

Legal References:
Connecticut General Statutes:

Section 10-154a	Sections 10-233a through 10-233f
Section 10-212a	Section 21a-240
Section 10-221	Section 21a-243

APPROVED: June 9, 2009
REVISED:

Darien Public Schools
Darien, Connecticut

POLICY

Series 5200
Rights and Responsibilities

Policy 5235

CONDUCT ON SCHOOL BUSES

While the law requires the school district to furnish transportation, it does not relieve the parents of students from the responsibility of supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of the school day.

The Board shall require children to conduct themselves on a bus and at the bus stop in a manner consistent with established standards for classroom behavior.

In cases when students do not conduct themselves properly on a bus or at the bus stop, such instances are to be brought to the attention of the principal by the bus driver. Students are subject to discipline, in accordance with the Darien Board of Education Student Discipline Policy, for acts of misconduct that occur on the school bus or at the bus stop, and may have their riding privileges suspended for acts of misconduct that occur on the school bus or at the bus stop that endanger persons or property or violate a publicized policy of the Darien Board of Education.

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Darien Public Schools
Darien, Connecticut

POLICY

Series 5200
Rights and Responsibilities

Policy 5240

HAZING

I. Purpose

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times. The Board of Education will not tolerate hazing in the Darien Public Schools and, through responsible management, will both endeavor to prevent it from occurring and address promptly, fairly and confidentially all reports of such conduct.

II. Statement of Policy/Definition

Hazing is defined as any form or type of physical, verbal, and/or emotional mistreatment, abuse, and/or harassment of a student in connection with a student's participation in or membership on an interscholastic athletic team or in any school-sponsored activities; and/or forcing, coercing or intimidating any student to participate in any illegal or inappropriate activities in connection with the student's participation or membership in the foregoing. Hazing is prohibited whether it occurs on or off school grounds and whether it occurs during, prior to, or after the season or school day. Hazing activities may include, but are not limited to the following: whipping; beating; branding; forced calisthenics; coerced consumption of any food, liquor, beverage, drug or other substance; or any coerced treatment or activity that is likely to adversely affect the physical health or emotional health and safety of any student, or that subjects such student to emotional distress, including extended isolation and any deprivation of sleep or rest.

III. Responsibilities of Coaches/Advisors

Compliance with this policy is a mandatory requirement of participation in interscholastic athletic activities and school-sponsored activities. Coaches/advisors are required, prior to the commencement of the season/activity, to meet with their team/club members and assistant coaches/advisors to explain the policy. They are responsible for ensuring player/member and assistant coach/advisor compliance with this policy.

In the event that coaches/advisors become aware of any violations of this policy, they must promptly notify the Director of Athletics, in the case of athletics, and the school principal, in the case of co-curricular activities.

Failure of coaches/advisors or their staff assistants to responsibly enforce compliance with this policy will result in disciplinary action up to and including termination.

IV. Training

The Director of Athletics will meet with all coaches prior to each season to review the hazing policy. All coaches will receive copies of the policy. The school principal will meet with all teachers at the beginning of each school year and at other times when appropriate to review the hazing policy. All teachers will receive a copy of the policy.

V. Reporting Procedures

A. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to the school principal and, in the case of athletics, additionally to the Director of Athletics.
B. The building principal and the Director of Athletics will keep the Superintendent of Schools apprised of the status of hazing complaints and incidents brought to their attention.
C. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, or work assignments.

VI. School District Action

A. Upon receipt of a complaint or report of hazing, the school district shall promptly undertake an investigation.
B. Upon completion of the investigation, the school district will take appropriate action, if warranted, in accordance with Darien Public School Policies and Procedures, including but not limited to the Board's Student Discipline Policy.

VII. Retaliation

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or any employee of the school district who retaliates against any person who makes a good faith report of alleged hazing or against any person who assists or participates in an investigation of alleged hazing, or against any person

who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

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Darien Public Schools
Darien, Connecticut

POLICY

Series 5200
Rights and Responsibilities

Policy 5245

BULLYING PREVENTION AND INTERVENTION

The Darien Board of Education is committed to creating and maintaining an educational environment free from bullying, harassment and discrimination. In accordance with state law and the Board's Safe School Climate Plan, the Board expressly prohibits any form of bullying behavior on school grounds; at a school-sponsored or school-related activity, function or program, whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional board of education; or through the use of an electronic device or an electronic mobile device owned, leased or used by Board of Education.

The Board also prohibits any form of bullying behavior outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school. Discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying is likewise prohibited.

Students who engage in bullying behavior shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

For purposes of this policy, "**Bullying**" means the repeated use by one or more students of a written, verbal or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that:

1) causes physical or emotional harm to such student or damage to such student's property;

2) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;

3) creates a hostile environment at school for such student;

4) infringes on the rights of such student at school; or

5) substantially disrupts the education process or the orderly operation of a school.

Bullying shall include, but not be limited to, a written, verbal or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

For purposes of this policy, **"Cyberbullying"** means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

Consistent with the requirements under state law, the Darien Board of Education authorizes the Superintendent or his/her designee(s), along with the Safe School Climate Coordinator, to be responsible for developing and implementing a Safe School Climate Plan in furtherance of this policy. As provided by state law, such Safe School Climate Plan shall:

(1) Enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified annually of the process by which students may make such reports;

(2) enable the parents or guardians of students to file written reports of suspected bullying;

(3) require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist, or another school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report;

(4) require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section;

(5) require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report;

(6) include a prevention and intervention strategy for school employees to deal with bullying;

7) provide for the inclusion of language in student codes of conduct concerning bullying;

(8) require each school to notify the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed not later than forty-eight hours after the completion of the investigation;

(9) require each school to invite the parents or guardians of a student who commits any verified act of bullying and the parents or guardians of the student against whom such act was directed to a meeting to communicate to such parents or guardians the measures being taken by the school to ensure the safety of the student against whom such act was directed and to prevent further acts of bullying;

(10) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and annually report such number to the Department of Education and in such manner as prescribed by the Commissioner of Education;

(11) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline;

(12) prohibit discrimination and retaliation against an individual who reports or assists in the investigation of an act of bullying;

(13) direct the development of student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect such students against further acts of bullying;

(14) require the principal of a school, or the principal's designee, to notify the appropriate local law enforcement agency when such principal, or the principal's designee, believes that any acts of bullying constitute criminal conduct;

(15) prohibit bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional board of education, and (B) outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;

(16) require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district's safe school climate plan; and

(17) require that all school employees annually complete the training described in Conn. Gen. Stat. §10-220a.

The notification required pursuant to subdivision (8) (above) and the invitation required pursuant to subdivision (9) (above) shall include a description of the response of school employees to such acts and any consequences that may result from the commission of further acts of bullying. Any information provided under this policy or accompanying Safe School Climate Plan shall be provided in accordance with the confidentiality restrictions imposed under the Family Educational Rights Privacy Act ("FERPA") and the district's Confidentiality and Access to Student Information policy and regulations.

Not later than January 1, 2012, the Darien Board of Education shall approve the Safe School Climate Plan developed pursuant to this policy and submit such plan to the Department of Education. Not later than thirty (30) calendar days after approval by the Board, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

Legal References:

Public Act 11-232, *An Act Concerning the Strengthening of School Bullying Laws*

Conn. Gen. Stat. 10-145a

Conn. Gen. Stat. 10-145o

Conn. Gen. Stat. 10-220a

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. 10-222g

Conn. Gen. Stat. 10-222h

Conn. Gen. Stat. §§ 10-233a through 10-233f

ADOPTED: September 13, 2011

Darien Public Schools
Darien, Connecticut

Series 5200
Rights and Responsibilities

Policy 5245

SAFE SCHOOL CLIMATE PLAN

The Darien Board of Education is committed to creating and maintaining a safe educational environment free from bullying, harassment and discrimination. In order to foster an atmosphere conducive to learning, the Board has developed the following Safe School Climate Plan, consistent with state law and Board Policy. This Plan represents a comprehensive approach to addressing bullying and cyberbullying and sets forth the Board's expectations for preventing, intervening, and responding to incidents of bullying.

Bullying behavior is strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion from school. The district's commitment to addressing bullying behavior, however, involves a multi-faceted approach, which includes education and the promotion of a school atmosphere in which bullying will not be tolerated by students or school staff.

I. Prohibition Against Bullying and Retaliation

A. The Board expressly prohibits any form of bullying behavior on school grounds; at a school-sponsored or school-related activity, function or program whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional board of education; or through the use of an electronic device or an electronic mobile device owned, leased or used by Board of Education.

B. The Board also prohibits any form of bullying behavior outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;

C. In addition to prohibiting student acts which constitute bullying, the Board also prohibits discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying.

D. Students who engage in bullying behavior in violation of Board Policy and the Safe School Climate Plan shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

II. Definition of Bullying

A. **"Bullying"** means the repeated use by one or more students of a written, verbal or electronic communication, such as cyberbullying, or a physical act or gesture directed at another student attending school in the same district that:

1. causes physical or emotional harm to such student or damage to such student's property;

2. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;

3. creates a hostile environment at school for such student;

4. infringes on the rights of such student at school; or

5. substantially disrupts the education process or the orderly operation of a school.

B. Bullying shall include, but not be limited to, a written, verbal or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

III. Other Definitions

A. **"Cyberbullying"** means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

B. **"Electronic communication"** means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system;

C. **"Hostile environment"** means a situation in which bullying among students is sufficiently severe or pervasive to alter the

conditions of the school climate;

D. **"Mobile electronic device"** means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted;

E. **"Outside of the school setting"** means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by a local or regional board of education;

F. **"Prevention and intervention strategy"** may include, but is not limited to, (1) implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying identified by the Department of Education, (2) school rules prohibiting bullying, harassment and intimidation and establishing appropriate consequences for those who engage in such acts, (3) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur, (4) inclusion of grade-appropriate bullying education and prevention curricula in kindergarten through high school, (5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees, (6) school-wide training related to safe school climate, (7) student peer training, education and support, and (8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions.

G. **"School climate"** means the quality and character of school life with a particular focus on the quality of the relationships within the school community between and among students and adults.

H. **"School employee"** means (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or working in a public elementary, middle or high school; or (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the local or regional board of education.

I. **"School-Sponsored Activity"** shall mean any activity conducted on or off school property (including school buses and other school-related

vehicles) that is sponsored, recognized or authorized by the Board of Education.

IV. Leadership and Administrative Responsibilities

A. Safe School Climate Coordinator

For the school year commencing July 1, 2012, and each school year thereafter, the Superintendent shall appoint, from existing school district staff, a District Safe School Climate Coordinator ("Coordinator"). The Coordinator shall:

1. be responsible for implementing the district's Safe School Climate Plan ("Plan");

2. collaborate with Safe School Climate Specialists, the Board, and the Superintendent to prevent, identify and respond to bullying in district schools;

3. provide data and information, in collaboration with the Superintendent, to the Department of Education regarding bullying;

4. meet with Safe School Climate Specialists at least twice during the school year to discuss issues relating to bullying the school district and to make recommendations concerning amendments to the district's Plan.

B. Safe School Climate Specialist

For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school (or principal's designee) shall serve as the Safe School Climate Specialist. The Safe School Climate Specialist shall investigate or supervise the investigation of reported acts of bullying and act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.

V. Development and Review of Safe School Climate Plan

A. For the school year commencing July 1, 2012 and each school year thereafter, the Principal of each school shall establish a committee or designate at least one existing committee ("Committee") in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent/guardian of a student enrolled in the school, as appointed by the school principal.

B. The Committee shall: 1) receive copies of completed reports following bullying investigations; 2) identify and address patterns of bullying among students in the school; 3) review and amend school policies relating to bullying; 4) review and make recommendations to the Coordinator regarding the Safe School Climate Plan based on issues and experiences specific to the school; 5) educate students, school employees and parents/guardians on issues relating to bullying; 6) collaborate with the Coordinator in the collection of data regarding bullying; and 7) perform any other duties as determined by the Principal that are related to the prevention, identification and response to school bullying.

C. Any parent/guardian serving as a member of the Committee shall not participate in any activities which may compromise the confidentiality of any student, including, but not limited to receiving copies of investigation reports, or identifying or addressing patterns of bullying among students in the school.

D. Not later than January 1, 2012, the Board of Education shall approve the Safe School Climate Plan developed pursuant to Board policy and submit such plan to the Department of Education. Not later than thirty (30) calendar days after approval by the Board, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

VI. Procedures for Reporting and Investigating Complaints of Bullying

A. Students and parents (or guardians of students) may file written reports of bullying. Written reports of bullying shall be reasonably specific as to the basis for the report, including the time and place of the alleged conduct, the number of incidents, the target of the suspected bullying, and the names of potential witnesses. Such reports may be filed with any building administrator and/or the Safe School Climate Specialist (i.e. building principal), and all reports shall be forwarded to the Safe School Climate Specialist for review and actions consistent with this Plan.

B. Students may make anonymous reports of bullying to any school employee. Should a student request anonymity when making a report, the Safe School Climate Specialist or his/her designee shall meet with the student (if the student's identity is known) to review the request for anonymity and discuss the impact that maintaining the anonymity of the complainant may have on the investigation and on any possible remedial action. Anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that does not disclose the source of the complaint, and is consistent with the due process rights of the student(s) alleged to have committed acts of bullying. No disciplinary action shall be taken solely on the basis of an anonymous complaint.

C. School employees who witness acts of bullying or receive reports of bullying shall orally notify the Safe School Climate Specialist or another school administrator if the Safe School Climate Specialist is unavailable, **not later than one (1) school day** after such school employee witnesses or receives a report of bullying. The school employee shall then file a **written report not later than two (2) school days** after making such oral report.

D. The Safe School Specialist shall be responsible for reviewing any anonymous reports of bullying and shall investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports. In order to allow the district to adequately investigate complaints filed by a student or parent/guardian, the parent of the student suspected of being bullied should be asked to provide consent to permit the release of that student's name in connection with the investigation process, unless the student and/or parent has requested anonymity.

E. In investigating reports of bullying, the Safe School Climate Specialist or designee will consider all available information known, including the nature of the allegations and the ages of the students involved. The Safe School Climate Specialist will interview witnesses, as necessary, reminding the alleged perpetrator and other parties that retaliation is strictly prohibited and will result in disciplinary action.

VII. Responding to Verified Acts of Bullying

A. Following investigation, if acts of bullying are verified, the Safe School Climate Specialist or designee shall notify the parents or guardians of the students against whom such acts were directed as well as the parents or guardians of the students who commit such acts of bullying of the finding **not later than forty-eight hours** after the investigation is completed. This notification shall include a description of the school's response to the acts of bullying. In providing such notification, however, care must be taken to respect the statutory privacy rights of other students, including the perpetrator of such bullying. The specific disciplinary consequences imposed on the perpetrator, or personally identifiable information about a student other than the parent/guardian's own child, may not be disclosed except as provided by law.

B. In any instance in which bullying is verified, the Safe School Climate Specialist or designee shall also invite the parents or guardians of the student who commits any verified act of bullying and the parents or guardian of the student against whom such act was directed to a meeting to communicate the measures being taken by the school to ensure the safety of the student/victim and to prevent further acts of bullying. The invitation may be made simultaneous with the notification described above in Section VII.A., as it must include a description of the school's response to such acts, along with consequences, as appropriate. Normally, separate meetings shall be held with the respective parents; however, at the discretion of the Safe School Climate Specialist and

with written consent of the parents/guardians involved, the meeting(s) may be held jointly.

C. If bullying is verified, the Safe School Climate Specialist or designee shall develop a student safety support plan for any student against whom an act of bullying was directed. Such support plan will include safety measures to protect against further acts of bullying.

D. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. The written intervention plan may include counseling, discipline and other appropriate remedial actions as determined by the Safe School Climate Specialist or designee, and may also incorporate a student safety support plan, as appropriate.

E. Notice to Law Enforcement

If the Principal of a school (or his/her designee) reasonably believes that any act of bullying constitutes a criminal offense, he/she shall notify appropriate law enforcement. Notice shall be consistent with the Board's obligations under state and federal law and Board policy regarding the disclosure of personally identifiable student information. In making this determination, the Principal or his/her designee, may consult with the school resource office, if any, and other individuals the principal or designee deems appropriate.

F. If a bullying complaint raises concern about discrimination or harassment on the basis of a legally protected classifications (such as race, religion, color, national origin, sex, sexual orientation, age or disability), the Safe School Climate Specialist or designee shall also coordinate any investigation with other appropriate personnel within the district as appropriate (e.g. Title IX Coordinator, Section 504 Coordinator etc.)

VIII. Documentation and Maintenance of Log

A. Each school shall maintain written complaints of bullying, along with supporting documentation received and/or created as a result of bullying investigations, consistent with the Board's obligations under state and federal law. Any educational record containing personally identifiable student information pertaining to an individual student shall be maintained in a confidential manner, and shall not be disclosed to third parties without written prior written consent of a parent, guardian or eligible student, except as permitted under Board policy and state and federal law.

B. The Principal of each school shall maintain a list of the number of verified acts of bullying in the school and this list shall be available for public inspection upon request. Given that any determination of bullying involves repeated acts, each investigation that results in a verified act of bullying for that school year

shall be tallied as one verified act of bullying unless the specific actions that are the subject of each report involve separate and distinct acts of bullying. The list shall be limited to the number of verified acts of bullying in each school and shall not set out the particulars of each verified act, including, but not limited to any personally identifiable student information, which is confidential information by law.

C. The Principal of each school shall report the number of verified acts of bullying in the school annually to the Department of Education in such manner as prescribed by the Commissioner of Education.

IX. Other Prevention and Intervention Strategies

A. Bullying behavior can take many forms and can vary dramatically in the nature of the offense and the impact the behavior may have on the victim and other students. Accordingly, there is no one prescribed response to verified acts of bullying. While conduct that rises to the level of "bullying", as defined above, will generally warrant disciplinary action against the perpetrator of such bullying, whether and to what extent to impose disciplinary action (e.g., detention, in-school suspension, suspension or expulsion) is a matter for the professional discretion of the building principal (or responsible program administrator or his/her designee). No disciplinary action may be taken solely on the basis of an anonymous complaint.

B. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. This plan may include safety provisions, as described above, for students against whom acts of bullying have been verified and may include other interventions such as counseling, discipline, and other appropriate remedial actions as determined by the responsible administrator.

C. The following sets forth possible interventions which may also be utilized to enforce the Board's prohibition against bullying:

i. Non-disciplinary interventions

When verified acts of bullying are identified early and/or when such verified acts of bullying do not reasonably require a disciplinary response, students may be counseled as to the definition of bullying, its prohibition, and their duty to avoid any conduct that could be considered bullying.

If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the

victim and therefore inappropriate. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

ii. Disciplinary interventions

When acts of bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints, however, shall not be the basis for disciplinary action.

In-school suspension and suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation, in accordance with the Board's Student Discipline policy.

Expulsion may be imposed only after a hearing before the Board of Education, a committee of the Board or an impartial hearing officer designated by the Board of Education in accordance with the Board's Student Discipline policy. This consequence shall normally be reserved for serious incidents of bullying and/or when past interventions have not been successful in eliminating bullying behavior.

iii. Interventions for bullied students

The building principal (or other responsible program administrator) or his/her designee shall intervene in order to address multiple incidents of bullying against a single individual. Intervention strategies for a bullied student may include the following:

a. Counseling;

b. Increased supervision and monitoring of student to observe and intervene in bullying situations;

c. Encouragement of student to seek help when victimized or witnessing victimization;

d. Peer mediation where appropriate;

e. Student Safety Support plan.

iv. General Prevention and Intervention Strategies

In addition to the prompt investigation of complaints of bullying and direct intervention when acts of bullying are verified, other district actions may ameliorate potential problems with bullying in school or at school-sponsored activities. While no specific action is required, and school needs for specific prevention and intervention strategies may vary from time to time, the following list of potential prevention and intervention strategies shall serve as a resource for administrators, teachers and other professional employees in each school:

a. Implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying, including any such program identified by the Department of Education;

b. school rules prohibiting bullying, harassment and intimidation and establishing appropriate consequences for those who engage in such acts;

c. Adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur;

d. Inclusion of grade-appropriate bullying education and prevention curricula, which may include instruction regarding building safe and positive school communities including developing healthy relationships and preventing dating violence as deemed appropriate for older students;

e. Individual interventions with the perpetrator, parents and school employees, and interventions with the bullied student, parents and school employees;

f. School-wide training related to safe school climate, which training may include Title IX/Sexual harassment training, Section 504/ADA Training, cultural diversity/multicultural education or other training in federal and state civil rights legislation or other topics relevant to safe school climate;

g. Student peer training, education and support; and

h. Promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions;

i. Respectful responses to bullying concerns raised by students, parents or staff;

j. Planned professional development programs addressing prevention and intervention strategies, which training may include school violence prevention, conflict resolution and prevention of bullying, with a focus in evidence based practices concerning same;

k. Use of peers to help ameliorate the plight of victims and include them in group activities;

l. Avoidance of sex-role stereotyping;

m. Continuing awareness and involvement on the part of staff and parents with regards to prevention and intervention strategies;

n. Modeling by teachers of positive, respectful, and supportive behavior toward students;

o. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;

p. Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere.

D. In addition to prevention and intervention strategies, administrators, teachers and other professional employees may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling, and reinforcement of socially-appropriate behavior. Administrators, teachers and other professional employees should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, harassing, humiliating or intimidating another student, even if such conduct does not meet the formal definition of "bullying."

X. Improving School Climate

The Darien Public Schools have taken and will continue to take steps improve school climate in a pro-active fashion by doing the following, though not limited:

- *Establishing a shared mission and vision related to a safe school climate*
- *Clearly communicating and implementing expectations for behavior through a range of media and classroom strategies*
- *Regularly celebrating students' successes*
- *Maintaining strong school-family-community partnerships*
- *Analyzing school climate data that ultimately informs continued improvement in school climate*

- *Providing opportunities for students to participate in extra-curricular activities*
- *Offering professional development opportunities for faculty and staff in the areas of school climate*

XI. Annual Notice and Training

A. Students, and parents or guardians of students shall be notified annually of the process by which students may make reports of bullying.

B. The Board shall provide for the inclusion of language in student codes of conduct concerning bullying.

C. At the beginning of each school year, each school shall provide all school employees with a written or electronic copy of the school district's safe school climate plan and require that all school employees annually complete training on the identification, prevention and response to bullying as required by law.

XII. School Climate Assessments

On and after July 1, 2012, and biennially thereafter, the Board shall require each school in the district to complete an assessment using the school climate assessment instruments, including surveys, approved and disseminated by the Department of Education. The Board shall collect the school climate assessments for each school in the district and submit such assessments to the Department.

Legal References:

Public Act 11-232, *An Act Concerning the Strengthening of School Bullying Laws*

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. §§ 10-233a through 10-233f

Connecticut State Department of Education Circular Letter C-8, Series 2008-2009 (March 16, 2009)

ADOPTED: December 13, 2011

REPORT OF SUSPECTED BULLYING BEHAVIORS

Name of Person Completing Report: _____

Date: _____

Target(s) of Behaviors:

_____

Relationship of Reporter to Target (self, parent, teacher, peer, etc.):

_____

_____

Complaint Filed
Against:_____

_

Date of Incident(s): _____

Location:_____Time: _____

Specify your complaint by stating the problem as you see it. Describe the incident, participants, background to the incident, and any attempts you have made to resolve the problem. Please note relevant dates, times and places.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Indicate if there are witnesses who can provide more information regarding your complaint. If the witnesses are not school district staff or students, please provide contact information.

Name Address Telephone Number

_____
_____
_____
_____
_____
_____

Have there been previous incidents (circle one)? Yes No

If "yes", please describe the behavior of concern, the approximate dates and the location:

_____
_____
_____
_____
_____

Were these incidents reported to school personnel (circle one)? Yes No

If "Yes", to whom was it reported?_____

Was the report verbal or written?

_____

Proposed Solution:

Indicate your opinion on how this problem might be resolved. Be as specific as possible.

_____
_____
_____
_____

I certify that the above information and events are accurately depicted to the best of my knowledge.

_____

_____ _____ _____ _____

Signature of Complainant Date Submitted Received By Date Received

For Staff Use Only:

Has reporter requested anonymity? Y N

Does the school have parent/guardian consent to disclose the student's name in connection with the investigation? Y N

Administrative Investigation Notes (use separate sheet if necessary):

_____
_____
_____
_____
_____
_____
_____
_____
_____

Bullying Verified? Yes ___ No ____

Remedial Action(s) Taken:_____
_____
_____
_____
_____
_____
_____
_____

If Bullying Verified, Has Notification Been Made to Parents of Students Involved?

Parents' Names: _____ **Date Notified:**_____
Parents' Names: _____ **Date Notified:**_____
Parents' Names: _____ **Date Notified:**_____
Parents' Names: _____ **Date Notified:** _____

If Bullying Verified, Has Invitation to Meetings Been Held with Parents of Students?
Parents' Names: _____ **Date Sent:**_____
Parents' Names: _____ **Date Sent:**_____
Parents' Names: _____ **Date Sent:**_____
Parents' Names: _____ **Date Sent:** _____

Date of Meetings:

_____

_____

If Bullying Verified, Has School Developed Student Safety Support/Intervention Plan?

Y N

(Attach bullying complaint, witness statements, and notification to parents of students involved if bullying is verified, Invitations to Parent Meetings, Records of Parent Meetings)

DARIEN PUBLIC SCHOOLS
REPORT OF BULLYING FORM/INVESTIGATION SUMMARY

School _____ **Date** _____

Location(s) _____

Reporter Information:

Anonymous student report_____

Staff Member report _____ Name _____

Parent/Guardian report _____ Name _____

Student report _____ Name _____

Student Reported as Committing Act: _____

Student Reported as Victim: _____

Description of Alleged Act(s): _____

_____

Time and Place:_____

Names of Potential Witnesses: _____

_____

For Staff Use Only:

Action of Reporter: _____

Administrative Investigation Notes (use separate sheet if necessary):

_____

_____

_____

Bullying Verified? Yes ___ No ____

Remedial Action(s) Taken:_____

_____

_____

_____

_____

Page 1 of 2

If Bullying Verified, Report Sent to Parents of Students?

Parents' Names: _____ **Date Sent:**_____
Parents' Names: _____ **Date Sent:**_____
Parents' Names: _____ **Date Sent:**_____
Parents' Names: _____ **Date Sent:** _____

If Bullying Verified, Meetings Held with Parents of Students?

Parents' Names: _____ **Date Sent:**_____
Parents' Names: _____ **Date Sent:**_____
Parents' Names: _____ **Date Sent:**_____
Parents' Names: _____ **Date Sent:** _____

(Attach bullying complaint, witness statements, and notification to parents of students involved if bullying is verified, Invitations to Parent Meetings, Records of Parent Meetings)

Darien Public Schools
Report of Bullying/Consent to Release Student Information

Date: _____

Name of Student: _____

School: _____

To Parent/Guardian:

A complaint of bullying has been filed on behalf of your child alleging that he/she has been the victim of bullying. In order to facilitate a prompt and thorough investigation of the complaint, the Darien Public Schools may need to disclose the name of your child and/or other information which may otherwise disclose your child's identity.

(Please check one):

_____ I hereby give permission for the Darien Public Schools to disclose my child's name, along with any other information necessary to permit the district to adequately and appropriately investigate such complaint, to third parties contacted by the district as part of its investigation.

_____ I do **NOT** give permission for the Darien Public Schools to disclose my child's name, along with any other information necessary to permit the district to adequately and appropriately investigate such complaint, to third parties contacted by the district as part of its investigation.

_____
Signature of Parent/Guardian Date

_____
Name (Please print)

Questions and Answers
On Discipline Procedures

Revised June 2009

Regulations for Part B of the Individuals with Disabilities Education Act (IDEA) were published in the Federal Register on August 14, 2006, and became effective on October 13, 2006. Additional regulations were published on December 1, 2008, and became effective on December 31, 2008. Since publication of the regulations, the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education (Department) has received requests for clarification of some of these regulations. This is one of a series of question and answer (Q&A) documents prepared by OSERS to address some of the most important issues raised by requests for clarification on a variety of high-interest topics. Each Q&A document will be updated to add new questions and answers as important issues arise or to amend existing questions and answers as needed.

OSERS issues this Q&A document to provide guidance on discipline policies enacted for school-age students to personnel in State educational agencies (SEAs) and local educational agencies (LEAs), and families. This Q&A document represents the Department's current thinking on this topic. It does not create or confer any rights for or on any person. This guidance does not impose any requirements beyond those required under applicable law and regulations.

This Q&A document supersedes the Department's guidance, entitled *Questions and Answers on Discipline Procedures*, issued January 2007.

The 2004 amendments to section 615(k) of the IDEA were intended to address the needs expressed by school administrators and teachers for flexibility in order to balance school safety issues with the need to ensure that schools respond appropriately to a child's behavior that was caused by, or directly and substantially related to, the child's disability. The reauthorized IDEA and its implementing regulations include provisions that address important disciplinary issues such as: the consideration of unique circumstances when determining the appropriateness of a disciplinary change in placement; expanded authority for removal of a child from his or her current placement for not more than 45 school days for inflicting a serious bodily injury at school or at a school function; the determination on a case-by-case basis as to whether a pattern of removals constitutes a change of placement; and revised standards and procedures related to the manifestation determination.

Generally, the questions, and corresponding answers, presented in this Q&A document required interpretation of the IDEA and its implementing regulations and the answers are not simply a restatement of the statutory or regulatory requirements. The responses presented in this document generally are informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented and are not legally binding. The Q&As in this document are not intended to be a replacement for careful study of the IDEA and its implementing regulations. The IDEA, its implementing

regulations, and other important documents related to the IDEA and the regulations are found at http://idea.ed.gov.

If you are interested in commenting on this guidance, please email your comments to OSERSguidancecomments@ed.gov and include Discipline in the subject of your email or write us at the following address: Patricia Guard, U.S. Department of Education, Potomac Center Plaza, 550 12th Street, SW, room 4108, Washington, DC 20202.

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Authority: The requirements for discipline are found in the regulations at 34 CFR §§300.530 – 300.536.

A. Safeguards

Question A-1: When the parent(s) of a child and the school personnel are in agreement about the child's change of placement after the child has violated a code of student conduct, is it considered to be a removal under the discipline provisions?

Answer: No, if the parent(s) of a child and the school district agree to a specific change in the current educational placement of the child.

Question A-2: When a parent consents to the initial provision of some, but not all, of the proposed special education and related services, do the discipline provisions apply if the child violates the school's code of student conduct?

Answer: Yes. When a parent consents to the initial provision of some, but not all, of the proposed special education and related services listed in a child's initial individualized education program (IEP), the child has been determined eligible for services and is entitled to all the protections of the IDEA.

Question A-3: Do the discipline provisions apply if the child violates the school's code of student conduct after a parent revokes consent for special education and related services under §300.300(b)?

Answer: No. Under §§ 300.9 and 300.300, parents are permitted to unilaterally withdraw their children from further receipt of special education and related services by revoking their consent for the continued provision of special education and related services to their children. When a parent revokes consent for special education and related services under §300.300(b), the parent has refused services as described in §300.534(c)(1)(ii); therefore, the public agency is not deemed to have knowledge that the child is a child with a disability and the child will be subject to the same disciplinary procedures and timelines applicable to general education students and not entitled to IDEA's discipline protections. It is expected that parents will take into account the possible consequences under the discipline procedures before revoking consent for the provision of special education and related services. 73 Federal Register 73012-73013.

Question A-4: In order to receive the protections for disciplinary purposes in 34 CFR §300.534, parents who are concerned that their child may need special education and related services must first **express their concerns in writing**. How are parents informed of this requirement?

Answer: Neither the IDEA nor the regulations specifically address this issue. However, in its child find policies and procedures, a State may choose to include ways to provide information to the public regarding IDEA's protections for disciplinary purposes when a parent has expressed in writing to school personnel concerns regarding the child's need for special education and related services. Examples of ways to provide such information include making the information available on the State's Web site, the LEA's Web site, or in the State's Procedural Safeguards Notice or the school's student handbook.

Question A-5: Under 34 CFR §300.534(b), a public agency is deemed to have knowledge that a child is a child with a disability if a parent expressed in writing a concern that his or her child needs special education and related services. What happens if a parent is unable to express this concern in writing?

Answer: The requirement that a parent express his or her concern in writing is taken directly from the IDEA. However, there is nothing in the IDEA or the regulations that would prevent a parent from requesting assistance to communicate his or her concerns in writing. The Department funds Parent Training and Information Centers (PTIs) and Community Parent Resource Centers (CPRCs) to assist parents of students with disabilities. Information about the PTIs and CPRCs is found at http://www.taalliance.org/.

Question A-6: If a removal is for 10 consecutive school days or less and occurs after a student has been removed for 10 school days in that same school year, and the public agency determines, under 34 CFR §300.530(d)(4), that the removal **does not constitute a change of placement,** must the agency provide written notice to the parent?

Answer: No. Under Part B, a public agency's determination that a short-term removal **does not constitute a change of placement** is not a proposal or refusal to initiate a change of placement for purposes of determining services under 34 CFR §300.530(d)(4). Therefore, the agency is not required to provide written notice to the parent.

Question A-7: If a teacher or other school personnel has specific concerns that a child may need special education and related services due to a child's pattern of behavior, must such concerns be submitted in writing to school officials in order for the public agency to be deemed to have knowledge that the child is a child with a disability?

Answer: No. Under 34 CFR §300.534(b)(3), teachers or other local educational agency (LEA) personnel are not required to submit **a written statement** expressing specific concerns about a pattern of behavior demonstrated by the child in order for the public agency to be deemed to have knowledge that the child is a child with a disability. Although a written statement is not necessary, the teacher of the child or other LEA personnel must express their specific concerns directly to the special education director or other supervisory personnel within the agency. In addition, State child find policies and procedures may provide guidelines regarding how teachers and other LEA personnel should communicate their specific concerns regarding a child's pattern of behavior. If the State's or LEA's child find or referral procedures do not specify how such communication should occur, the State or LEA is encouraged to change its guidelines to provide a method for communicating direct expressions of specific concerns regarding a child's pattern of behavior. 71 Federal Register 46727.

B. Definitions

Question B-1: What options are available for school personnel when a student with a disability commits a serious crime, such as rape, at school or at a school function?

Answer: Under most State and local laws, school personnel must report certain crimes that occur on school grounds to the appropriate authorities. The IDEA regulations, under 34 CFR §300.535(a), do not prohibit the school or public agency from reporting crimes committed by students with disabilities. In addition, where such crimes constitute a violation of the school's code of student conduct, school authorities may use the relevant discipline provisions related to short-term and long-term removals, including seeking a hearing to remove the student to an interim alternative educational placement if maintaining the current placement is substantially likely to result in injury to the child or others. To the extent that such criminal acts also result in an injury that meets the definition of "serious bodily injury," the removal provisions of 34 CFR §300.530(g) would apply. The definition referenced in 34 CFR §300.530(i)(3) currently reads:

> As defined at 18 U.S.C. 1365(h)(3), the term serious bodily injury means bodily injury that involves—
> 1. A substantial risk of death;
> 2. Extreme physical pain;
> 3. Protracted and obvious disfigurement; or
> 4. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Certain Federal cases have held that rape met this definition of serious bodily injury because the victim suffered protracted impairment of mental faculties.

The current definition of the term "serious bodily injury" in 18 U.S.C. 1365(h)(3) can be found on the U.S. House of Representatives Web site at http://uscode.house.gov/download/pls/18C65.txt.

Question B-2: What is the definition of "unique circumstances" as used in 34 CFR §300.530(a), which states that "school personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct?"

Answer: The Department believes that "unique circumstances" are best determined at the local level by school personnel who know the individual child and are familiar with the facts and circumstances regarding a child's behavior. "Factors such as a child's disciplinary history, ability to understand consequences, expression of remorse, and supports provided ... prior to the violation of a school code [of student conduct] could be unique circumstances considered by school personnel when determining whether a disciplinary change in placement is appropriate for a child with a disability." 71 Federal Register 46714.

Question B-3: May a public agency apply its own definition of "serious bodily injury?"

Answer: No. As specifically set out in the IDEA, the term "serious bodily injury" is defined at 18 U.S.C. 1365(h)(3) and cannot be altered by States or local school boards. The definition and a link to the current U.S. Code is included in the answer to question B-1, and also in the *Analysis of Comments and Changes* that accompanied the regulations published on August 14, 2006, and became effective on October 13, 2006. 71 Federal Register 46723.

C. Interim Alternative Educational Setting (IAES)

Question C-1: What constitutes an appropriate IAES?

Answer: What constitutes an appropriate IAES will depend on the circumstances of each individual case. An IAES must be selected so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP. 71 Federal Register 46722.

Question C-2: May a public agency offer "home instruction" as the sole IAES option?

Answer: No. For removals under 34 CFR §300.530(c), (d)(5), and (g), the child's IEP Team determines the appropriate IAES (34 CFR §300.531). Section 615(k)(1)(D) of the IDEA and 34 CFR §300.530(d) are clear that an appropriate IAES must be selected "so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP." Therefore, it would be inappropriate for a public agency to limit an IEP Team to only one option when determining the appropriate IAES. As noted in the *Analysis of Comments and Changes* accompanying the regulations published on August 14, 2006, and became effective on October 13, 2006, at 71 Federal Register 46722:

> Whether a child's home would be an appropriate interim alternative educational setting under §300.530 would depend on the particular circumstances of an individual case such as the length of the removal, the extent to which the child previously has been removed from his or her regular placement, and the child's individual needs and educational goals. In general, though, because removals under §§300.530(g) and 300.532 will be for periods of time up to 45 days, care must be taken to ensure that if home instruction is provided for a child removed under §300.530, the services that are provided will satisfy the requirements for services for a removal under §300.530(d) and section 615(k)(1)(D) of the Act.

Where the removal is for a longer period, such as a 45-day removal under 34 CFR §300.530(g), special care should be taken to ensure that the services required under 34 CFR §300.530(d) can be properly provided if the IEP Team determines that a child's home is the appropriate IAES.

Question C-3: Do all services in the child's IEP need to be provided in the IAES for a removal under 34 CFR §300.530(c) or (g)?

Answer: It depends on the needs of the child. The LEA is not required to provide all services in the child's IEP when a child has been removed to an IAES. In general, the child's IEP Team will make an individualized decision for each child with a disability regarding the type and intensity of services to be provided in the IAES. 34 CFR §300.530(d)(1) clarifies that a child with a disability who is removed from his or her current placement for disciplinary reasons under 34 CFR §300.530(c) or (g) must continue to receive educational services as provided in 34 CFR §300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his or her IEP goals. For removals that constitute a change of placement, the child's IEP Team determines the appropriate services under 34 CFR §300.530(d)(1). See 34 CFR §300.530(d)(5). If a student whose placement has been changed under 34 CFR §300.530(c) or (g) is not progressing toward meeting the IEP goals, then it would be appropriate for the IEP Team to review and revise the determination of services and/or the IAES.

D. Hearings

Question D-1: Must a hearing officer make a sufficiency determination under 34 CFR §300.508(d) for an expedited due process complaint? In other words, does the hearing officer need to determine if the complaint meets the content standards listed in section 615(b)(7)(A) of the IDEA and 34 CFR §300.508(b)?

Answer: No. The sufficiency provision does not apply to expedited due process complaints. See 34 CFR §300.532(a). As noted in the *Analysis of Comments and Changes* accompanying the regulations published on August 14, 2006, and became effective on October 13, 2006 at 71 Federal Register 46725:

> In light of the shortened timelines for conducting an expedited due process hearing under §300.532(c), it is not practical to apply to the expedited due process hearing the sufficiency provision in §300.508(d), which requires that the due process complaint must be deemed sufficient unless the party receiving the due process complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process complaint, that the receiving party believes the due process complaint does not include all the necessary content of a complaint as required in §300.508(b).

E. Functional Behavior Assessments (FBAs) and Behavioral Intervention Plans (BIPs)

Question E-1: Was the requirement for a "positive behavioral intervention plan" removed from the discipline regulations?

Answer: No. Under 34 CFR §300.324(a)(2)(i), the use of positive behavioral interventions and supports must be considered in the case of a child whose behavior impedes his or her learning or that of others. The requirement in 34 CFR §300.530(f) that a child with a disability receive, as appropriate, an FBA and a BIP and modifications designed to address the child's behavior now only applies to students whose behavior is a manifestation of their disability as determined by the LEA, the parent, and the relevant members of the child's IEP Team under 34 CFR §300.530(e). However, FBAs and BIPs must also be used proactively, if the IEP Team determines that they would be appropriate for the child. The regulations in 34 CFR §300.530(d) require that school districts provide FBAs and behavior intervention services (and modifications) "as appropriate" to students when the student's disciplinary change in placement would exceed 10 consecutive school days and the student's behavior was not a manifestation of his or her disability. See 34 CFR §300.530(c) and (d). Please see question E-2 in this section for more information about the use and development of FBAs and BIPs.

Question E-2: Under what circumstances must an IEP Team use FBAs and BIPs?

Answer: As noted above, pursuant to 34 CFR §300.530(f), FBAs and BIPs are required when the LEA, the parent, and the relevant members of the child's IEP Team determine that a student's conduct was a manifestation of his or her disability under 34 CFR §300.530(e). If a child's misconduct has been found to have a direct and substantial relationship to his or her disability, the IEP Team will need to conduct an FBA of the child, unless one has already been conducted. Similarly, the IEP Team must write a BIP for this child, unless one already exists. If a BIP already exists, then the IEP Team will need to review the plan and modify it, as necessary, to address the behavior.

An FBA focuses on identifying the function or purpose behind a child's behavior. Typically, the process involves looking closely at a wide range of child-specific factors (e.g., social, affective, environmental). Knowing why a child misbehaves is directly helpful to the IEP Team in developing a BIP that will reduce or eliminate the misbehavior.

For a child with a disability whose behavior impedes his or her learning or that of others, and for whom the IEP Team has decided that a BIP is appropriate, or for a child with a disability whose violation of the code of student conduct is a manifestation of the child's disability, the IEP Team must include a BIP in the child's IEP to address the behavioral needs of the child.

Question E-3: How can an IEP address behavior?

Answer: When a child's behavior impedes the child's learning or that of others, the IEP Team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior (34 CFR §300.324(a)(2)(i)). Additionally, the Team may address the behavior through annual goals in the IEP (34 CFR §300.320(a)(2)(i)). The child's IEP may include modifications in his or her program, support for his or her teachers, and any related services necessary to achieve those behavioral goals (34 CFR §300.320(a)(4)). If the child needs a BIP to improve learning and socialization, the BIP can be included in the IEP and aligned with the goals in the IEP.

Question E-4: Is consent required to do an FBA for a child?

Answer: Yes. An FBA is generally understood to be an individualized evaluation of a child in accordance with 34 CFR §§300.301 through 300.311 to assist in determining whether the child is, or continues to be, a child with a disability. The FBA process is frequently used to determine the nature and extent of the special education and related services that the child needs, including the need for a BIP. As with other individualized evaluation procedures, and consistent with 34 CFR §300.300(a) and (c), parental consent is required for an FBA to be conducted as part of the initial evaluation or a reevaluation.

Question E-5: If a parent disagrees with the results of an FBA, may the parent obtain an independent educational evaluation (IEE) at public expense?

Answer: Yes. The parent of a child with a disability has the right to request an IEE of the child, under 34 CFR §300.502, if the parent disagrees with an evaluation obtained by the public agency. However, the parent's right to an IEE at public expense is subject to certain conditions, including the LEA's option to request a due process hearing to show that its evaluation is appropriate. *See* 34 CFR §300.502(b)(2) through (b)(5). The

Department has clarified previously that an FBA that was not identified as an initial evaluation, was not included as part of the required triennial reevaluation, or was not done in response to a disciplinary removal, would nonetheless be considered a reevaluation or part of a reevaluation under Part B because it was an individualized evaluation conducted in order to develop an appropriate IEP for the child. Therefore, a parent who disagrees with an FBA that is conducted in order to develop an appropriate IEP also is entitled to request an IEE. Subject to the conditions in 34 CFR §300.502(b)(2) through (b)(5), the IEE of the child will be at public expense.

F. Manifestation Determinations

Question F-1: What occurs if there is no agreement on whether a child's behavior was or was not a manifestation of his or her disability?

Answer: If the parents of a child with a disability, the LEA, and the relevant members of the child's IEP Team cannot reach consensus or agreement on whether the child's behavior was or was not a manifestation of the disability, the public agency must make the determination and provide the parent with prior written notice pursuant to 34 CFR §300.503. The parent of the child with a disability has the right to exercise his or her procedural safeguards by requesting mediation and/or a due process hearing to resolve a disagreement about the manifestation determination. 34 CFR §300.506 and §300.532(a). A parent also has the right to file a State complaint alleging a violation of Part B related to the manifestation determination. See 34 CFR §300.153.

Question F-2: What recourse does a parent have if he or she disagrees with the determination that his or her child's behavior was not a manifestation of the child's disability?

Answer: The regulations, in 34 CFR §300.532(a), provide that the parent of a child with a disability who disagrees with the manifestation determination under 34 CFR §300.530(e) may appeal the decision by requesting a hearing. A parent also has the right to file a State complaint alleging a denial of a free appropriate public education and to request voluntary mediation under 34 CFR §300.506.

Question F-3: Is the IEP Team required to hold a manifestation determination each time that a student is removed for more than 10 consecutive school days or each time that the public agency determines that a series of removals constitutes a change of placement?

Answer: Yes. 34 CFR §300.530(e) requires that "within 10 school days of **any** decision to change the placement of a child with a disability because of a violation of a code of student conduct" the LEA, the parent, and relevant members of the child's IEP Team must conduct a manifestation determination (emphasis added). Under 34 CFR §300.536, a change of placement occurs if the removal is for more than 10 consecutive school days, or if the public agency determines, on a case-by-case basis, that a pattern of removals constitutes a change of placement because the series

of removals total more than 10 school days in a school year; the child's behavior is substantially similar to the behavior that resulted in the previous removals; and because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

Question F-4: Does a school need to conduct a manifestation determination when there is a violation under 34 CFR §300.530(g), which refers to a removal for weapons, drugs, or serious bodily injury?

Answer: Yes. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team conduct the manifestation determination. 34 CFR §300.530(e). However, when the removal is for weapons, drugs, or serious bodily injury under §300.530(g), the child may remain in an IAES, as determined by the child's IEP Team, for not more than 45 school days, regardless of whether the violation was a manifestation of his or her disability. This type of removal can occur if the child: carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the State educational agency (SEA) or LEA; knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the SEA or LEA; or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the SEA or LEA.

Question F-5: What disciplinary procedures would apply in the case of a child who has been referred for a special education evaluation and is removed for a disciplinary infraction prior to determination of eligibility?

Answer: If a child engages in behavior that violates the code of student conduct prior to a determination of his or her eligibility for special education and related services and the public agency is deemed to have knowledge of the child's disability, the child is entitled to all of the IDEA protections afforded to a child with a disability, unless a specific exception applies. In general, once the student is properly referred for an evaluation under Part B of the IDEA, the public agency would be deemed to have knowledge that the child is a child with a disability for purposes of the IDEA's disciplinary provisions. However, under 34 CFR §300.534(c), the LEA is considered not to have knowledge that a child is a child with a disability if the parent has not allowed the evaluation of the child under Part B of the IDEA, the parent has refused services, or if the child is evaluated and

determined not to be a child with a disability under Part B of the IDEA. In these instances, the child would be subject to the same disciplinary measures applicable to children without disabilities.

Question F-6: Is there a conflict between 34 CFR §300.530(c), allowing school personnel, under certain circumstances, to apply the relevant disciplinary procedures to a child with a disability in the same manner and for the same duration as would be applied to children without disabilities, and the provision, in 34 CFR §300.532(b)(2), that the hearing officer may order a change in placement for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others?

Answer: No, there is no conflict between the two provisions. In addition to the specific authority set out in 34 CFR §300.532, a hearing officer also has the authority to uphold a disciplinary change of placement made by school personnel under 34 CFR §300.530(c). Where the parent brings a due process hearing to challenge a disciplinary change of placement made by school personnel under 34 CFR §300.530(c) and the hearing officer concludes that the disciplinary requirements of Part B have been met, the hearing officer would properly uphold the disciplinary change of placement. If the hearing officer concludes that the child's behavior was a manifestation of the child's disability, but also determines that returning the child to the prior placement is substantially likely to result in injury to the child or to others, then the hearing officer, under 34 CFR §300.532(b)(2), may change the placement to an appropriate IAES for not more than 45 school days.

Questions and Answers on Serving Children with Disabilities Eligible for Transportation

November 2009

Regulations for Part B of the Individuals with Disabilities Education Act (IDEA) were published in the Federal Register on August 14, 2006, and became effective on October 13, 2006. Additional regulations were published on December 1, 2008 and became effective on December 31, 2008. Since publication of the regulations, the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education (Department) has received requests for clarification of some of these regulations. This is one of a series of question and answer (Q&A) documents prepared by OSERS to address some of the most important issues raised by requests for clarification on a variety of high-interest topics. Each Q&A document will be updated to add new questions and answers as important issues arise or to amend existing questions and answers as needed.

OSERS issues this Q&A document to provide State educational agencies (SEAs), local educational agencies (LEAs), parents, advocacy organizations, and other interested parties with information regarding the requirements for serving children with disabilities eligible for transportation. This Q&A document represents the Department's current thinking on this topic. It does not create or confer any rights for or on any person. This guidance does not impose any requirements beyond those required under applicable law and regulations.

The IDEA and its implementing regulations continue to address the transportation needs of children with disabilities. Transportation is a related service as defined by 34 CFR §300.34(c)(16) of the IDEA regulations and can include travel to and from school and between schools; travel in and around school buildings; and specialized equipment such as special or adapted buses, lifts, and ramps. A child's individualized education program (IEP) Team is responsible for determining both if transportation is required to assist a child with a disability to benefit from special education and related services, and how the transportation services should be implemented. The IDEA and the implementing regulations also include travel training in the definition of special education. Travel training is instruction that enables children with disabilities to develop an awareness of the environment in which they live, and to learn the skills necessary to move effectively and safely from place to place within that environment. Both transportation and travel training are important services IEP Teams should continue to consider when they plan for a child's postsecondary transition needs.

Generally, the questions, and corresponding answers, presented in this Q&A document required interpretation of the IDEA and its implementing regulations and the answers are not simply a restatement of the statutory or regulatory requirements. The responses presented in this document generally are informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented and are not legally binding. The Q&As in this document are not intended to be a replacement for careful study of the IDEA and its implementing regulations. The IDEA, its implementing

regulations, and other important documents related to the IDEA and the regulations are found at http://idea.ed.gov.

If you are interested in commenting on this guidance, please email your comments to OSERSguidancecomments@ed.gov and include Transportation in the subject of your email or write us at the following address: Patricia Guard, U.S. Department of Education, Potomac Center Plaza, 550 12th Street, SW, room 4108, Washington, DC 20202.

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A. General

Authority: Transportation is included as a related service under the regulations in 34 CFR §300.34(a) and (c)(16). Travel training is included in the definition of special education in 34 CFR §300.39(a)(2)(ii), and is specifically defined in §300.39(b)(4).

Question A-1: What transportation services are available for students eligible for special education and related services under the IDEA?

Answer: Transportation is a related service and is defined in 34 CFR §300.34(c)(16). Transportation includes travel to and from school and between schools; travel in and around school buildings; and specialized equipment such as special or adapted buses, lifts and ramps, if required to provide special transportation for a child with a disability.

Question A-2: Who determines whether transportation services are required and how those services should be implemented?

Answer: The IEP Team is responsible for determining if transportation is required to assist a child with a disability to benefit from special education and related services, and how the transportation services should be implemented. The IEP should describe the transportation services to be provided, including transportation to enable a child with disabilities to participate in nonacademic and extracurricular activities in the manner necessary to afford the child an equal opportunity for participation in those services and activities to the maximum extent appropriate to the needs of that child. 34 CFR §§300.107 and 300.117.

The IDEA does not require LEAs to transport children with disabilities in separate vehicles, isolated from their peers. In fact, many children with disabilities can receive the same transportation provided to non-disabled children, consistent with the least restrictive environment requirements in 34 CFR §§300.114 through 300.120.

Additionally, special education can include travel training. Travel training is instruction that enables children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to develop an awareness of the environment in which they live, and to learn the skills necessary to move effectively and safely from place to place within that environment. 34 CFR §§300.39(a)(2)(ii) and 300.39(b)(4).

These services can be a fundamental component of the provision of a free appropriate public education (FAPE) that will assist children in preparing for employment and independent living in their communities. Therefore, IEP Teams should consider the need for both transportation and travel training when planning for a child's postsecondary transition needs.

The Federal Transit Administration funds and Easter Seals administers Project ACTION (Accessible Community Transportation in Our Nation), a national technical assistance center on accessible transportation, which provides training for schools, parents, and other service providers on the implementation of travel training (http://www.projectaction.org; 800-659-6428).

Question A-3: If a child's IEP identifies transportation as a related service to be provided to the child, what are strategies that can be used to provide that service?

Answer: Transportation as a related service may be provided through a variety of strategies. A child's IEP Team should consider the strategies that are most appropriate given each individual child's disability and needs.

The following examples of appropriate strategies may be helpful when IEP Teams consider how to provide transportation for children with disabilities:

1. *Expanding the Ridership of Small Bus Routes and Integrating Children with Disabilities into General Education Bus Routes.* School districts often provide door-to-door service for children with disabilities in a "small bus" vehicle that is separate from the school transportation used for other students. While this might be an appropriate strategy for supporting some children with disabilities, districts should explore options for integrating children with disabilities with nondisabled students, especially when the children with disabilities are in the same location and have the same schedule as children without disabilities. This option may require the utilization of a lift-equipped vehicle for the regular routes or the addition of a monitor or aide.

2. *Using Aides on Buses.* Many children with disabilities are able to ride the regular school bus with support provided by an aide who may be an instructional assistant or volunteer, based on State and local policy. Some LEAs also use other students to provide this service through a buddy system, based on State and local policy.

3. *Bus Stop Monitors*. For students who may need assistance with "going" to the bus stop or "waiting" at the bus stop independently, adding a bus stop monitor can be considered. Based on State and local policy, bus stop monitor positions may be filled by parents or community volunteers. Bus stop monitors will facilitate safe travel for all students.

4. *Positive Behavioral Support*. Recognizing that the school day begins at the bus stop is an important first step to ensuring that all students have a safe and positive experience. Many schools implement "positive behavioral support programs" that include the integration of behavioral strategies on the bus.

Question A-4: Do the transportation provisions in 34 CFR §300.34(c)(16) mean that an LEA is responsible for transporting children with disabilities to and from the locations where the students receive special education and related services, even if the LEA has to redirect the transportation routes or provide an aide for safety?

Answer: Yes. If an IEP Team determines that a child with a disability requires special transportation arrangements or accommodations, including an aide for safety, the LEA must provide these services.

B. Duration of Travel and Time on Learning

Authority: The term "school day" is defined in the regulations in 34 CFR §300.11(c).

Question B-1: If a child with a disability spends a significant amount of time being transported to and from school, as well as to and from another location to receive special education and related services, is the child entitled to receive additional school time to make up for the time lost in transportation?

Answer: Neither Part B of the IDEA nor the regulations address the issue of the length of a school day. Determining the length of a school day is a decision left to the SEA. However, the IDEA defines school day as any day, including a partial day, that children are in attendance at school for instructional purposes. Additionally, school day has the same meaning for all children in school, including both those with and without disabilities. In general, a school day for a child with a disability should not be longer or shorter than a school day for general education students. However, if a child's IEP Team determines a child needs a shorter or extended school day in order to receive FAPE, then appropriate modifications should be incorporated into the IEP. However, these modifications must be based on the unique needs of the child, as determined by the IEP team, and not solely based on the child's transportation time.

C. Vehicle Requirements

Authority: Transportation is included as a related service under the regulations in 34 CFR §300.34(a) and (c)(16).

Question C-1: When does the IDEA require climate-controlled transportation for children with disabilities?

Answer: Climate-controlled transportation is not explicitly required under the IDEA. However, if an IEP team determines that a child needs climate-controlled transportation to receive special education services, related services, or both, and the child's IEP specifies that such transportation is necessary, the LEA must provide this special transportation at no cost to the parents. Similarly, climate-controlled transportation is not required under section 504 of the Rehabilitation Act of 1973, as amended (Section 504) unless a child with a disability has an identified need for this transportation. See 34 CFR Part 104. However, the transportation of nondisabled children in climate-controlled buses, while children with disabilities are transported in separate buses that are not climate-controlled, might raise issues of disability discrimination under Section 504.

D. Confidentiality

Authority: Transportation is included as a related service under the regulations in 34 CFR §300.34(a) and (c)(16).

Question D-1: What information should an LEA give to school bus drivers to ensure that the drivers understand the confidentiality protections of children who are transported?

Answer: Each person, including a school bus driver, who collects or uses personally identifiable information concerning a child with a disability, must receive training or instruction about the State's policies and procedures protecting the confidentiality of such information under 34 CFR §300.123 and 34 CFR part 99.

Transportation providers play an integral role in the school lives of many children, including children with disabilities. Effective communication between schools and transportation providers is essential, including communication about transportation needs and potential problems of children with disabilities. To the extent appropriate, school personnel in LEAs should ensure that school bus drivers or other transportation providers are well informed about protecting the confidentiality of student information related to (1) the special needs of individual children with disabilities who ride on school buses with their general education peers, and (2) possible strategies and assistance that may be available to drivers (including the use of aides on buses).

E. Right to Transportation Outside of Normal School Hours

Authority: Transportation is included as a related service under the regulations at 34 CFR §300.34(a) and (c)(16).

Question E-1: When does a child with a disability have a right to transportation to and from school-related activities that occur outside of normal school hours, such as community service activities that are required by the school?

Answer: When a child with a disability has a right to transportation to and from school-related activities that occur outside of normal school hours depends on whether the IEP Team has included transportation as a related service in the child's IEP to enable the child to benefit from special education and related services. If the IEP Team has made that determination, then it should include transportation for required after-school activities, such as community service activities that are required by the school, as well as for activities necessary to afford the child an equal opportunity to participate in extracurricular activities.

F. Children in Preschools

Authority: Transportation is included as a related service under the regulations in 34 CFR §300.34(a) and (c)(16).

Question F-1: When is an LEA obligated to provide transportation for a preschool child with a disability between private day care and the child's preschool?

Answer: If the IEP Team determines that transportation is required to assist the preschool child to benefit from special education, and includes transportation as a related service on the child's IEP, the LEA would be responsible for providing the transportation to and from the setting where the special education and related services are provided.

G. Reimbursement

Authority: Transportation is included as a related service under the regulations in 34 CFR §300.34(a) and (c)(16).

Question G-1: Must an LEA provide appropriate information and assistance to the parents of a child with a disability who are seeking reimbursement for mileage expenses for transportation the IEP Team included in the child's IEP?

Answer: Yes. If a child with a disability is receiving special education and related services and transportation is included in the child's IEP, the LEA must provide assistance needed by the parents to be reimbursed in a timely manner for the costs incurred in providing transportation.

H. Discipline

Authority: Transportation is included as a related service under the regulations in 34 CFR §300.34(a) and (c)(1). Discipline procedures are found in the regulations in 34 CFR §§300.530 through 300.537.

Question H-1: If transportation is included in the IEP for a child with a disability who has documented behavioral concerns on the bus, but not at school, when may a school district suspend the child from the bus for behavioral issues and not provide some other form of transportation to and from school?

Answer: If transportation is included in the child's IEP, a bus suspension must be treated as a suspension under 34 CFR §300.530 and all of the discipline procedures applicable to children with disabilities would apply. An LEA is not required to provide alternative transportation to a child with a disability who has been suspended from transportation for 10 school days or less unless the LEA provides alternative transportation to children without disabilities who have been similarly suspended from bus service. 34 CFR §300.530(d)(3).

If a child with a disability is suspended from transportation for more than 10 school days in the same school year, and transportation is included in the child's IEP, during any subsequent suspensions the LEA must provide services to the child to the extent required in 34 CFR §300.530(d). Generally, this means that the child must (1) continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP, and (2) receive as appropriate a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation(s) so that they do not recur.

Additionally, the suspension of a student with a disability from transportation may constitute a change of placement if a district has been transporting the student, suspends the student from the transportation as a disciplinary measure, and provides no other form of transportation. If a student is suspended from transportation for more than 10 consecutive school days, or is repeatedly suspended, and such suspensions constitute a pattern under 34 CFR §300.536(a)(2), a change of placement has occurred. In such situations, the LEA, parent, and relevant members of the IEP Team must determine whether the conduct was a manifestation of the child's disability, using the process described in 34 CFR §300.530(e). If the conduct is a manifestation of the child's disability, the IEP Team must take the steps outlined in 34 CFR §300.530(f)(1), and also must

return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan. 34 CFR §300.530(f).

Regardless of the procedures discussed above, school personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child has taken any of the actions specified in 34 CFR §300.530(g) regarding weapons, illegal drugs, or the infliction of serious bodily injury.

APPENDIX A

IDEA Regulations

APPENDIX B

Regulations of Connecticut State Agencies Concerning Children Requiring Special Education: UNOFFICIAL COPY

APPENDIX C

Darien Board Of Education Policy 5265
Confidentiality And Access To Education Records